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**GOOD PRACTICES,  
LESSONS LEARNED AND  
ROAD TOWARDS THE  
FUTURE:  
COOPERATION BETWEEN  
THE ASSEMBLY, CIVIL  
SOCIETY AND  
INDEPENDENT  
INSTITUTIONS**

# **ASSESSMENT STUDY**

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**Organized by the Assembly of  
Albania and OSCE Presence in  
Albania**

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*Disclaimer:*

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## BACKGROUND

In 2012 the OSCE continued support activities to the Assembly of Albania with the aim of facilitating public participation in the work of the Assembly. One of the areas the Albanian Assembly has made real efforts during the recent years is related to involvement of civil society in the legislative process, especially with regard to draft-laws discussion time. However, as 2011 EU report on Albania stated "consultation of civil society in the legislative process remained insufficient"<sup>1</sup>. In order to develop an objective basis for future support activities aimed at relationship-building and at developing a co-ordination mechanism, the OSCE Committeeed an assessment on the Assembly – civil society-Independent institutions relations. The assessment focused on perceptions of all major stakeholders and its results should form a useful basis for engagement amongst all sides.

Clear procedures and practices are essential to guide not only the public but also the MPs and Assembly staff on how to facilitate and enhance access. A series of interviews, brainstorming sessions, and research on Assembly's activities in legislature VII was conducted by two experts (locals) to collect information on best practices and experiences for public hearing consultations observed during the current legislature, lessons learned and any gaps observed that need improvements. The experts worked on producing a study paper, in Albanian and English languages on current practices and recommendations for future activities. It should take into consideration also the new revised Rules of Procedure and how participation of civil society and other groups of interest in the legislative process could be enhanced by using existing legal instruments. Unfortunately the new Rules were not finalised yet with the completion of this study so it only refers to the existing regulations. The experts consulted and built on/consider similar materials developed by other OSCE Field operations in the region such as Kosovo, Montenegro, Macedonia, BiH and good practices from the Interparliamentary Union.

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<sup>1</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/al\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/al_rapport_2011_en.pdf)

## ABBREVIATIONS

AAKDA	Agjencia e Administrimit Kolektiv të të Drejtave të Autorit (Agency of Collective Administration of the Author's Rights)
AKEP	Autoriteti i Komunikimeve Elektronike e Postare (Authority of the Electronic and Postal Communications)
AMP	Agjencia e Mbrojtjes së Producentëve (Agency for Protection of Producers)
FMAA	Forumi i Mbrojtjes së Autorëve të Audiovizualit (Forum for Protection of Audiovisual Authors)
IP	Istitucione të Pavarura me ligj (Independent Institutions by Law)
KKPAK	Këshilli Kombëtar i Personave me Aftësi të Kufizuar (National Council of Disabled People)
KM	Këshilli i Ministrave (Council of Ministers)
MF	Ministria e Financave (Ministry of Finances)
MITIK	Ministri për Inovacionin, Teknologjinë e Informacionit dhe të Komunikimit (Ministry of Innovation, Information Technology and Communication)
CSO	Civil Society Organizations
SHM	Shërbimi i Monitorimit të Institucioneve që Raportojnë dhe Informojnë Kuvendin (Service of Monitoring of Institutions that Report to and Inform the Assembly)
RRTL	Rrjeti i Televizioneve Lokale të Shqipërisë (Network of Local Televisions of Albania)
ZSHDA	Zyra Shqiptare për të Drejtën e Autorit (Albanian Office for Copyright)

## EXECUTIVE SUMMARY

The assessment study "Good practices, lessons learned and road towards the future: Cooperation between the Assembly, Civil Society and Independent Institutions" aimed at assessing relations between these important institutions as well as to suggest future activities to better harmonize them and their coordinating mechanisms. Specific objectives of the assessment study were (1) to assess perceptions relating to interaction practices between the Assembly, Independent Institutions, and Civil Society Organizations in the legislative and oversight processes and (2) to identify the institutional capacity, needs and opportunities of the Albania's Assembly for a better participation of Independent Institutions, and Civil Society Organizations in its work. The assessment study was organized by the Assembly of Albania and the OSCE Presence in Albania.

The assessment study methodology included: Review of existing legislation and information provided by the Assembly's Administration and other institutions regarding cooperation between the Assembly and Independent Institutions (IIs) and Civil Society Organizations (CSOs); Consultations with the Monitoring Service and other departments of the Assembly; Self-administered questionnaires completed by Members of Parliament (MPs) and staff of Assembly's Administration and representatives of IIs and CSOs; and Data analysis and development of the assessment study. Four parliamentary Committees, four IIs, and eight CSOs participated in this assessment study. Participants were selected in close cooperation with the Monitoring Service. Participating MPs were from the majority as well as opposition. The study focused on the current Legislature (XVIII), especially the 2011-2012 periods. In addition, practices and experience from neighboring countries including Kosovo, Montenegro, Bosnia and Herzegovina, and Macedonia relating to involvement of interest groups in the legislation process were also included.

Involvement of IIs in the Assembly's proceedings mainly relates to their reporting and accountability parliament. IIs' reports are first discussed in respective parliamentary committees that organize hearings regarding the report and prepare draft resolutions about IIs' performance that are presented to the plenary session for approval. Participation of CSOs and other interest groups in the legislative process is possible but not binding. Parliamentary Committees have worked to ensure participation of CSOs through organizing public hearings with CSO representatives. Public hearings are mechanisms that are used by parliamentary Committees to collect information during laws' review and drafting. Recent changes in the Assembly's Regulation (2010-2011) also aim at increasing the transparency of proceedings in parliamentary Committees, especially during hearing sessions regarding nominations for vacancies.

The participation of IIs and CSOs in the legislative process is supported by the Legislative Service of the parliament's Administration that is responsible, among others, to ensure participation of interest groups in the legislative process. Also, the Monitoring Service of the parliament's Administration supports the Assembly's structures and MPs relating to efficient and transparent exercise of parliamentary oversight on independent institutions that report to and

inform the Assembly of Albania. It maintains relations with IIs and interest groups, also including CSOs.

When dealing with the political criteria for Albania's progress toward European Union, EU progress reports have paid attention to the activity of the Assembly of Albanian and legislative process. In general, EU progress reports emphasize that there is progress regarding the organization of the proceedings of Parliament, improvement of public consultation in the legislative process, and strengthening of the administrative capacity of the parliament. However, they emphasize that parliamentary institutions and procedures do not function properly because of: time pressure under which parliamentary committees often work; limited involvement of relevant interest groups in parliamentary hearings and consultations; political deadlock; and yet insufficient administrative capacity of the parliament. Last EU Progress Report on Albania (2012) recommends that the administrative capacity of the parliament needs substantial further strengthening in particular in relation to the European integration agenda.<sup>2</sup>

Main conclusions and recommendations of the assessment study include:

The Assembly's Regulation provides for the involvement of experts from institutions and civil society to assist parliamentary Committees in their proceedings. However, their participation is not binding and it is mainly initiated by the interest groups themselves. Though there are important efforts to ensure the participation of interest groups in the legislation process, it should improve and be more qualitative. Public hearings can serve to ensure broad and active participation of IIs, CSOs, other interest groups, and citizens in the legislative process. Moreover, involvement of interest groups in the legislative process can be improved by a proactive approach of the Assembly, especially its committees, through different activities such as joint seminars, conferences, and annual meetings focusing on important public issues, on-site public hearings for specific issues, etc. Making legally binding the involvement of interest groups in the legislative process might have a positive impact regarding participation of IIs and CSOs and would minimize political attitudes against consultations. Establishing and maintaining by the Assembly of a database on civil society and interest groups in general, according to area of interest/activity, would facilitate the work of parliamentary Committees to solicit the contribution of CSOs and other interest groups in the legislative process.

Assembly's web page includes process-verbals of all meetings of parliamentary Committees, also including public hearings. However, improvements in the Assembly's web page by adding concrete information about the way, opportunities, and results of participation of interest groups in the legislative process would significantly contribute to increased participation in the work of parliament. Inclusion and participation would be facilitated through the preparation and publication at the Assembly's web page of a practical guide for CSOs and other interest groups about how they can approach the parliament and ask for public hearings. It might also be useful to create some links at the Assembly's web page that provide information about different issues of the legislative process including: draft laws, timelines, and discussions about them; public hearings (past and planned); etc.

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<sup>2</sup> Albania 2012 Progress Report

The Committees' Service within the Department of Legislative Service supports the proceedings of parliamentary Committees in the legislative process. The Monitoring Service of parliament's Administration has systematically participated in meetings of parliamentary Committees involving IIs as well as activities organized by these institutions. It has developed questions, comments, and information useful to parliamentary Committees. Taking into consideration the key role of parliamentary Committees' advisors and secretaries, their improved performance through continuous capacity development will largely contribute to the success of Committees regarding participation of IIs and CSOs in the legislative process. Strengthening the role of Monitoring Service would help increase effectiveness and efficiency of parliament's work. It might be the first filter for the parliamentary Committees' proceedings by selecting and dealing with requests of interest groups to participate in the legislative process.

DRAFT

## CHAPTER 1: OBJECTIVES AND METHODOLOGY OF THE ASSESSMENT STUDY

### 1.1. Objectives

The purpose of the assessment study ”*Good practices, lessons learned and road towards the future: cooperation between the Assembly, Civil Society and Independent Institutions*” is to assess relations between the Assembly of Albania and independent institutions by law (IIs) and civil society organizations (CSO) as well as to suggest future activities to better harmonize these relations and coordinating mechanisms. Specific objectives include:

- a) Assessing perceptions relating to interaction practices between the Assembly, IIs, and CSOs in the legislative and oversight processes.
- b) Identification of the institutional capacity, needs and opportunities of the Assembly for a better participation of IIs and CSOs in Assembly’s work.

### 1.2. Methodology

Considering the methodology as the main logic of the study, including potentials and limitations of specific techniques and procedures (Grix, 2002:6), the methods that have been used in this assessment study include a combination of research work with qualitative and quantitative analysis. They have been used to analyze the empirical data and articulate logical, coherent, and reliable conclusions.

The process of data analysis is based on information ensured through primary and secondary data. *The primary data* has been collected through interviews with Members of Parliament (MPs) and Assembly’s Administration, representatives of IIs and CSOs. The *secondary data* has been collected through desk review of the existing legislation including the Assembly’s Regulation, official documents, and other documents dealing with relations between the Assembly of Albania, IIs and CSOs during Legislature XVIII<sup>3</sup>. Best practices are also identified through the comparative assessment of existing legislation that regulates functioning of the parliament in Kosovo, Macedonia, Montenegro, and Bosnia Herzegovina as well as assessment studies conducted by OSCE and other institutions.

*Primary data:* Based on consultations with the Monitoring Service of Institutions that report to and inform the Assembly and process-verbals of permanent parliamentary committees during Legislature XVIII, the assessment study included MPs from four committees<sup>4</sup>, staff of the Assembly’s Administration, representatives of IIs and CSOs that have been involved in legislative work. 16 people were interviewed including five MPs from four committees, one representative of Administration, three representatives of IIs, and eight representatives of CSOs<sup>5</sup>.

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<sup>3</sup> See Annex 3:List of documents

<sup>4</sup> Committee for Legal Issues, Public Administration and Human Rights; Committee of Economy and Finance; Committee of Education and Information; and Committee for Productive Activity, Trade, and Environment.

<sup>5</sup> For details, see Annex 1: List of Interviewees.



A questionnaire was used to collect primary data<sup>6</sup>. It was self-administered by the interviewees and was handed over via e-mail and/or in person. The questionnaire has focused on:

- a) Perceptions on the role of IIs and CSOs in legislative and monitoring processes of the Assembly;
- b) Existing information on Assembly's work that is available to IIs and CSOs and its accuracy;
- c) Assembly's openness toward IIs and CSOs and respective perceptions about it;
- d) Capacity of IIs and CSOs to participate in Assembly's legislative and monitoring processes and perception about the quality of information and contribution of IIs and CSOs for Committees;
- e) Practices regarding consultations by parliamentary Committees with IIs and CSOs and respective perceptions about them.

*Secondary data:* This information was collected through review of official sources, existing legislation, and reports by the institutions involved. A list of documents that were reviewed is included in Annex 3: List of Reviewed Documents.

Data collection and analysis included:

- *Phase I:* Review of existing legislation and information provided by the Assembly's Administration and other institutions regarding cooperation between the Assembly and IIs and CSOs, consultations with the Assembly's Monitoring Service, and development of the questionnaire. The questionnaire emphasized that the purpose of the study was assessment of the level of cooperation, transparency, and exchange of information between the Assembly, IIs, and CSOs in the legislative process. It also emphasized that answers were to be used only for the purpose of the study and would be fully confidential. The questionnaire included a first section that had to be completed by all participants in the study and specific sections for representatives of Assembly, IIs, and CSOs.
- *Phase II:* Conducting interviews.
- *Phase III:* Data analysis and development of the first draft of assessment study. The draft was sent to main stakeholders for feedback.
- *Phase IV:* Finalization of the assessment study reflecting stakeholders' feedback, also including recommendations for the future.

Two independent consultants conducted data collection and analysis. The staff of the Parliamentary Support Project and Assembly's Monitoring Service facilitated the process including contacting potential participants and collecting information.

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<sup>6</sup> See Annex 2: Questionnaire

### **1.3.Challenges and limitations**

The assessment study has a twofold value: It will have a positive impact on cooperation between the Assembly, IIs, and CSOs, transparency of the debate during the legislative process, and participation based on concrete contributions (social value); Transparency and participation will help reach a broader consensus during the last phase drafting of legislation—voting of draft laws in the plenary sessions (political value). Recommendations of this assessment study might help design future activities for the harmonization of relations between Albania’s Assembly, IIs, and CSOs as well as proper coordinating mechanisms. During the development of the assessment study, the following challenges and limitations were identified:

- Workload during the end of the year period, especially relating to MPs, caused a considerable delay for the completion of the study.
- Information collected from Assembly’s documents and from other institutions regarding participation of IIs and CSOs in legislative and monitoring processes was limited.
- The small number of administered questionnaires limited the quantity of information and the possibility to see the main tendencies regarding perception of actors involved in the study about issues. In some cases, information collected through questionnaires was not supported by the respective arguments and was partial.

## CHAPTER 2: FINDINGS OF THE ASSESSMENT STUDY

### 2.1. General information about the legislative process in Albania

In democracies, parliaments are central institutions that express people's will and expectations and search for answers to meet citizens' needs. Therefore, strengthening national parliaments is one of key issues of democratisation. In this context, transparency, accountability, and cooperation between the parliament, independent institutions, and civil society organizations is a condition for the democratic functioning of legislative process. According to Yamamoto, there is no democratic system of government without transparency and accountability and the main responsibility for this falls on parliament that through its essential oversight function controls the government on behalf of people.<sup>7</sup> (Yamamoto, 2007)

The Assembly of Albania achieves its mission through its main functions: legislative, oversight (of the executive and constitutional institutions and independent institutions by law), nominating (removing) members of constitutional institutions and independent institutions by law and financial (approval of the state budget and oversight of its implementation). The Assembly carries out these functions based on the existing legislation including Constitution, its Regulation, the Status of MPs, Law on Investigative Committees, laws regarding independent institutions, and internal orders.

According to the Constitution and Regulation, the Council of Ministers (CM), MPs, and 20,000 voters have the right to propose a law.<sup>8</sup> Discussions on the draft law start after the Chair of the Assembly sends it to the responsible parliamentary Committee. The Committee first appoints rapporteur(s) (Article 29/2) that present a written opinion at least three days prior to its discussion in the Committee. Rapporteurs can be assisted by experts of the CM, Assembly's Legal Service, and other experts.<sup>9</sup> Rapporteurs can propose the Committee to ask for the opinion of the Council of Legislation (Article 14).<sup>10</sup> In principle discussion in the Committee includes MPs' questions-answers with proposers and relators of the draft law. Upon approval in principle, the Committee conducts article-by-article discussion of the draft law. At this stage, it can ask for the opinion of the Council of Legislation and other parliamentary Committees.<sup>11</sup> If there is no-in principle approval, there is a discussion in the plenary. If the draft law is approved in principle in the plenary, then the responsible committee starts in its very first meeting the article-by-article discussion.<sup>12</sup> The procedure sees as external actors only proposers of the draft law. Article 41 foresees involvement of external experts based on decision of the Assembly's Bureau.

Meetings of the parliamentary Committees are open, unless the Committee decides otherwise (Article 35/1, 2). Other people can be invited to participate (Article 32/4). Regulation also provides for requests to report or inform for heads of public institutions if asked by the

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<sup>7</sup> Hironori Yamamoto, 2007 "Tools for parliamentary oversight - A comparative study of 88 national parliaments", Inter-Parliamentary Union

<sup>8</sup> Regulation of the Assembly of Albania (24.02.2011), Article 68/1

<sup>9</sup> Ibid, Article 38/2

<sup>10</sup> Ibid, Article 38/3

<sup>11</sup> Ibid, Article 38/5

<sup>12</sup> Ibid, Article 38/6

chairmanship or the majority of Committee (Article 33). Hearing sessions are possible if asked in a written and reasoned request by 1/3 of Committee (Article 36).<sup>13</sup> During the discussion of the state budget draft law and related financial draft laws, it is possible that parliamentary Committees conduct public hearings to solicit opinions by institutions, interest groups, and people (Article 80/2).

Petitions, as a way of participation of external actors in Assembly's work, are foreseen in Article 104. Petition is discussed in the responsible Committee under the direction of the chair who can involve petitioners if additional clarifications are needed.<sup>14</sup>

## **2.2. Legislative practice in other countries of the region regarding public hearings and access to information**

**Kosovo.** To ensure transparency and participation in drafting the legislation, the official web site of the Assembly has included a specific link for MPs to draft laws.<sup>15</sup> Another link invites CSOs to express their interest to participate in discussions and register/enter their data. This database of CSOs can be used by MPs to contact CSOs.<sup>16</sup> Though it is not legally binding, during the discussion of draft laws, parliamentary Committees can engage experts and can invite representatives of institutions and civil society to participate and present evidence or important documents.<sup>17</sup> Regulation has a specific article for public hearings that, however, are not legally binding. Public hearings can be used to be informed about "issues under discussion with experts from public organizations, representatives of interest groups, and other persons."<sup>18</sup> Other institutions and CSOs can provide information that is valuable in discussion of draft laws and carrying out the oversight function. Public hearings usually are characterized by discussions that aim at clarifying issues and increasing the quality of draft laws.

**Macedonia.** Public hearings are foreseen in a specific article of the Regulation of Parliament. Regarding draft laws that are of broader interest, based on general discussion the parliament can decide to conduct public hearing and appoint a main working group that will organize it.<sup>19</sup> In the Republic of Macedonia, laws go through a threefold process or three debates (or according to Regulation *readings*). The public is involved, if decided so, in the second reading. The parliament establishes permanent and temporary working groups and surveying Committees that start working with the first reading of the proposed law. Working groups discuss proposals regarding laws and other acts that then are approved by the parliament as well as other issues that are responsibility of the parliament.<sup>20</sup> Surveying Committees are established for all areas and issues of public interest. Two members from outside politics (professionals of the area and/or

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<sup>13</sup> Commission can organize a public hearing with members of CM, high representatives of state and public institutions, experts, representatives of CSOs, interest groups, and interested groups... if 1/3 of commission asks for it in a written and reasoned request.

<sup>14</sup> Regulation of the Assembly of the Republic of Kosovo, Article 104/3

<sup>15</sup> <http://www.assembly-kosova.org/?cid=1,194>

<sup>16</sup> <http://www.assembly-kosova.org/?cid=1,1007> ("For engagement of the civil society in the work of Kosovo's Assembly)

<sup>17</sup> Regulation of the Assembly of the Republic of Kosovo, Article 64/3, 4, 5.

<sup>18</sup> Ibid, Article 66.

<sup>19</sup> Regulation of the Parliament of the Republic of Macedonia (clean version), Article 145. Official Gazette of the Republic of Macedonia. Nr. 130/2010

<sup>20</sup> Ibid, Article 117

members of academia proposed by both main political sides) can join the Committee.<sup>21</sup> Committees can conduct public hearings.<sup>22</sup> The legislative procedure is described in details in the official web site of the parliament.<sup>23</sup> A specific link “Public Debates” includes draft laws debated in public hearings.

**Bosnia Herzegovina.** There are no legal requirements for parliamentary Committees to conduct public hearings about every issue except during discussion of constitutional changes in the Committee of Legal and Constitutional Issues. The Regulation of two Chambers of Parliament (Representatives’ and People’s) enables the use of public hearings by parliamentary Committees. Article 114/1 of the Regulation of Representatives’ Chamber provides that “Prior that the law goes through the procedure foreseen in Article 110 (debate for amendments in the proposed legislation), the Committee decides to open a public hearing on the proposed law that would involve all interested parties, specialized institutions, and individuals. Article 115 provides that “Invited individuals and institution representatives should present their opinion on issues relating to the proposed law if this is asked by the parliamentary Committee”. However, the Regulation says that only one Committee “can decide about a public hearing on a specific law.” Article 108 says, “Prior to beginning above-mentioned procedures in Article 104/1 (referring to the debate for changes in the proposed legislation), the Committee can decide to extend the debate for the draft law that might include interest groups, professional institutions and individuals.” Public hearings are conducted during the first of two discussions regarding the draft law.<sup>24</sup> In the official web page of the parliament, a specific link includes public hearings already conducted (with the date and transcript of materials) and planned.<sup>25</sup>

**Montenegro.** Though not binding, public hearings are foreseen in the Regulation of the parliament. Parliamentary Committee can contract for a period of time, without the right to vote, experts and representatives of state authorities and CSOs to draft legislation, prepare proposals regarding draft legislation, and examine aspects of draft laws. The purpose is to benefit from information and expertise of experts regarding draft laws of important public interest.<sup>26</sup> To prepare MPs to decide about nomination in public positions, the responsible parliamentary Committee can invite the proposer and proposee in a consultative hearing.<sup>27</sup> In the parliament’s official web site, a specific link explains in details and graphically the road of a law from the proposal to approval.<sup>28</sup> This link also includes enacted and draft laws. Every law goes through three discussions and interest groups can participate since the first discussion.

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<sup>21</sup> Ibid, Article 119

<sup>22</sup> Ibid, “Working group can invite professional and public scientific workers, representatives of communes, city of Skopje, public enterprises, trade unions, and other organizations, institutions, and associations aiming at expressing opinion about issues that are discussed”

<sup>23</sup> <http://www.sobranie.mk/al/default-AL.aspx?ItemID=748AB0F874AD224B81F1E4ABC128AE79>

<sup>24</sup> In the web site, there is a graphic presentation of the procedure of approval of law.

[https://www.parlament.ba/sadrzaj/zakonodavstvo/o\\_proceduri/default.aspx?id=27791&highlight=rules\\*of\\*procedure\\*of\\*the\\*parliament&langTag=en-US&pril=b](https://www.parlament.ba/sadrzaj/zakonodavstvo/o_proceduri/default.aspx?id=27791&highlight=rules*of*procedure*of*the*parliament&langTag=en-US&pril=b)

<sup>25</sup> [https://www.parlament.ba/sadrzaj/javne\\_rasprave/odrzane\\_rasprave/default.aspx?id=20274&langTag=en-US&pril=b](https://www.parlament.ba/sadrzaj/javne_rasprave/odrzane_rasprave/default.aspx?id=20274&langTag=en-US&pril=b)

<sup>26</sup> Rules of Procedure of the Parliament of Montenegro, Article 73

<sup>27</sup> Ibid.

<sup>28</sup> <http://www.skupstina.me/index.php?strana=zakoni>

### 2.3. Participation of IIs in the legislative process

Participation of IIs is foreseen in the Regulation of the Assembly relating to their reporting and accountability functions to permanent parliamentary Committees and plenary sessions. The Regulation provides that, upon Assembly's Chair request, reports on IIs' activity are submitted to the Assembly.<sup>29</sup> The Conference of Chairs decides about the calendar of presentation of these reports to the Assembly. After their submission, the Assembly's Chair sends the reports to the responsible permanent Committee. The Committee organizes a hearing regarding the report that concludes with a draft resolution about the performance of IIs that is presented to the plenary session. At the plenary session, the report can be presented by the head of the independent institution (for no longer than 60 minutes). Then, questions-answers follow the presentation of the draft resolution if a debate has been requested in writing by a permanent Committee, head of parliamentary group, or at least 10 MPs. The Conference of Chairs decides about the timing of the debate. Finally the draft resolution is voted. Every head of parliamentary groups and at least 10 MPs have the right to request heads of IIs to present to the plenary session. The Assembly decides with open voting and without debate but with just two three-minute presentations--for and against the written request.

Regarding the Assembly's Administration, the process is supported by the Legislative Service that is responsible, among others, to ensure participation of interest groups in the legislative process. Duties of advisers of the Legislative Service include: To conduct preparatory work regarding draft laws and other legal acts that are discussed in the Committee and inform the Chair of the Committee and its members aiming at necessary improvements; To provide technical assistance to the relator ensuring the necessary information for the opponence and other normative acts; To build and administer the database regarding the Committee's activity; To cooperate with respective structures within other institutions regarding draft laws and collect the necessary information; To cooperate periodically with the Legislation Approximation Unit and Monitoring Service to ensure a broader information aiming at improvement of legislation; etc. Duties of Committee's secretaries include, among others: To distribute draft laws to MPs, their correspondence, and correspondence between the Committee and other institutions; To ensure and support technically the participation of experts and representatives of institutions in meetings of Committee for discussion of the draft law, hearings, and plenary session so they can defend the proposed law; To keep the process-verbal on Committee's meetings, present it to the Committee for approval, and send its e-format to be published at the official web site; To provide information to the Assembly's Chair, own Department, and Public Relations Service regarding meetings of the Committee and its decisions; etc.

Below is a brief summary of participation of IIs in the work of parliamentary Committees that were selected for this study.

In general, regarding both hearings of the legislative and parliamentary control processes, the Committees have systematically consulted especially with proposers of draft laws. IIs have participated during the annual reporting (March – April) and consultations in the framework of

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<sup>29</sup> Regulation of Assembly. Article 103

the draft budget for the coming year (November – December). During the first year of this legislature, the opposition has not participated in Committees' proceedings.

#### *Committee for Productive Activities, Trade, and Environment*

The Committee for Productive Activities, Trade, and Environment has 24 members including 14 from the majority and 10 from the opposition. Responsibilities of this Committee include agriculture, industry, telecommunications, tourism, territorial adjustment, trade and environmental protection.

Regarding IIs, the Committee has discussed about candidates for vacancies and has approved them including Chair of the Board of Committeers of Energy Regulatory Entity (session January July 2011) and two of its members (during sessions January-July and September – December 2012) as well as one member of the Directing Council of AKEP (during session September – December 2011). During the January – July 2011 session, in discussions of one of most debated draft law (For the right of handover in public and private property, for building of the electronic communications network) have also participated two IIs (ERE and AKEP).

#### *Committee for Legal Issues, Public Administration, and Human Rights*

The Committee for Legal Issues, Public Administration, and Human Rights has 25 members including 14 from the majority and 11 from the opposition. Its area of responsibility includes codes and organization of judiciary, public administration, administration of the judiciary, organization and functioning of local government, independent services in the justice sector, and human rights. It is the Committee that has most of the workload regarding laws.

The Committeer for Protection of Personal Data has participated in the consultations relating to amendments of Law Nr. 9887. In general, participation of interest groups, also including IIs, either has been asked informally or has been considered sufficient by the Committee the consultations already conducted by draft law proposers. For example, in the case of discussion on draft law “For the right of handover in public and private property, for building of the electronic communications network” the Committee has considered as sufficient consultations conducted by MITIK (proposer of the draft law) with interest groups such as mobile companies and interested public institutions (agencies of property management). During discussions on draft law “For some changes in law Nr. 10076, date 12.02.2009 “For binding insurance in transportation sector””, the representative of the Ministry of Finances participating in hearings have also emphasized the opinion of the Financial Oversight Authority that has been consulted prior to hearings.

#### *Committee for Education and Means of Public Information*

The Committee for Education and Means of Public Information has 19 members including 10 from the majority and 9 from the opposition. Committee's area includes education, culture, youth, science, sports, and media.

IIs have participated in drafting of legislation on the media. The draft law “For transmission with voice and appearance in Republic of Albania” has been the most debated. A working group has been established including also representatives of IIs (two from National Council of Radio Television—KKRT--and Directing Council of Albanian Radio Television—RTSH—and two from the Authority of the Electronic and Postal Communications—AKEP). There were 17 hearings during the two-year period (2011-2012).<sup>30</sup> Hearing sessions and solicitation of opinion have been organized with KKRT, DC of RTSH, and AKEP. During 2012, the Committee has focused on draft law “For audiovisual media in the Republic of Albania” (passed in 2013) and has involved in hearing sessions 15 external actors, also including three IIs--KKRT, RTSH, and AKEP).

#### **2.4. Parliamentary control of the IIs**

The parliamentary control is about the right of the legislative to be informed, to carry out oversight of the implementation of laws by the public authorities, regarding functioning of the state administration, to take measures necessary to prevent illegality, to draw concrete responsibilities. It is based on the Constitution<sup>31</sup> and the Assembly’s Regulation.<sup>32</sup>

During the last Legislature (XVIII), progress has been noted regarding the parliamentary control. In 2007, the Monitoring Service of Independent Institutions has been established within the Administration of the Assembly. This mechanism has been established to support the Assembly’s structures and MPs relating to efficient and transparent exercise of parliamentary control on independent constitutional institutions and other independent institutions established by law that report to and inform the Assembly of Albania. The Monitoring Service aims at strengthening the oversight capacity of parliamentary Committees by following implementation of legislation that lay at the basis of establishment and activity of these institutions as well as recommendations of the Assembly expressed through resolutions and statements.<sup>33</sup> This structure maintains relations with IIs, interest groups, and civil society, etc.<sup>34</sup>

Since its establishment, the Monitoring Service has been active regarding monitoring of IIs that report to and inform the Assembly. In this context, the Service: Has closely followed the activity of these institutions; Has elaborated their information for the Assembly such as annual and periodical reports; Has followed up with IIs’ opinions and comments regarding requests for funds in the framework of annual state budget; Has followed parliamentary procedures relating to proposals for changes in the structure of IIs; Has recorded opinions regarding candidates for vacancies in IIs; Has participated in main meetings of IIs and/or their directing boards; Has conducted comparative analysis of IIs’ legislation; Has reviewed reports prepared by IIs and

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<sup>30</sup> Article 38/2 of Regulation provides that relators can be assisted by experts of CM, Assembly’s Legal Service, and other experts.

<sup>31</sup> Article 80 of the Constitutions provides that “Heads of different state institutions, upon request of parliamentary commissions, give explanations and inform about different aspects of their activity as required by the law.”

<sup>32</sup> Article 102 & 103 of the Assembly’s Regulation.

<sup>33</sup> The mission of the Monitoring Service includes of IIs: Preparation of the opponence regarding annual reports of IIs established by law and constitutional ones; Support for the parliamentary control during approval of the budget for these institutions; Cooperation and exchange of information with IIs; Follows approval and changes in structures and vacancies.

<sup>34</sup> Mission and vision of Monitoring Service of IIs



international organizations; and Has conducted on-site monitoring. Working with IIs' regarding their annual and periodical reports is a consolidated practice at this Service.

The table below includes data offered by the Monitoring Service during 2011-2012.

Table: Monitoring activity of the Monitoring Service during 2011-2012

Activity	2011	2012	Parliamentary Committees where IIs report
Monitored institutions	13	13	Committee of Legal Issues, Public Administration, and Human Rights
Opponence of annual reports	13	13	
Memos, information on structures	13	2	
Periodical information for the activity of Institutions	30	55	Committee of Education and Means of Public Information
Reports, legal comparative opinion	10	30	
Opponence, draft budget	6	8	
Information on vacancies and mandates of members	20	12	Committee of Economy and Finance
Participation in seminars organized by IIs	21	36	
Training, workshops on monitoring	6	16	Committee of Productive Activities, Trade, and Environment
Participation in meetings relating to monitoring	41	82	
<b>Written analysis</b>	<b>105</b>	<b>120</b>	
<b>Other activities</b>	<b>68</b>	<b>134</b>	
<b>Total</b>	<b>173</b>	<b>254</b>	

Source: Monitoring Service

In addition to its activity relating to duties and responsibilities, the Monitoring Service has also participated in other activities organized by IIs such as ILKPD, KSHC, KMD, KMDHP, AKEP, Advocate of Procurements, and KKRT.

Changes in the Assembly's Regulation (2010-2011) among others aimed at increasing the transparency in parliamentary Committees, especially during hearing sessions regarding nominations for vacancies.

## 2.5. Participation of civil society in the legislative process

According to the Assembly's Regulation, participation of interest groups, also including CSOs, is possible but not binding. It has been seen in the framework of participation in Assembly's work and its transparency. By law, interest groups and CSOs cannot directly initiate a new law. They can be part of the legislative process through their participation in public hearings of parliamentary Committees upon their invitation and petitions.

Parliamentary Committees have worked to ensure participation of CSOs in the legislative process. According to the Regulation, they have organized public hearings with representatives of CSOs, interest groups, and other interested groups.<sup>35</sup>

Public hearings are mechanisms that are used by parliamentary Committees to collect information. As instruments to analyze and formulate policies and monitor and control, public hearings are organized during laws' review and drafting. Public hearings enable MPs, Administration staff, invited experts, interest groups, and the public to discuss about a wide range of issues relating to good governance. They are useful to MPs to define the necessary measures to improve legislation and the performance of the Executive. Also, they are an effective method to enable citizens to participate in formulation of public policy and an effective channel for MPs and the Assembly in general to learn about public support for a specific law.

According to a comparative study involving 88 parliaments (71 of them use public hearings in the legislative process), hearings are important to MPs and public information.<sup>36</sup> In developed democracies such as USA, public hearings are required when there is proposed legislation regarding environment, infrastructure and public institutions, waste management, schools and parks, real estate or any other issue that has social and economic impact. Last years, in the framework of the political consensus on good practices of governance reached among 57 member states, OSCE encourages countries of the Balkans to follow the American and other developed democracies' model of citizen participation in decision-making process during development of legislation. Most of parliaments that organize public hearings have foreseen them in their regulations. Public hearings with the community or experts are not binding, but they can be organized on case-by-case basis.

Though there are improvements in the legislative process, still there is a need that the Albanian parliament strengthens cooperation with and involvement of civil society in the legislative process aiming at a broader public consensus for specific issues and laws.<sup>37</sup> Based on the 2011 EU Progress Report that evaluated as unsatisfactory consultation of the Assembly with third parties, also including civil society, the Monitoring Service has proposed that public hearings relating to drafting and implementation of laws should involve CSOs. Such cooperation is also part of the action plan of government to meet 12 priorities included in the 2011 EU Opinion on Albania.<sup>38</sup> Some parliamentary Committees have started to establish a database for civil society actors that can be invited during the discussion of draft laws.<sup>39</sup>

Below, is a summary of participation of CSOs in the work of parliamentary Committees that were included in this assessment study.

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<sup>35</sup> Regulation of Assembly, Article 36 & 106

<sup>36</sup> Hironori Yamamoto, 2007 "Tools for parliamentary oversight - A comparative study of 88 national parliaments", Inter-Parliamentary Union

<sup>37</sup> Memo of the Monitoring Service of IIs (2012)

<sup>38</sup> Action Plan to meet recommendations of European Commission Opinion on Albania (Ministry of Integration, date 10.06.2011)

<sup>39</sup> Proposal by civil society during the consultative meeting of 22 April 2011 regarding 12 Recommendations of EU Opinion; Administrative Act of the Secretary General of the Assembly regarding establishment of a database for CSOs.

### *Committee of Productive Activities, Trade, and Environment*

During the September-December 2011 session, interest groups have participated during the discussions in this Committee about the most debated draft laws. Two CSOs—Alliance against Garbage (Aleanca Kundër Plehrave) and association “For New Policies on Environment” (“Për Politika të Reja për Mjedisin”)—have participated during discussions on decree Nr. 7122, date 14.10.2011 “For return in parliament for reconsideration of Law Nr. 10463, date 22.09.2011 “For the integrated management of waste.” Two CSOs—association Pro Life (“Pro Jetes”) and Center of Road Safety Studies (“Qendra e Studimeve të Sigurisë Rrugore”)—have participated in discussions regarding the Law Nr. 10488, date 5.12.2011 “For some changes in Law Nr. 8378, date 22.7.1998, “Road Code of the Republic of Albania”, changed.

During the September-December 2011 session, a hearing session on parliamentary control has been organized regarding Park of Tirana and degradation of its Artificial Lake with representatives of Eko-Levizja as well as representatives of Tirana Municipality, Ministry of Environment, and Ministry of Public Works.

### *Committee of Legal Issues, Public Administration, and Human Rights*

During 2010, in the framework of discussions about the draft law “For the amnesty” the Committee has consulted National Chamber of Attorneys (Dhoma Kombëtare e Avokatisë), Albanian Helsinki Committee, and Albanian Group of Human Rights. Some of their proposals have been taken into consideration.

During 2011, the “Road Code of the Republic of Albania, changed” has been among the most debated draft laws. There was a verbal request by an opposition MP regarding the participation of interest groups. This request was not formalized according to the Regulation and was not accepted with the reasoning that, at that case, the Committee was asked just for an opinion. Discussions about this draft law continued with hearing sessions for opinion and amendments with the Ministry of Transport and interest groups, also including four CSOs—Pro Life (“Pro Jetes”), Center of Road Safety Studies (“Qendra e Studimeve të Sigurisë Rrugore”), association Center of Auto-technical Experts (“Qendra e Eksperteve Autoteknike”), and Citizen Association of Insurers of Albania (“Shoqata Qytetare e Siguruesve të Shqiperisë”). They presented written amendments that were included in the law.

In other cases, the participation of interest groups either has been asked informally or the Committee has considered sufficient the consultation conducted by the proposers of draft law with interest groups. For example, during the hearing sessions with representatives of Ministry of Economy, Trade, and Energy (METE) about the draft law “For a change in the Law Nr. 9901, date 14.04.2008, “For traders and trade societies,” they were asked by a member of the Committee whether the draft law has been consulted with interest groups. METE representatives answered that they have conducted consultations with the Consultative Council of Business and 13 most important business associations in the country. They had approved the draft law. This was considered sufficient by the Committee.

### *Committee of Economy and Finance*

During 2011-2012, two interest groups have participated in the legislative process in the Committee of Economy and Finance. On 6 April 2011, the Committee conducted a hearing with the Tirana Chamber of Trade in the framework of the discussions about draft law “For legalization of capital and amnesty for some penal actions and amnesty regarding a part of fiscal and custom debt.” On 13 February 2012, the Committee has conducted a hearing session with the participation of the Association of Blind in the framework of the discussions about the draft law “For a change in the Law Nr. 8098, date 28.03.1996 “For the status of the blind.”

### *Committee of Education and Means of Public Information*

During this Legislature, IIs and CSOs have been involved in the framework of discussions in the Committee of Education and Means of Public Information about draft laws for Media, Book, Academy of Sciences, Education, and Art and Culture.

- In 2009, during discussions about the draft law “For the Book,” in addition to the Ministry of Education and Science the Committee has also involved the Association of Publishers and National Library. Their amendments have been accepted.
- In 2010, upon request of the Forum for Protection of Authors of Audiovisual, the Committee has conducted a hearing about the law “For cinematography” regarding copyrights for pre-90 productions. Representatives of the Office for Protection of Copyrights have been invited, too.
- Hearing sessions have been organized in the framework of discussions about the draft law “For transmission with voice and picture in the Republic of Albania” with the Association of Electronic Media, Forum of Free Media, Union of Journalists, association “Network of local cable and analogue televisions”, Albanian Media Club, and national media TCH and Vizion plus.
- A hearing session have been organized in the framework of discussions about the draft law “For the art and culture” with the Independent Syndicate of Artists, Association of Art Critics in Albania (attached at UNESCO), and representatives of the community of artists.
- In 2012, hearing sessions have been organized in the framework of discussions about the draft law “For audiovisual media in the Republic of Albania” with participation of TCH, TV Klan, Vizion+, TV Kukësi, Albautor, FMAA, AMP, AAKDA, KKPAK, RRTL, and ZSHDA.
- Hearing sessions have been organized in the framework of discussions about the draft law “For pre-university education system in the Republic of Albania” with representatives of Alternative Civiler, SOROS, Albanian Center of Assistance in Education (“Qendra Shqiptare e Asistencës Arsimore”), National Coalition “Together for Total Child Care” (Koalicioni Kombëtar “Bashkë për Kujdesin Tërësor të Fëmijëve”), Center for Child Protection (“Qendra për Mbrojtjen e Fëmijëve”), Association of Parents, association “Union of Albanian Private School (“Bashkimi i Shkollave Private Shqiptare”), and association of Publishers of School Books, Confederation of Education, and Independent Syndicate of Teachers. 41 articles of this draft law were amended based on suggestions by the Confederation of Education,

Independent Syndicate of Teachers, and Albanian Center of Assistance in Education, SOROS, and Civil Alternative.

## **2.6. How is perceived participation of IIs and CSOs in the legislative process by participants in this study?<sup>40</sup>**

*According to MPs that completed the questionnaire:*

- Regarding participation of IIs and CSOs in Committee meetings, in general the parliamentary Committee takes a decision and sends the invitation. IIs and CSO present their request to participate.
- Sometimes, proposals of IIs and CSOs sometimes are reflected in draft laws.
- More active participation of IIs and CSOs in the legislative process would be helpful because would bring more options and debate and, therefore, better solutions. There are suggestions that CSOs contribution would be bigger if they do not be part of political camps.
- A specific link in the official web page of the Assembly where people debate/comment on draft laws and process-verbals that are posted in the web page can help increase participation of IIs and CSOs in the legislative process. Some other suggestions include: improving the legislation by preparing proposals; better knowledge of draft laws by interest groups.

Regarding relationships with independents institutions, MPs evaluate:

- Most of them (3 from 5 respondents) evaluate as “not good” the cooperation between the Assembly and IIs.
- IIs have been involved regarding nominations/discharges, hearing sessions in parliamentary Committees, and annual reporting.
- Main communication methods with IIs include official mail, e-mail, and meetings.

Regarding relationships with the CSOs, MPs evaluate:

- Most of them (4 out of 5 respondents) evaluate the cooperation between the Assembly and CSOs as “not good”.
- Cooperation between different actors—Assembly, IIs, and CSOs—in the legislative process has not been encouraged by the Assembly.
- CSOs have been involved through their invitation to participate in public hearings.
- CSOs’ present role consists of participation in public hearings and receiving information about Assembly’s activity.
- Future CSO’s role should be: Undertaking legislative initiatives; Contributing in drafting of laws; Participating in public hearings; and Receiving information about Assembly’s activity. To have an effective participation, CSOs should come with concrete and well-thought proposals.

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<sup>40</sup> Source: Questionnaires

- Communication between the Assembly and CSOs has been limited.
- Information received from CSOs (for specific issues) has been useful.
- Main communication methods with CSOs include official mail, e-mail, and meetings.

*IIs' representatives emphasize in their evaluation:*

- Access and participation of IIs in meetings of parliamentary Committees has been satisfactory. Usually, it is the Committee that decides about the participation and sends the invitation.
- IIs' proposals have been reflected in legislation.
- More active participation of IIs in the legislative process would help improve laws and develop regulatory documents that can be implemented by the executive agencies.
- Factors that would affect increased participation of IIs in the legislative process include: Improvements in legislation; Continuous meetings where IIs express their requests and opinions regarding legislation process; etc.

*CSOs' representatives emphasize in their evaluation:*

- Access and information of CSOs in meetings of parliamentary Committees is limited. In some cases, the participation has been just for procedure or CSOs cannot say their opinion. Taking into consideration of CSOs' opinion has been limited. There is a specific type of organizations that have access, mainly organizations that are known in the media and public. Participation depends on connections with MPs.
- Usually, CSOs present their request to participate in Committee meetings.
- Sometimes, CSOs' proposals are reflected in the legislation. There are comments that proposals of CSOs and interest groups are not always taken into consideration, especially those that propose essential changes in the system or have financial cost for the state. If this is the case, CSOs have to lobby to have their proposals taken into consideration.
- More active participation of CSOs in the legislative process would be helpful because: It would give laws more space and a social dimension; CSOs have experience and expertise; CSOs bring opinions that are more independent than those from political actors and their proposed amendments are free of political influence; CSOs represent important social groups; etc.
- Participants in the survey think that to increase participation of CSOs in the legislative process: should be a specific link in the Assembly's web page where they can debate/comment on draft laws (6 out of 7 respondents); process-verbals of Committee sessions should be disseminated (4 out of 7); and legislation should be improved (4 out of 7). In their comments, participants emphasized the need for:
  - A legal regulatory framework that encourages consultations with and interest of CSOs in drafting of laws. It would increase chances that CSOs participate in following discussions in the plenary based on more complete and well-thought information relating to laws and their improvement. Public discussion of laws not only improves decision-making but also increases level of knowledge about the laws and their public acceptance thus resulting in an increased implementation;

- Increased information about draft laws. Official channels to disseminate information should increase including social media, joint meetings, reciprocal invitations for activities, etc.;
  - More access for CSOs according to their profile and interest in different draft laws;
  - Complete database at the Assembly about CSOs and their profile so Committees can invite them according to issues, profile, and experience;
  - Informal initial consultations between Committee chair, deputy chair, and reporter and CSO representatives according to their profile;
  - A continuous dialogue and partnership with CSOs that are initiated and maintained by the Assembly. MPs should ask for the participation of CSOs and not consider this participation as a procedure to go through to say that interest groups have been consulted.
- The present role of CSOs consists of: participation in public hearings (7 out of 7 respondents) and contribution in drafting of laws (5 out of 7). The role CSOs should play in the legislative process consists of: Contribution in drafting of laws (7 out of 7); Participation in public hearings (7 out of 7); Undertaking legislative initiatives (6 out of 7); and Receiving information about Assembly's activity (5 out of 7).
  - All respondents think that communication between the Assembly and CSOs has been limited. It has been dependent on CSOs interest.
  - Information received from the parliament has been useful. It has been useful to ensure engagement of CSO regarding specific issues.
  - Main communication methods with the parliament have been official mail, e-mail, and meetings.
  - Most of respondents think that the Assembly has not encouraged cooperation with CSOs in the legislative process. They think that this should become a norm.

## **2.7. Access to information**

The Assembly is open to participation of the public in the legislative process, promotion of the activity in the media, documentation of its work at the official web page, parliamentary publications, and internal audiovisual network.<sup>41</sup> In the context of the transparency to the public, though the Regulation requires that “copies of draft laws are made available, upon their request, to the media and other people”<sup>42</sup>, draft laws starting from 11 July 2011 can be found at the Assembly's official web page, under the “Parliamentary Documents” heading/link.

Citizens can attend plenary sessions from the gallery in the plenary hall. Participation in the plenary sessions of individuals and groups depends on the available seats in the gallery. Individuals and groups that would like to attend plenary sessions should be present one hour prior to the plenary session at the Assembly's offices (“Dëshmorët e Kombit” boulevard) and complete a participation request form. They should have their identification document with

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<sup>41</sup> Article 105 of the Regulation of the Assembly

<sup>42</sup> Ibid, Article 69/2

them. After their identity is checked, people are given entry permissions that authorize them to attend the plenary session from the gallery.

## **2.8. Assembly's functioning and the legislative process according to European Union**

EU Progress Reports constitute an overall assessment of Albania's progress towards EU standards in different sectors. The fulfillment of the political criteria is one of the main areas of the assessment. In this context, progress reports pay great attention to the activity of the Assembly of Albanian and legislative process.

In general, the EU reports of last three years (2010, 2011, and 2012) emphasize that: parliamentary institutions and procedures do not function properly; and the administrative capacity of the parliament is still insufficient. However, there is a progress regarding these important issues over time.

In the Commission's Opinion on Albania's application for membership of the European Union 2010 is emphasized that parliamentary institutions and procedures do not function properly and "the parliament does not exercise effective oversight and control over the government and its scrutiny of legislative development is weak."<sup>43</sup> Regarding the quality of legislation passed, it is noted that it "has not always been of an adequate standard."<sup>44</sup> The report lists two main reasons including time pressure under which parliamentary committees often work and limited involvement of relevant interest groups in parliamentary hearings and consultations.<sup>45</sup>

In the Albania 2011 Progress Report, notices progress regarding the organization of the proceedings of Parliament and strengthening of the administrative capacity of the parliament. Relating to the proceedings of the Parliament, the report mentions full transcription and publication of the minutes not only of parliamentary sessions but also of all parliamentary committee meetings. Relating to the administration's capacity, the report mentions recruitment of additional staff, strengthening of the infrastructure, and facilitation of the communication both within the Parliament and with the public. However, the report emphasizes that "there is still lack of administrative capacity in Parliament" and "consultation of civil society in the legislative process remains insufficient."<sup>46</sup> According to the report, the political deadlock and limited consultation with third parties, including civil society are among the main reasons that there are "questions about the quality of adopted laws."<sup>47</sup>

The Albania 2012 Progress Report emphasizes, "progress was made in the functioning of parliamentary procedures" and "in terms of improving public consultation in the legislative process."<sup>48</sup> It singles out the Committee on European Integration that has involved civil society in the review of the Action Plan for addressing the EU recommendations. According to the report, however, work needs to continue to further improve the functioning of the parliament.

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<sup>43</sup> Commission Opinion on Albania's application for membership of the European Union 2010

<sup>44</sup> Analytical Report 2010

<sup>45</sup> Analytical Report 2010

<sup>46</sup> Albania 2011 Progress Report

<sup>47</sup> Albania 2011 Progress Report

<sup>48</sup> Albania 2012 Progress Report



The working calendar of the parliament does not always give enough time to standing committees for proper review and for public hearings on draft laws, which, as a result, are often adopted in an expedited manner potentially to the detriment of quality. Draft laws are often not accessible to the public. The report also states that some progress was made in strengthening the administrative capacity of the parliament through training and expert advice. Efforts were made to increase transparency in the functioning of the parliament’s administration. However, the administrative capacity of the parliament needs substantial further strengthening in particular in relation to the European integration agenda.<sup>49</sup>

How do respondents perceive findings of 2012 EU Progress Report?

Most of respondents from three categories—MPs, IIs, and CSOs—agree with the evaluation of 2012 EU Progress Report that “progress was made in the functioning of parliamentary procedures” and “in terms of improving public consultation in the legislative process.”

Most of respondents representing the Assembly and CSOs agree with the 2012 EU Progress Report finding that “the working calendar of the parliament does not always give enough time to standing committees for proper review and for public hearings on draft laws.” Two out of three IIs’ representatives does not agree with this statement.

The table below presents respondents’ answers regarding findings of 2012 EU Progress Reports.

Question		1	2	3	4 <sup>50</sup>
What do you think about this statement from 2012 EU Progress Report: “Progress was made in the functioning of parliamentary procedures” and “in terms of improving public consultation in the legislative process.”	MPs	1	1	2	1
	IIs			1	2
	CSOs	2	2	3	
What do you think about this statement from 2012 EU Progress Report: “The working calendar of the parliament does not always give enough time to standing committees for proper review and for public hearings on draft laws.”	MPs	1	2	2	
	IIs	2		1	
	CSOs		2	3	1

<sup>49</sup> Albania 2012 Progress Report

<sup>50</sup> 1-Do not agree, 2-Partly agree, 3-Agree, 4-Fully agree

## CHAPTER III: CONCLUSIONS AND RECOMMENDATIONS

### 3.1. Conclusions

- Last EU Progress Reports on Albania emphasize that the activity of the parliament and quality of legislative process has been improving. There is progress regarding parliament's proceedings, public consultations in the legislative process, and administrative capacity of the parliament. Regarding proceedings, full transcription and publication of the minutes not only of parliamentary sessions but also of all parliamentary committee meetings is being made. To increase the administrative capacity, additional staff has been recruited, infrastructure has been improved, and communication within the parliament and with the public has been facilitated. On the other hand, Progress Reports note that parliamentary institutions and procedures do not function properly and the administrative capacity of the parliament is still insufficient. The quality of legislation passed, it is noted that it "has not always been of an adequate standard"<sup>51</sup> because of time pressure under which parliamentary committees often work, political disagreements, and limited involvement of relevant interest groups in parliamentary hearings and consultations.<sup>52</sup> The working calendar of the parliament does not always give enough time to standing committees for proper review and for public hearings on draft laws, which, as a result, are often adopted in an expedited manner potentially to the detriment of quality. Draft laws are often not accessible to the public.<sup>53</sup>
- Use of hearing sessions as part of the decision-making process in the Assembly of Albania has been intensified based on practices of developed democracies. Public hearings have been used by the Assembly to ensure participation of IIs and CSOs in the legislative process. Though CM, MPs, and 20,000 voters have the right to propose a law, the Regulation of the Assembly foresees involvement of external actors, experts from institutions and civil society, to assist parliamentary Committees in their proceedings. It foresees participation of actors from IIs and CSOs in drafting of laws. However, the Regulation does not oblige the parliamentary Committees to ensure participation but introduces a kind of "elastic will"<sup>54</sup> and the need for a written initiative by one third of members of the Committee<sup>55</sup>. Participation of interest groups in the legislative process has been dependent mostly on initiative of interest groups. The Regulation gives the opportunity to interest groups to ask in writing for a hearing session regarding a draft law or issue at a specific Committee.<sup>56</sup> Parliamentary Committees, to be practical and proceed fast have usually conducted hearing sessions with proposers of draft laws that generally are representatives of the Executive. Though there are noticed important efforts, participation of IIs and CSOs should improve and be more

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<sup>51</sup> Analytical Report 2010

<sup>52</sup> Albania 2011 Progress Report

<sup>53</sup> Albania 2012 Progress Report

<sup>54</sup> Article 32/4 of Assembly's Regulation "...in these (meetings of commissions) other people can be invited, too."

<sup>55</sup> Ibid. Article 36 "Commission can organize public hearing session with members of CM, high representatives of state and public institutions, experts, representatives of civil society, representatives of interest groups, and interested groups...if one third of all members of the commission requests that in a motivated way in writing."

<sup>56</sup> Ibid. Article 104/3

qualitative. Hearing sessions in the legislative process have been conducted mainly with representatives of the Executive. Hearing sessions in the nominating process have been conducted mainly with representatives of institutions that have the right to propose candidates for IIs' vacancies.

- Based on the need for increased participation of CSOs in the Assembly's activity, the parliament is working to establish a database about the civil society. The Secretary General has issued an Administrative Act to build this database that will be used by MPs and parliamentary Committees.
- Assembly's web page provides satisfactory information regarding the activity of parliamentary Committees through publication of process-verbals of all meetings. Public hearings are part of process-verbals. Annual Reports of parliamentary Committees including information and statistics about laws discussed and amendments presented and taken into consideration are not published in the web page.
- Since it has been established as a separate structure within the Assembly's Administration, the Monitoring Service has been active in carrying out its duties and responsibilities. Representatives of the Monitoring Service have systematically participated in meetings of parliamentary Committees involving IIs. They have also participated in IIs' activities. The profile of the Monitoring Service has been enhanced and its advisors have been active articulating questions, comments, and information useful to parliamentary Committees.
- The Committees' Service within the Department of Legislative Service supports the proceedings of parliamentary Committees in the legislative process.

### 3.2. Recommendations

- Last EU Progress Report on Albania (2012) recommends that **the administrative capacity of the parliament needs substantial further strengthening in particular in relation to the European integration agenda.**<sup>57</sup>
- **Public hearings can be instrumental for a more effective and efficient cooperation between the Assembly and IIs and CSOs.** They can be an important opportunity to ensure broad and active participation of IIs, CSOs, other interest groups, and citizens in the legislative process including the debate and decision-making in parliamentary Committees and plenary sessions. Participation of interest groups, also including IIs and CSOs, not only brings the opinion of these actors to the Legislature, but also enhances their trust in the parliament as the projection of their will. Thus, the parliament and citizens get closer through a transparent and accountable decision-making process. Impact is two fold: Democratic mechanism of consultation and inclusion is enhanced and IIs and CSOs are enhanced. Public hearings are a kind of guarantee that people elected in the Assembly and other high positions are acting on citizens' interest.

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<sup>57</sup> Albania 2012 Progress Report

- **Involvement of interest groups in the legislative process by the parliamentary Committees and the Assembly in general can be improved through a more proactive approach from the Assembly.** Representatives of interest groups should be encouraged by the parliament, its Committees, to present their opinion and/or participate in public hearings for specific issues. In this context, organization by parliamentary Committees with the participation of representatives from IIs and CSOs of different activities such as seminars and conferences focusing on important public issues joint annual meetings, on-site public hearings for specific issues, reciprocal participation in each-other activities, etc. Such activities will significantly increase commitment of the Assembly and participation of interest groups in the legislative process and would strengthen their cooperation.
- **Changes in the Assembly's Regulation by making legally binding involvement of interest groups by the committees in the legislative process might have a positive impact in the participation of IIs and CSOs in this process.** It would minimize political attitudes against consultations.
- **Establishing and maintaining by the Assembly of a database on civil society and interest groups in general, according to area of interest/activity, would facilitate the work of parliamentary Committees to solicit the contribution of CSOs and other interest groups in the legislative process.** Maintenance of the database might be the responsibility of a specific service within the Assembly's Administration such as the Monitoring Service or Department of Public Relations.<sup>58</sup>
- **Improvements in the Assembly's web page by adding concrete information about the way, opportunities, and results of participation of interest groups in the legislative process would significantly contribute to increased participation in the work of parliament.** Inclusion and participation would be facilitated through the preparation and publication at the Assembly's web page of a practical guide for CSOs and other interest groups about how they can approach the parliament and ask for public hearings. Presenting in a detailed and graphic way the roadmap of the legislative process—from proposal of draft law to approval of the law,<sup>59</sup> would help public information.
- In the context of a transparent and inclusive process as well as promotion of parliamentary Committees' and Administration's work, it might be useful **to create some links at the Assembly's web page that provide information about different issues of the legislative process.** A link might be created to inform about the draft laws brought to the parliament, draft laws being discussed in different Committees and the respective timelines<sup>60</sup>, the proposed and approved amendments. Another separate link (Public Debates) might provide updated information about draft laws that have been discussed through public hearings as

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<sup>58</sup> In Kosovo, this is responsibility of Department of Public Relations of the parliament. A specific link in parliament's web page invites civil society to express the interest to participate in the legislative process.

<sup>59</sup> Montenegro and Bosnia Herzegovina models.

<sup>60</sup> Kosovo model

well as those planned for the future<sup>61</sup>. This information not only will serve better public information but also will promote the work of parliamentary Committees and encourage interest groups to participate. Each parliamentary Committee might have its separate link with Internet social networks.

- **Strengthening the role of Monitoring Service would help increase effectiveness and efficiency of parliament's work** regarding its four dimensions: legislative, controlling (on the Executive and independent institutions, constitutional or established by law), nominating (discharging) members of IIs, and financial (budget approval and its oversight). The Monitoring Service might be first filter for the parliamentary Committees' proceedings by selecting and dealing with requests of interest groups to participate in the legislative process. In addition to the professional opinion, this approach will also save time in the process of drafting of laws that often has been insufficient by different MPs and Committee during this Legislature. Further qualification of advisers of the Monitoring Service by gaining from best practices in other countries would contribute to their professional development and participatory legislative process.
- **Taking into consideration the key role of parliamentary Committees' advisors and secretaries, their improved performance through continuous capacity development will largely contribute to the success of Committees regarding participation of IIs and CSOs in the legislative process.** In this context it is important that, in collaboration with the Monitoring Service, they establish and maintain updated and functional databases about the interest groups and their participation in the work of the Committee. In the framework of public information, it is important that they cooperate with the Department of Public Information about everything that is discussed and decided in the Committee. Publication in the Assembly's web page of periodical reports including detailed statistics about the legislative and controlling processes would serve transparency to the public.

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<sup>61</sup> Kosovo and Bosnia Herzegovina models

## **ACKNOWLEDGEMENT**

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Mimoza Koçiu and Myftar Doçi  
Consultants

April 2013

## APPENDIXES

### APPENDIX 1: List of persons interviewed

<b>Surname, Name</b>	<b>Organisation/ Institution</b>	<b>Working position</b>
1. Gjana, Jemin	Parliament	Head of Productive Activity, Trade and Environment committee
2. Kodheli, Mimi	Parliament	Vice of Economy and Finance committee
3. Leskaj, Valentina	Parliament	Head of Education and Means of Public Information committee
4. Spaho, Edmond	Parliament	Head of Economy and Finance committee
5. Shalsi, Eduart	Parliament	Vice of Productive Activity, Trade and Environment committee
6. Kujxhia, Nikolin	Parliament	Head of Monitoring Department for the Independent Constitutional Institutions and the Independent Institutions established by law
7. Bushati, Endirë	NCRT	Chairman
8. Cabej, Flora	The Committee for Personal data Protection	The Committee
9. Ramadani, Sokol	ERE	Chairman of the Board
10. Arqimandriti, Mirela	GDA	Executive director
11. Bala, Suela	Save the Children	Program Implementation Manager
12. Halilaj, Jetmira	ANEP	Executive Director
13. Kikia, Mentor	Free Thought Forum	Executive director
14. Kristo, Erion	Pro Life	Executive director
15. Leskaj, Ines	AWEN	Executive director
16. Nela, Dritan	SOROS	Program Manager
17. Puka, Brikena	Vatra	Executive director

## Appendix 2: The questionnaire

### QUESTIONNAIRE ON THE RELATIONSHIP BETWEEN THE ASSEMBLY AND THE INDEPENDENT INSTITUTIONS AND THE CIVIL SOCIETY ORGANIZATIONS IN THE LEGISLATIVE PROCESS

<b>Name (optional)</b>	_____
<b>Institution (optional)</b>	_____
<b>Gender</b>	<input type="checkbox"/> <input type="checkbox"/>

#### ALL THE PARTICIPANTS IN THE ASSESSEMENT

1. The 2012 Progress Report highlights that there has been progress in terms of improving public consultation in the legislative process. What is your opinion in this case?

Do not agree

Partly agree

Agree

Totally agree

Please explain your opinion:


2. The 2012 Progress Report also highlights that the working schedule of the Parliament, does not always give time for parliamentary committees for the proper examining and for the public hearings on draft laws. What is your opinion on this?

Do not agree

Partly agree

Agree

Totally agree

Please explain your opinion:


3. Which of the following groupings is involved in the drafting of laws? (please circle as many as you think)

MPs

Line Ministries

Independent Institutions

CSOs

Citizens

Other

Please explain your rate:




4. To what extent do you consider the access and participation of the independent institutions/CSOs in the parliamentary committee meetings?

High/satisfactory

Medium

Low

Don't know


Please explain your opinion:

5. To participate in a Committee Session ... (Chose as many as you think)

The parliamentary committee decides and makes invitations

An independent institution /CSO present a request to participate

The Parliament's administration/The Monitoring Board makes invitations

Other

Don't know.


6. To what extent does the legislation reflect the proposals of the Independent institutions/CSOs for its drafting?

Always

Sometimes

Never

Don't know.


Please explain your choice:

7. Would a greater and proactive participation of Independent Institutions/CSOs on the legislative process help in the generation of more important policies?

Yes

No

Don't know


Please explain your choice:

8. What should be done to increase the involvement of Independent Institutions and CSO's in the legislative process? (please cercle as many as you think)

A special space in the wp of the Parliament where draft laws are commented

Print and distribute minutes from commitee meetings

Improvvement in legislation

Other

Please explain your choice:


9. What should be done more to bring forward the cooperation between the Parliament and the Independent Institutions and CSO's in the legislative process?

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**FOR THE INDEPENDENT INSTITUTIONS**

1. Have you ever attend (or your Institution) in any stage of the preparation of laws in Parliament?

YES  NO

2. How often do you communicate with the Parliament within a legislature for your involvement on the Parliamentary Committees work?

Never   
Sometimes   
Often   
Always

Please explain:

3. How many times your Institution participates in the committee meetings during a legislature?

More than twice   
Less than twice   
Newer   
Don't know

Please explain your choice:

4. How often the Parliament has communicated with you about your involvement in the work of the parliamentary committees?

Never   
Sometimes   
Often   
Always

Please explain:

5. Who is the Parliamentary Committee that you cooperate the most?

Legal Issues, Public Administration and Human Rights committee   
Productive Activity, Trade and Environment committee   
Economy and Finance committee   
Education and Means of Public Information committee

Please explain your choice:

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7. To what extent is your cooperation with the Monitoring Department for the Independent Constitutional Institutions and the Independent Institutions established by law?

Always   
Sometimes (if I need assistance, or when they contact me)   
Never

Don't know  
Please explain:

8. How much did the Monitoring Department in enhancing cooperation and resolving issues that concerns the Independent Institutions in the Parliament of Albania?

Much  
Somewhat  
Not at all  
Don't know  
Please explain:


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9. How much the Parliament has encouraged the cooperation between different actors-the Parliament, CSOs and Independent Institutions- in the legislative process?

Much  
Somewhat  
Not at all  
Don't know  
Please explain your choice:


**FOR CSO REPRESENTATIVES**

1. How would you assess the cooperation between the Parliament and the CSOs?

- Not good
- Somewhat
- Good
- Very good

Please explain your choice: \_\_\_\_\_

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2. What role should play CSOs in the legislative process?

- Undertaking legislative initiatives
- Contributing in the drafting of laws
- Participating in the public hearings
- Participating in annual reporting
- Receiving information on the Parliament's work

Please explain if your rate is OTHER: \_\_\_\_\_

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3. What is the current role of CSOs in the Assembly's work?

- They undertake legislative initiatives
- They contribute in the drafting of laws
- They participate in the public hearings
- They participate in the annual reporting
- They receive information on the Parliament's work

Please explain your rate: \_\_\_\_\_

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4. To which committee of the Parliament did you worked?

- Legal Issues, Public Administration and Human Rights committee
- Productive Activity, Trade and Environment committee
- Economy and Finance committee
- Education and Means of Public Information committee
- Other

Please explain if your choice is OTHER: \_\_\_\_\_

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5. How often have you communicated with the Parliament about your involvement in the work of the Parliament?

- Never
- Sometimes
- Often
- All the time

Please explain your choice: \_\_\_\_\_

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6. How often the Parliament's bodies have communicated with you about your involvement in the work of the Parliament?

- Never
- Sometimes
- Often
- All the time

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain your choice

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6. How do you communicate with the Parliament's bodies regarding your involvement in the work of the parliamentary committees?

- Mail
- E-mail
- Telephone
- Meetings
- Other

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain if your rating is OTHER

7. How relevant has been the information you received from the Parliament in your work?

- Not at all useful
- Somewhat useful
- Useful
- Very useful
- Other

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain your rating

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7. How much the Parliament has encouraged the cooperation between different actors-the Parliament, CSOs and Independent Institutions- in the legislative process?

- Much
- Somewhat
- Not at all
- Don't know

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain your choice:

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**FOR MPs AND THE PARLIAMENT'S ADMINISTRATION**

1. How would you assess the cooperation between the Parliament and CSOs?

- Not at all satisfactory
- Somewhat satisfactory
- Satisfactory
- Very satisfactory

Please explain your rating

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2. How many times per parliamentary session, an Independent Institution participate in a Parliamentary Assembly?

- More than twice
- Less than twice
- Never
- Don't know

Please explain your rate

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3. How the Independent Institutions are involved in the work of the Parliament? Circle as many as you think.

- The budget approval/structures/salaries
- Appointment/discharge of the Independent Institution's members
- Hearing in the parliamentary committees
- Annual work reporting of the Institution
- Law amendments/proposals/opinions
- Other \_\_\_\_\_

Please explain your rate

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6. How do you communicate with Independent Institutions regarding their involvement in the work of the committees?

- Mail
- E-mail
- Telephone
- Meetings
- Other

Please explain if your rating is OTHER \_\_\_\_\_

7. How useful and transparent has been the information you received from the Independent Institutions in your work?

- Not at all useful and transparent
- Somewhat useful and transparent
- Useful and transparent
- Very useful and transparent
- Other

Please explain your rating

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4. How would you assess the cooperation between the Parliament and CSOs?

- Not at all satisfactory
- Somewhat satisfactory
- Satisfactory
- Very satisfactory

Please explain your rating

5. How CSOs are involved in the legislative process?

- Inviting them to participate in hearings
- Inviting to participate in annual reporting
- Providing them the information on the Parliament's work
- Other

Please explain if your rate is OTHER: \_\_\_\_\_

6. What kind of role should CSOs play in the legislative process?

- Taking legislative initiative
- Contributing in legislation drafting
- Participating in hearings
- Participating in annual reporting
- Receiving information on the Parliament's work
- Other

Please explain if your rate is OTHER: \_\_\_\_\_



8. Which is the current role CSOs are playing in working with the AoA?

- Taking legislative initiative
- Contributing in legislation drafting
- Participating in hearings
- Participating in annual reporting
- Receiving information on Parliament's work
- Other


Please explain your rating

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7. Can you mention some CSOs directly or indirectly involved in the work of the Parliament?

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a. How often have you communicated, as Parliament with CSOs for their involvement in the work of the parliamentary committees?

- Never
- Rare
- Often
- Continuously


Please explain your rating

b. How often CSOs have communicated with you for their involvement in the work of the parliamentary committees?

- Never
- Rare
- Often
- Continuously


Please explain your rating

9. How do you communicate with CSOs regarding their involvement in the work of the parliamentary committees?

- Mail
- E-mail
- Telephone
- Meetings
- Other


Please explain your rate if it's OTHER

10. How useful has been the information you received from CSOs in your work?

- Not at all useful
- Somewhat useful
- Useful
- Very useful
- Other

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain your rating

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c. How much the Parliament encourages the cooperation between the different actors- Parliament, CSOs and Independent Institutions, in the legislative process?

- Not at all
- Somewhat
- Much
- Don't know
- Please explain

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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## APPENDIX 3

### List of documents reviewed:

- Constitution of the Republic of Albania (Part III, the Parliament)
- Regulation of the Parliament of Albania (24.2.2011.)
- ALBANIA 2012 PROGRESS REPORT (Brussels, 10.10.2012; SWD(2012) 334 final)( Chapter i II, Political criteria/Democracy and the rule of law/Parliament, pages 6-8)
- Key priorities of the European Committee for Albania 2010 (1st 2nd and 3rd amendment) - European Committee Opinion on Albania's application for membership of the European Union; Brussels, 9.11. 2010; COM(2010) 680 )
- Action Plan Addressing the 12 Recommendations of the EC Opinion For Albania (Ministry of Integration, 10.06.2011)
- Decision to set up the Monitoring Department for the Independent Constitutional Institutions and the Independent Institutions established by law; no 29 date 09.07.2007 (The Parliamentary Bureau)
- Minutes of the comitee meetings during the XVIIIth legislature: Legal Issues, Public Administration and Human Rights committee; Productive Avtivity, Trade and Environment committee; Economy and Finance committee; Education and Means of Public Information committee
- Objectives, Duties and Main responsibilities of the Monitoring Department for the Independent Constitutional Institutions and the Independent Institutions established by law (document of this department)
- Annual Working Report of the Monitoring Department for the Independent Constitutional Institutions and the Independent Institutions established by law, 2011& 2012.
- Report on the activity of the Productive Avtivity, Trade and Environment committee, 2011& 2012
- Information on the participation of the interest groups in the Economy and Finance committee. 2011-2012
- Report on the activity of the Education and Means of Public Information committee, 2011-2012
- Information on the participation of the interest groups in the Legal Issues, Public Administration and Human Rights committee 2011-2012

## Other Acts and documents

- RULES OF PROCEDURE OF THE ASSEMBLY OF THE REPUBLIC OF MACEDONIA (no. 130/2010) accessed in december 2012  
<http://www.sobranie.mk/al/default-al.asp?ItemID=78F4EF8AE060A740A2F177BC67729798>
- Rules of procedure of the Assembly of the Republic of Kosova, Prishtinë, 29 april 2010, accessed 2012  
[http://www.assembly-kosova.org/common/docs/Rr\\_K\\_RK\\_29\\_04\\_2010\\_shqip.pdf](http://www.assembly-kosova.org/common/docs/Rr_K_RK_29_04_2010_shqip.pdf)
- Rules of Procedure of the Parliament of Montenegro, “Official Gazette of the RoM“, No. 39/11 of 4 August 2011, aksesuar nw dhjetor 2012  
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- Rules of procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, January 2006, aksesuar nw dhjetor 2012  
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- Assembly of Kosovo, Public Hearing Manual, Assembly Support Initiative, National Democratic Institute Kosovo, OSCE Mission in Kosovo, US Agency for International Development, Prishtina, 2004
- Public hearings manual-Committee consultations with the public, OSCE Mission in BiE, 2007
- Hironori Yamamoto, 2007 “Tools for parliamentary oversight - A comparative study of 88 national parliaments”, Inter-Parliamentary Union