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WORKING VISIT REPORT

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From Monday, 6 May until Wednesday, 8 May 2019, a delegation from the standing committee on European Affairs paid a working visit to Albania and North Macedonia, both of them candidate members of the European Union. The working visit was conducted in anticipation of the soon-to-be published European Commission progress reports on both countries that may recommend starting accession negotiations. Albania and North Macedonia are currently making preparations to meet the preconditions for opening negotiations. These preconditions were stipulated in the European Council Conclusions of 26 June 2018.

The standing committee on European Affairs appointed its member Mr **Anne Mulder** as its rapporteur for the Western Balkans, authorising him to visit both countries in this capacity on behalf of the committee to find out about the current situation in these countries. He was accompanied on the working visit by the committee chair **Hayke Veldman**, and the clerk of the committee Mr **Jeffrey van Haaster**.

The Western Balkans rapporteur has compiled the following report of his findings during his visit to Albania and North Macedonia.

General

The rapporteur would like to start by thanking the Albanian Parliament in Tirana and the Parliament of North Macedonia in Skopje for the invitation to visit both capitals. In all places, the rapporteur was given a very hospitable reception, the various people he spoke to were generous in sharing information and showed a genuine willingness to answer all the rapporteur's questions. The people he spoke to very much appreciated the visit in view of the fact that the EU member states will soon be making important decisions for the future of their countries. Partly because of this, the rapporteur had a useful working visit with productive conversations with members of parliament, ministers and state secretaries and representatives of civil-society organisations.

The rapporteur would also like to take this opportunity to offer his sincere thanks to the Dutch embassies in Tirana and Skopje, represented by Ambassador **Guusje Korthals Altes** and Ambassador **Wouter Plomp** respectively, for the preparations for this working visit and support provided on the ground.

Visit to Albania (6-7 May 2019)

In Tirana, the rapporteur spoke to the Deputy Speaker of Parliament, Ms **Vasilika Hysi**, and a number of other parliamentarians. He also held separate talks with the leader of the opposition, Mr **Lulzim Basha**. On the government side, the rapporteur had talks with the

Prime Minister, Mr **Edi Rama**, the Minister for Europe and Foreign Affairs, Mr **Gent Cakaj**, the Minister of the Interior, Mr **Sandër Lleshaj**, and the Vice-Ministers of Justice, Mr **Toni Gogu** and Ms **Fjoralba Caka**. Finally, the rapporteur spoke to representatives of non-governmental organisations in the fields of media, justice and human rights as well as diplomats from international organisations and from other EU member states in Tirana. In his discussions, the rapporteur focused on the five priorities for reform that are seen as conditions for opening accession negotiations: reform of the judiciary and public administration, combating corruption and organised crime and the protection of human rights. The rapporteur also looked into the functioning of parliamentary democracy.

The rapporteur notes that Albania is making serious progress on judicial reforms. The vetting process being carried out by an independent qualification committee that is reassessing judges and public prosecutors according to professional competence, impartiality and integrity criteria is on track and has delivered more than 140 decisions. In some 40% of cases, officials have been dismissed. On appeal, the vast majority of cases have been upheld. There has also been a degree of self-cleansing: some judges and prosecutors have pre-empted the committee's judgement and resigned. A total of five years has been set aside for this vetting process. It is being monitored by the International Monitoring Operation (IMO) of the European Commission and the United States. Albania has made a substantial amendment to its constitution in order to make the IMO legally possible.

Albania has also set up new institutions in the field of justice and the rule of law, including the High Judicial Council, the High Prosecutorial Council and the Justice Appointment Council, which are responsible for the recruitment, selection, assessment and appointment of officials in the judiciary. Another new institution, the Special Prosecutor and anti-corruption and organised crime investigation unit (Special Anti-Corruption Structure or SPAK) is also in the process of being set up. The vetting process and the assessment of candidates who have applied for positions in the SPAK are currently ongoing. For this reason, the institution is not yet operational.

For the Constitutional Court, there is currently only one judge in office and the remaining nine positions are vacant. It cannot therefore currently be regarded as a functioning state institution. In response to this, the government argues that this is owing to the success of the vetting process, which has led to the dismissal or resignation of several judges, and that the existing vacancies will be filled before the summer. This interpretation was supported by several other representatives of non-governmental organisations and international parties met by the delegation during the working visit. However, critics of the government talk of a constitutional crisis, in which checks and balances have disappeared and the government has taken on the powers of the Constitutional Court.

In terms of combating corruption, measures have been taken aimed at prevention and police deployment in detecting corruption has been intensified. Although this extra deployment has resulted in several cases, the number of high-level criminal prosecutions and convictions has been disappointing. Cooperation between the police and the Public Prosecutor's Office are not always smooth. Albania needs to further build on its track record in tackling corruption.

In terms of tackling organised crime, it is worth noting that Albania has achieved results in detecting and dismantling cannabis farms and prosecuting and trying drugs criminals. This has led to a reduction in the trade in drugs: government statistics show that the number of

cases of drugs being intercepted in Italy from or via Albania fell by around 80% in 2018. Albania has also reduced criminal money laundering.

The Albanian Parliament has adopted laws to protect the rights of ethnic and sexual minorities in Albania. Albania has made progress with regard to freedom of expression, but must increase the transparency of state advertisements in the media. There is room for further improvement in the protection of property rights, including the recording of immovable property in a land registry. Albania has adopted new legislation to safeguard this legal protection.

Finally, Albania has introduced reforms in public administration. Progress has been made in terms of transparency and efficiency of the public services.

In addition, the rapporteur gained an impression of the functioning of democracy in Albania. The fact that moves have been made to initiate electoral reform in order to strengthen democracy is a good sign. However, the rapporteur has concerns about the disrupted relationship between government and opposition parties. Elected people's representatives from the two largest opposition parties have been boycotting parliamentary activities and even left Parliament in protest against the government who in their view compromised the election result and breached their parliamentary rights. Since then, their seats have been taken on by fellow party members willing to carry out their parliamentary duties. This situation is a sign of the difficult political relationships in Albania.

Since this is an internal political issue, the rapporteur cannot and will not make any judgements about this. However, the division and lack of cooperation is hindering the functioning of democracy. The rapporteur hopes that there will be rapid reconciliation between the opposition and government parties as they move forward in developing a joint vision for governance and democracy in their country.

Finally, the rapporteur notes that the people he spoke to raised several additional arguments in favour of opening accession negotiations. Several argued that the strict framework of accession negotiations provides Albania with the tools and external pressure it needs to further develop the democratic rule of law. EU accession may be the end point of this process, but this need not necessarily be the case. Several speakers also raised the geopolitical argument: the prospect of Albania's accession to the EU brings stability to the region which, the speakers argue, is in the interests of the EU, especially since foreign powers such as China and Turkey wish to increase their influence on Albania and, with it, South East Europe.

At the same time, it was pointed out that the Albanian population is looking towards the EU. It was also stated that, if the prospect of EU membership is continually postponed, this gives the impression that the EU does not actually want Albania. One or two people the rapporteur spoke to had the impression that the EU is shifting the goalposts for opening negotiations for reasons relating to EU internal and domestic politics and not for reasons associated with the criteria set for Albania. This can have a demotivating effect.

Several speakers took the view that the Albanian reforms are irreversible, which should provide grounds for the opening of negotiations. Finally, it was repeatedly emphasised that no decision is being made about Albania's accession to the EU at this stage. The decision concerns the opening of negotiations, which will definitely take many years and accession will only be considered when all the requirements for EU membership have been met.

Visit to North Macedonia (7-8 May 2019)

In Skopje, the rapporteur spoke to the Parliamentary Speaker, Mr **Talat Xhaferi**, and with MPs in the standing committee on European Affairs Committee chaired by Mr **Artan Grubi**. He also spoke to the Vice-Premier for European Affairs, Mr **Bujar Osmani** and the Foreign Affairs Minister, Mr **Nikola Dimitrov**. He also had talks with representatives of non-governmental organisations in the fields of media, human rights and elections. The focus in North Macedonia was on consolidating the reform of the legal system and the professionalisation of public administration.

As in Albania, the rapporteur briefed those he spoke to in North Macedonia on the Dutch vision of EU enlargement, which is characterised by the words ‘strict and just’ and places great emphasis on the importance of the rule of law and human rights, good governance, a functioning democracy and the sustained implementation of reforms and legislative changes.

The rapporteur notes that North Macedonia has made great progress. The country has recently emerged from a destabilising internal political crisis and has succeeded in repairing bilateral relationships with neighbouring countries. The Prespa Agreement with Greece, settling the dispute about the name that has dragged on for decades, deserves praise. Enshrining the new country name in the constitution opens up the way for further progress and the prospect of EU membership. Despite party political differences of opinion, the coalition and opposition are cooperating constructively in Parliament. There is a shared vision of North Macedonia’s integration into the Euro-Atlantic structures (EU and NATO). There are also no longer any inter-ethnic tensions and division. There is a lot of press freedom, the legal framework for the protection of human rights is in place and civil-society organisations have a lot of room for manoeuvre. Anti-corruption measures have led to former holders of political office being brought to justice and sentenced.

Various speakers said that the aim of EU membership is widely supported by the population of North Macedonia, also referring to the presidential election results that were in favour of the candidate who supported political and constitutional reforms. The civil-society organisations that the rapporteur spoke to judge these elections and the election campaign to have been honest, successful and almost flawlessly run. This has been confirmed by international organisations. The election result was recognised by all parties and there were no complaints of note. The people the rapporteur spoke to were positive and optimistic in their views of North Macedonia.

Various speakers were insistent about the importance of individual assessment of the results achieved by North Macedonia with regard to the reforms that the EU would like to see. Several pointed out that opening accession negotiations will further strengthen forces in North Macedonia who favour reform, reinforcing the effect of the transformation. Some speakers said that a positive decision when a country meets all the criteria would also help boost the credibility of the EU enlargement policy in the Western Balkans.

It was also pointed out that opening of negotiations could help create some healthy competition between candidate member states to be the first country to meet the criteria. As in Albania, it was also emphasised in North Macedonia that no decision is being made about the country’s accession to the EU at this stage. The decision is about opening negotiations that will last for many years.

The rapporteur notes that North Macedonia has invested a lot (in terms of social and political capital) in setting up and developing institutions as prescribed by the EU. However, at the time of the working visit, the definitive arrangements and status of the Special Public Prosecutor for high-level organised crime and the reform of the security services were still to be agreed. The rapporteur understands that parliamentary discussions about the necessary legislative changes were still in progress at that time and that the parliament hopes to pass the legislative amendments by the end of June. The rapporteur also notes that the reform and professionalisation of public administration (transparency of appointments) was still not completed and is expected to take quite some time.

Consideration of the EU enlargement strategy in the House of Representatives

The European Commission will soon be publishing its annual country-specific progress reports, including recommendations within the framework of the EU enlargement strategy. Council conclusions will then be adopted about the EU enlargement policy in the General Affairs Council (GAC). If the European Commission (again) recommends starting accession negotiations with Albania and North Macedonia, the Council will need to make a unanimous decision about it.

As far as the rapporteur is concerned, each country deserves an individual assessment on its own merits. Ultimately, each country is itself responsible for realising and consolidating the reforms in order to meet the accession criteria. It is therefore only fair for each candidate member state to be judged in terms of its own results and performance. There is good reason why the European Commission compiles a separate progress report for each country each year. In its deliberations on the EU enlargement strategy in previous years, the Dutch House of Representatives has always drawn a distinction between the different countries in the Western Balkans when assessing progress and results achieved. If good achievements in one country result in a positive assessment, this also serves as an example for other countries in the region.

In line with standard practice, the Dutch government will send the House of Representatives an appraisal of the EU enlargement strategy and progress reports. This appraisal will be placed on the agenda for discussion during the standing committee on European Affairs' general meeting with the Minister of Foreign Affairs prior to the GAC at which the EU enlargement strategy is to be discussed. On Monday 3 June, the committee will also have talks in Brussels with the European Commissioner **Johannes Hahn** on the European Commission's EU enlargement strategy, during which the rapporteur will brief the Commissioner on this report.

It is recommended that the standing committee on European Affairs take due account of this report of the rapporteur's working visit in its consideration of the EU enlargement strategy.

The rapporteur,
Anne Mulder