

EUROPEAN UNION – ALBANIA ACCESSION NEGOTIATIONS
CLUSTER 1: FUNDAMENTALS

**COMPARATIVE ANALYSIS OF THE
DRAFT INTERIM COMMON POSITION**

Commission Draft (6819/26)

26 February 2026

vs.

Presidency Compromise (WK 4322/2026 REV 6)

21 May 2026

EXECUTIVE SUMMARY

This document provides a comprehensive comparison of the two versions of the EU Interim Common Position on Albania's accession negotiations under Cluster 1 (Fundamentals). The first version is the Commission's Draft submitted to the Council (document 6819/26, 26 February 2026). The second is the Presidency's compromise proposal (WK 4322/2026 REV 6, 21 May 2026), which represents the negotiated text among EU Member States.

The analysis identifies 32 substantive changes across 11 thematic areas. The overall direction of the May 2026 text is unambiguous: it is politically stronger, more critical of Albania's government, more specific in its demands, and more protective of institutions and groups (SPAK, minorities, journalists, local government) that the EU considers under pressure. The May text moves away from the Commission's 'progress-oriented' framing and toward a conditionality-focused document that requires demonstrated results before the cluster can be provisionally closed.

Key political shifts in the May 2026 text include:

- (1) SPAK explicitly named and protected — political attacks characterised as 'increased and concerning, including at high levels';
- (2) Corruption escalated from 'serious' to 'crucial' concern — near red-line language;
- (3) Patronage networks named for the first time as an electoral governance problem;
- (4) Parliamentary interference in ongoing SPAK investigations specifically addressed;
- (5) Constitutional Court compliance and Venice Commission immunity standards elevated to closing benchmark conditions;
- (6) Property abuses linked to minority areas and coastal zones; expropriations without fair compensation named;
- (7) Police integrity, local government autonomy, and SOE transparency made specific measurable demands;
- (8) Economic criteria benchmark expanded from a single line to a multi-condition requirement.

The Comparative Matrix on the following pages (landscape format) identifies each change by topic, provides exact textual references with page numbers for both documents, categorises the change as NEW, STRONGER, or REMOVED, and summarises its political significance.

COMPARATIVE MATRIX: 32 KEY CHANGES

Change Type Legend: ■ **NEW** — added content not present in Feb 2026 ■ **STRONGER** — existing content intensified ■ **REMOVED** — content present in Feb 2026 removed in May 2026

#	Topic / Issue	IBAR Position – Feb 2026 (6819/26)	IBAR – 21 May 2026 (WK 4322/2026 REV 6)	Change	Political Significance
I. DOCUMENT STRUCTURE					
1	Document Structure	Two sections: Introduction (pp.3-5) assessing Commission progress on Ch.23-24, followed by Draft Common Position (pp.6-34).	Unified document starting directly with Draft Common Position (pp.3+). Introduction section completely removed.	REMOVED	Diplomatic signal: the May text eliminates the Commission's 'progress made' narrative and proceeds directly to demands and benchmarks.
II. FUNCTIONING OF DEMOCRATIC INSTITUTIONS (FDI)					
2	Municipal Elections	Electoral recommendations should be 'implemented effectively' — generic language. (p.7)	Implementation required 'in time and effectively in view of the upcoming municipal elections.' (p.4)	STRONGER	Creates explicit time pressure linked to the next election cycle.
3	Level Playing Field / Patronage Networks	Not mentioned. (p.7)	'Albania needs to ensure a level playing field... prevent the misuse of state resources and institutional leverage as well as by reducing the influence of patronage networks.' (p.4)	NEW	First explicit EU mention of patronage networks — a direct political criticism of governing practices.
4	Consultation Time / Legislation	Notes parliament 'consolidating over time'. (p.7)	Legislative alignment 'requires a thorough process, with sufficient time for substantial consultations'. (p.4-5)	STRONGER	Implicit criticism of rushed legislation passed without adequate parliamentary consultation.
III. PUBLIC ADMINISTRATION REFORM (PAR)					
5	Inter-Party Committee on Territorial Reform	Not mentioned. (p.8)	'Takes note of the establishment of a cross-party Parliamentary Committee dedicated to territorial reform.' (p.5)	NEW	EU signals awareness of Albania's territorial reform debate; new political entity on record.
6	Local Government Autonomy	Not mentioned. (p.8-9)	'Safeguard the division of responsibilities between central and local government levels, including the autonomy of local government.' (p.6)	NEW	Reflects concerns about centralisation trends; constitutionally important reference.
7	Inclusive Dialogue – Minorities in PAR	General civil society reference. (p.8)	Future reforms must proceed through 'inclusive dialogue with all stakeholders, such as civil society and representatives of national minorities.' (p.5)	STRONGER	National minorities explicitly named as required stakeholders in administrative reforms.
IV. CHAPTER 23 – JUDICIARY					

#	Topic / Issue	IBAR Position – Feb 2026 (6819/26)	IBAR – 21 May 2026 (WK 4322/2026 REV 6)	Change	Political Significance
8	Justice Strategy 2024-2030	Not referenced. (p.10)	'Consolidate implementation through the revised Justice Strategy 2024-2030.' (p.7)	NEW	Specific strategic document becomes a conditionality reference point for monitoring.
9	SPAK & High-Level Political Attacks	'Urges Albania to effectively address attempts by public officials or politicians to exert undue influence on justice institutions.' (p.10)	'EU regrets and urges... address increased and concerning attempts by public officials or politicians, including at high levels... including the Specialised Structure for Anti-Corruption and Organised Crime (SPAK).' (p.7)	STRONGER	Four escalations: 'regrets' added; 'increased and concerning'; 'including at high levels'; SPAK explicitly named. Strongest prosecutorial language in the document.
10	Vetting Standards – Sustainability	Notes steps following vetting standards. (p.10)	Adds: 'stresses the need for Albania to safeguard and maintain those standards in a sustainable way.' (p.7)	STRONGER	Sustainability of vetting outcomes becomes an explicit demand — responds to concerns about post-vetting backsliding.
V. CHAPTER 23 – ANTI-CORRUPTION					
11	Severity: 'Crucial' vs 'Serious' Concern	Corruption 'remains an area of serious concern.' (p.12)	Corruption 'remains an area of crucial concern.' (p.9)	STRONGER	'Crucial' signals near red-line status in EU diplomatic language — a significant escalation.
12	SPAK Results – Explicit Recognition	General mention of SPAK capacity consolidation. (p.12)	'EU welcomes the good results achieved so far by SPAK and its courts, including in high level corruption cases.' (p.9)	NEW	Deliberate public praise for SPAK creates a political contrast with criticism of government interference in its work.
13	Parliament & Presumption of Innocence	Not mentioned. (p.12)	Public statements by state institutions about investigations involving current/former officials and MPs must respect the presumption of innocence. (p.9)	NEW	Direct implicit criticism of parliamentary commentary interfering with ongoing SPAK investigations.
14	Amnesties / Tax Compliance Programmes	'Reiterates the importance for Albania to ensure future legal changes are consistent with country's plans.' (p.19)	'Urges Albania to ensure future legal changes are fully conducive to the country's plan to consistently reduce corruption.' (p.10)	STRONGER	'Urges' replaces 'reiterates'; 'fully conducive to consistently reduce corruption' sets a stricter and more explicit anti-corruption test.
VI. CHAPTER 23 – FREEDOM OF EXPRESSION & MEDIA					
15	Anti-SLAPP Directive – 'Full and Swift' Alignment	'Calls for a full alignment with the EU Anti-SLAPP Directive.' (p.14)	'Calls for a full and swift alignment with the EU Anti-SLAPP Directive.' Adds: 'importance of following-up on the EU recommendations on Anti-SLAPP.' (p.11)	STRONGER	'Swift' adds urgency; new follow-up recommendation requirement strengthens accountability.

#	Topic / Issue	IBAR Position – Feb 2026 (6819/26)	IBAR – 21 May 2026 (WK 4322/2026 REV 6)	Change	Political Significance
1 6	Journalist Safety – Institutional Focal Points	General measures for journalist safety. (p.14)	Specifically requires 'designated focal points within the State Police and within the prosecution services' to implement journalist safety measures. (p.11)	NEW	Specific institutional accountability mechanism: police and prosecution named as responsible bodies.
VII. CHAPTER 23 – RIGHT TO PROPERTY					
1 7	Disproportionate Impact – Minorities & Coastal Areas	Not mentioned. (p.16)	'Disproportionate impact on areas where a large number of persons belonging to national minorities reside, on high economic value areas and on coastal areas.' (p.13)	NEW	Links property registration failures to minority injustice and coastal development abuses — politically charged.
1 8	Q2 2027 Interim Deadline	References 2026/2028 interim goals only. (p.16)	Adds 'demonstrating tangible incremental progress by the second quarter of 2027' for first registration of properties. (p.13)	NEW	Specific mid-cycle deadline for stricter monitoring between existing 2026/2028 goals.
1 9	Expropriation – Fair Compensation	Not mentioned. (p.16)	'Expropriations in the name of public interest are accompanied with fair compensations to the rightful owners.' Also requires clear classification of properties. (p.14)	NEW	Directly addresses ongoing expropriation abuse — particularly sensitive in coastal and high-value areas.
VIII. CHAPTER 23 – NATIONAL MINORITIES					
2 0	Minority Language Education – Population Threshold	Not mentioned. (p.17)	'Access to minority language education needs to be guaranteed without additional preconditions or overly strict interpretations of the population threshold.' (p.14)	NEW	Addresses a specific ongoing dispute about minimum thresholds for minority language instruction.
2 1	Minority Rights & Electoral/Administrative Reforms	Not mentioned. (p.17)	'Calls on Albania to respect the legislative framework as well as the secondary legislation in view of any electoral and administrative reforms.' (p.14)	NEW	Signals EU concern that planned electoral or administrative reforms could adversely affect minority rights.
IX. CHAPTER 24 – JUSTICE, FREEDOM AND SECURITY (JFS)					
2 2	Police Integrity – Detailed Reform Requirements	'Further efforts are needed to address integrity issues within the police which remains highly vulnerable to corruption.' (p.18)	Requires 'decisive and sustainable steps to enhance integrity within the police, to ensure continued and thorough investigations by the Police Oversight Agency, to address the high number of rotations and to ensure merit-based and transparent appointments, transfers and promotions.' (p.15)	STRONGER	Generic 'further efforts' → specific institutional reforms required: Police Oversight Agency, rotation reduction, merit-based careers.
2 3	FATF / Future Criminal Law Changes	'Reiterates the importance for Albania to ensure future legal changes are consistent with country's plans.' (p.19)	'Urges Albania to ensure future legal changes are consistent with country's plans and advance the fight against organised crime.' (p.16)	STRONGER	'Urges' replaces 'reiterates'; higher bar set — changes must actively advance the fight against organised crime.

#	Topic / Issue	IBAR Position – Feb 2026 (6819/26)	IBAR – 21 May 2026 (WK 4322/2026 REV 6)	Change	Political Significance
X. ECONOMIC CRITERIA					
2 4	Contract Law & State-Owned Enterprises	References 'weak legal security' and 'informal economic activity.' (p.25)	Specifically names 'difficulties with enforcement of contract law, of property rights... shortcomings in the transparency and accountability of state-owned enterprises.' (p.22)	STRONGER	Generic structural weaknesses → specific named failures: contract enforcement, SOE transparency.
2 5	Real Estate & Construction Sector Corruption	Not mentioned. (p.25)	'Albania needs to tackle disturbances still existing in the real estate and building industry sectors due to corruption, incomplete property right titles, weaknesses in the legal framework and non-financial transactions.' (p.22)	NEW	Entirely new paragraph — links real estate and construction sector directly to corruption and informality.
XI. CLOSING BENCHMARKS					
2 6	Horizontal – Roadmap Monitoring Transparency	'Active dialogue with civil society.' (p.26)	'Publicly accessible monitoring of its Roadmaps' + 'thorough and inclusive dialogue with all stakeholders.' (p.23)	STRONGER	Adds public transparency requirement; broadens 'civil society' to 'all stakeholders'.
2 7	Horizontal – Elections & Parliamentary Oversight	General democratic institutions language. (p.26)	Adds 'conduct of elections, fully in line with OSCE/ODIHR recommendations' and 'accountability and effectiveness including oversight and other functions of its Assembly.' (p.23)	STRONGER	OSCE/ODIHR compliance becomes an explicit closing benchmark; parliamentary oversight functions specifically named.
2 8	Ch.23 Benchmark – Constitutional Court & Immunity	'Representatives of executive and legislative branches to refrain from undue interference.' (p.27)	Adds: 'implement decisions of the Constitutional Court, and to apply European standards, in particular those set by the Venice Commission regarding decisions on immunity.' (p.24)	NEW	Constitutional Court compliance and Venice Commission immunity standards become formal closing benchmark requirements.
2 9	Ch.23 Benchmark – Anti-Corruption SPAK Referrals	'Ensuring referral to prosecution, and diligent follow up by the relevant authorities.' (p.28)	'Ensuring a sustained track record of proactive and quality referrals to prosecution by relevant state institutions and law enforcement agencies, in particular to SPAK.' (pp.25-26)	STRONGER	SPAK explicitly named as primary referral target in the benchmark; 'sustained track record' strengthens conditionality.
3 0	Ch.23 Benchmark – Property Rights Enforcement	'Effectively enforces court rulings.' (p.30)	'Effectively and timely enforces all court rulings... in particular final court judgments, recognising the former owner's right to property, thus ending prolonged non-enforcement... including judgments of the ECHR... due process in cases of expropriation.' (p.27)	STRONGER	ECHR judgments added; expropriation due process added; 'prolonged non-enforcement' formally identified as a systemic failure to be closed.

#	Topic / Issue	IBAR Position – Feb 2026 (6819/26)	IBAR – 21 May 2026 (WK 4322/2026 REV 6)	Change	Political Significance
3 1	Ch.23 Benchmark – National Minorities	'Enhanced implementation of the secondary legislation on national minorities.' (p.30)	'Full and effective implementation of the Law on the Protection of National Minorities and all its secondary legislation.' (p.27)	STRONGER	'Enhanced' → 'full and effective'; specific law (96/2017) named — stronger and more legally precise.
3 2	Economic Criteria Benchmark	'Albania fulfils the criterion of being a functioning market economy.' (one line, p.34)	Adds: 'stable business environment providing fair competition between domestic and foreign operators, increased transparency and accountability of state-owned enterprises, reduced informality and a predictable fiscal framework ensuring tax compliance and reducing tax evasion.' (p.31)	STRONGER	Single-line benchmark → multi-condition benchmark with specific structural requirements.

DETAILED ANALYSIS OF CHANGES

This section provides a section-by-section analysis of the substantive differences between the original Commission Draft Interim Common Position (6819/26, 26 February 2026) and the Presidency's compromise proposal (WK 4322/2026 REV 6, 21 May 2026). Page references are given in parentheses for each document.

1. Document Structure

The February 2026 Commission draft (pp.1-5) opens with a formal Introduction section (Section I) that provides the Commission's overall assessment of Albania's progress on Chapters 23 and 24 and explains the basis for the draft position. This Introduction section — which included broadly positive framing of Albania's overall compliance with interim benchmarks — is entirely absent from the May 2026 Presidency text. The May document begins directly with the Draft Interim EU Common Position, eliminating the narrative of progress and focusing exclusively on outstanding requirements. This structural change is itself a political statement: the May version is less about acknowledging what has been done and more about specifying what remains unacceptable.

2. Functioning of Democratic Institutions (FDI)

The February draft (p.7) calls generically for implementation of electoral recommendations. The May text (p.4) sharpens this significantly by tying implementation to 'the upcoming municipal elections', creating explicit political time-pressure. More significantly, the May version introduces two entirely new concepts absent from the February draft: it requires Albania to 'ensure a level playing field for all candidates by taking measures to prevent the misuse of state resources and institutional leverage as well as by reducing the influence of patronage networks.' The term 'patronage networks' is politically charged and represents the EU's first explicit naming of this structural problem in the accession framework.

On parliamentary function, the May version (p.4-5) adds that legislative alignment 'requires a thorough process, with sufficient time for substantial consultations' and that consultation processes need to be 'more inclusive' both at central and local level. This represents a shift from the February draft's more general encouragement of transparency, to a specific criticism of how Albania has been conducting legislative processes.

3. Public Administration Reform (PAR)

Three additions distinguish the May text from the February draft in this area. First, the May version (p.5) takes note of the establishment of 'a cross-party Parliamentary Committee dedicated to territorial reform' — a new political entity that did not appear in the February draft, signalling EU awareness of and interest in Albania's territorial reform debate. Second, and more importantly, the May text (p.6) adds a requirement to 'safeguard the division of responsibilities between central and local government levels, including the autonomy of local government' — a reference that reflects concerns about centralisation and constitutional balance. Third, the May version requires that future PAR reforms be carried out through 'inclusive dialogue with all stakeholders, such as civil society and representatives of national minorities' (p.5) — adding national minorities as explicit stakeholders, a requirement absent from the February text.

4. Chapter 23: Judiciary

The May text (p.7) opens its judiciary section by calling on Albania to 'consolidate the implementation of the reforms through the revised Justice Strategy 2024-2030' — a specific policy document that appears nowhere in the February draft. This creates a concrete conditionality reference point against which implementation can be measured.

The most politically significant change in the judiciary section concerns attacks on justice institutions. The February draft (p.10) 'urges Albania to effectively address attempts by public officials or politicians to exert undue influence on justice institutions and personal attacks on judges and prosecutors.' The May text (p.7) transforms this substantially:

"The EU regrets and urges Albania to effectively address increased and concerning attempts by public officials or politicians, including at high levels, to exert undue influence on justice institutions, including the Specialised Structure for Anti-Corruption and Organised Crime (SPAK), and personal attacks on judges and prosecutors."

Four escalations are embedded in this single paragraph: (i) 'regrets' — the EU's formal expression of disappointment — is added; (ii) 'increased and concerning' frames the attacks as worsening; (iii) 'including at high levels' signals awareness of the political rank of those involved; and (iv) SPAK is explicitly named as a target requiring protection. This is among the strongest prosecutorial language in the entire document.

Additionally, the May version (p.7) adds a requirement that Albania 'safeguard and maintain those [vetting] standards in a sustainable way' — a response to concerns about post-vetting backsliding that has no equivalent in the February draft.

5. Anti-Corruption

Four key changes appear in this section. First, the characterisation of corruption is escalated from 'an area of serious concern' (February, p.12) to 'an area of crucial concern' (May, p.9). In EU diplomatic language, this is a significant step toward signalling that progress is a condition for continued advancement in the accession process.

Second, the May text (p.9) adds explicit recognition of SPAK's achievements: 'The EU welcomes the good results achieved so far by SPAK and its courts, including in high level corruption cases.' This specific praise — absent from the February draft — is not merely diplomatic: it creates a deliberate political contrast with the criticism of government interference in SPAK's work.

Third, the May version introduces a new requirement (p.9) that public statements by state institutions, public officials, and public authorities about ongoing investigations involving current and former officials and members of parliament must respect the presumption of innocence and must not interfere with ongoing proceedings. This is a direct response to well-documented instances of parliamentary and executive commentary on SPAK cases.

Fourth, on amnesties and voluntary tax compliance programmes, the February draft (p.19) 'reiterates the importance' of consistency with plans; the May text (p.10) 'urges' Albania to ensure future criminal law changes are 'fully conducive to the country's plan to consistently reduce corruption' — a stricter, forward-looking test.

6. Freedom of Expression and Media

The May text strengthens the anti-SLAPP provision by adding 'swift' to the call for 'full and swift alignment with the EU Anti-SLAPP Directive' (p.11), and adds a new requirement to follow up on EU Anti-SLAPP recommendations. More concretely, the May version specifies that implementation must be ensured 'in particular by the designated focal points within the State Police and within the prosecution services' — a specific institutional accountability mechanism that does not appear in the February draft (p.14). This creates named institutional owners for journalist safety obligations.

7. Right to Property

The May text introduces three substantive additions to the property section. First (p.13), it notes the 'disproportionate impact on areas where a large number of persons belonging to national minorities reside, on high economic value areas and on coastal areas' — a statement entirely absent from the February draft that explicitly links property registration failures to minority injustice and the widely discussed problem of coastal property abuses.

Second (p.13), the May text adds 'demonstrating tangible incremental progress by the second quarter of 2027' as a new interim deadline for first registration of properties, establishing a monitoring milestone between the 2026 and 2028 goals already referenced in the February draft.

Third (p.14), the May version adds that expropriations 'in the name of public interest are accompanied with fair compensations to the rightful owners' and calls for a clear classification process for properties to prevent misclassification. These additions directly address ongoing concerns about expropriation abuse in high-value and coastal areas.

8. National Minorities

Two additions in the May text are politically significant. First (p.14), the May version requires that 'access to minority language education needs to be guaranteed without additional preconditions or overly strict interpretations of the population threshold.' This addresses a specific and ongoing dispute about administrative practices that effectively limit minority language instruction. Second (p.14), the May text calls on Albania to 'respect the legislative framework as well as the secondary legislation in view of any electoral and administrative reforms' — a warning that planned electoral changes must

not adversely affect minority rights, reflecting EU awareness of specific reform proposals under discussion.

9. Chapter 24: Justice, Freedom and Security

The May text substantially strengthens the requirements on police integrity. The February draft (p.18) notes that 'further efforts are needed to address integrity issues within the police.' The May version (p.15) replaces this with a requirement for 'decisive and sustainable steps', specifying 'continued and thorough investigations by the Police Oversight Agency, to address the high number of rotations and to ensure merit-based and transparent appointments, transfers and promotions within the police.' This transformation from a general exhortation to a specific institutional reform agenda reflects EU awareness of particular police governance problems.

On the FATF issue, the February draft 'reiterates the importance' of ensuring future criminal law changes are consistent with Albania's plans; the May text (p.16) 'urges' Albania to ensure this and adds the requirement that such changes 'advance the fight against organised crime' — a higher and more specific standard.

10. Economic Criteria

The February draft's economic section (p.25) identifies 'weak legal security, a high level of informal economic activity' as continuing problems. The May version (p.22) provides a more detailed and critical enumeration, naming specifically 'difficulties with the enforcement of contract law, of property rights... shortcomings in the transparency and accountability of state-owned enterprises' as continuing limits on market economy functioning.

Most significantly, the May text introduces an entirely new paragraph (p.22) noting that 'Albania also needs to tackle disturbances still existing in the real estate and building industry sectors due to corruption, incomplete property right titles, weaknesses in the legal framework and non-financial transactions.' This sector-specific criticism, with no equivalent in the February draft, links the construction and real estate sectors directly to corruption and informality.

11. Closing Benchmarks: Key Changes

The May text strengthens closing benchmarks across multiple chapters. On the horizontal benchmark (p.23), the requirement for 'an active dialogue with civil society' becomes 'publicly accessible monitoring of its Roadmaps' through 'a thorough and inclusive dialogue with all stakeholders' — adding a public transparency obligation. The FDI roadmap benchmark is strengthened by requiring elections to be conducted 'fully in line with OSCE/ODIHR recommendations' and by specifying 'accountability and effectiveness including oversight and other functions of its Assembly.'

For Chapter 23, the judiciary closing benchmark (p.24) adds that executive and legislative representatives must refrain from interference 'to implement decisions of the Constitutional Court, and to apply European standards, in particular those set by the Venice Commission regarding decisions on immunity.' This makes Constitutional Court implementation and immunity standards formal closing benchmark conditions.

The anti-corruption closing benchmark (p.25-26) adds SPAK as an explicit referral target, requiring 'a sustained track record of proactive and quality referrals to prosecution by relevant state institutions and law enforcement agencies, in particular to SPAK.' The property benchmark (p.27) is substantially expanded to include ECHR judgments, expropriation due process, and identification of 'prolonged non-enforcement situations' as a systemic failure to be closed. The minorities benchmark (p.27) moves from 'enhanced implementation' to 'full and effective implementation' of a specifically named law. Finally, the economic criteria closing benchmark (p.31) — a single line in the February draft — is expanded into a multi-condition requirement covering fair competition, SOE transparency, reduced informality, and tax compliance.

Document prepared: 21 May 2026 | Sources: EU Council doc. 6819/26 (26 Feb 2026) and WK 4322/2026 REV 6 (21 May 2026)