

TRANSPARENCY OF STATE PUBLICATIONS IN THE REPUBLIC OF ALBANIA, 2010

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MONITORING REPORT

ANALYSIS OF ACTS'
PUBLISHING LEVEL, 2006-2010



MONITORING REPORT, 2010

TRANSPARENCY OF STATE PUBLICATIONS IN THE REPUBLIC OF ALBANIA

&

ANALYSIS OF ACTS'
PUBLISHING LEVEL
2006-2010

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LIST OF ACRONYMS

NAFL	- Normative Act with the Force of Law of the Council of Ministers
PA	- People's Advocate (Ombudsman)
OJ	- Official Journal
ECHR	- European Court of Human Rights
CC	- Constitutional Court
SC	- Supreme Court
CoE	- Council of Europe
CoM	- Council of Ministers
MES	- Ministry of Education and Science
MAFCP	- Ministry of Agriculture, Food and Consumer Protection
MIA	- Ministry of Interior Affairs
MoJ	- Ministry of Justice
METE	- Ministry of Economy, Trade and Energy
MoF	- Ministry of Finance
MEFWA	- Ministry of Environment, Forests and Water Administration
MLSAEO	- Ministry of Labor, Social Affairs and Equal Opportunities
MPWT	- Ministry of Public Works and Transport
MoH	- Ministry of Health
MITIK	- Ministry of Innovation, Information Technologies & Communications
SPC	- State Publications Center
DCM	- Decision of the Council of Ministers
UDSC	- Unifying Decision of the Supreme Court



INTRODUCTION

RThe annual report on the "Transparency of State Publications in the Republic of Albania" is presented to the Albanian public and state institutions for the third consecutive year. The **2010 Report** was prepared by the Center for Public Information Issues, CPII, with the important support of OSFA (Soros Foundation).

Object of monitoring and evaluation in this report is the publication of central constitutional institutions' acts in the Official Journal of the Republic of Albania.

The novelty of the **2010 Report** is that it incorporates a detailed evaluation of the *acts' publishing level* over the five-year period, 2006-2010. Such an evaluation of the real level of access to legislation in the Republic of Albania, is conducted for the first time and is unique in its kind. It is based on the findings of the reports on the Transparency of State Publications for the last five years. With regard to publishing acts in the Official Journal, CPII has measured and assessed for the first time the degree (level) of compliance with the law by the very institutions which enact primary and secondary legislation in the Republic of Albania. In other words, the compliance with the organic laws' provisions (including the Constitution), which impose the obligation to publish in the Official Journal the acts issued by the central constitutional institutions of the three branches, Legislative, Executive and Judiciary, is subject to evaluation in this respect. The assessment of compliance with the law relevant provisions is provided in percentages. The employed method may serve as a model for other stakeholders, who are interested in the objective assessment of law enforcement level (or of special law provisions, which are within the scope of their work).

With the aim of providing a visualization of the *acts' publication trend* (be that a decreasing or increasing trend) for the last five years, based on the type of act and for each relevant institution, CPII has processed graphically the findings on the acts' publishing level as well as each institution's level of compliance with the provisions imposing the obligation for publishing the acts they issues in the Official Journal.

The authors of this report would rather consider this monitoring an audit report on the state publications system in the Republic of Albania, covering the last five-year period. The report provides a clear overview of the problems encountered, whereas the figures and graphs indicate the need for concrete interventions.

This report is naturally targeting the State Publications Center, SPC, not excluding all other central institutions which, in compliance with the law, have the obligation to publish their acts in the Official Journal. We hope that the unpublished acts evidenced in this Report, will be published in supplemental (Extra) editions of the Official Journal after all relevant

verifications and evaluations on findings consistency are conducted by SPC. It is worth emphasizing from the very outset that the Albanian state institutions have taken major steps towards the consolidation of a functioning publications system.

Commendable work has been done by SPC over the recent years, not only with regard to the publication of the submitted acts in the Official Journal, but also towards reducing the number of acts left unpublished over the years, by incorporating them in the Supplemental (Extra) Editions of the Official Journal.

The "**Transparency of State Publications in the Republic of Albania, 2010**" Report is published at a time when less than two years remain (half of its term has lapsed) for the implementation of the Crosscutting Strategy in the Public Administration (CSPA), 2009-2013. The government's vision stated in this fundamental document incorporates "*an administration based on transparent, comprehensive and publicly accountable decision-making processes.*" The findings of this report, in particular the *acts' publishing level* analysis for the time period 2006-2010, offer an additional opportunity for evaluating how the objectives set out in the framework of CSPA have been met, with special focus on "*transparent decision-making processes.*"

Furthermore, this Report is being publicly disclosed at a time when the Albanian Government has joined even global initiatives, such as the **Open Government Partnership**, aiming at increasing transparency in the decision-making process. The OGP, which Albania officially joined on August 2, 2011, is based on the Open Government Initiative of US President, B. Obama, launched on his first day in office, on January 20, 2009, *to make the government transparent, participatory and cooperative.*

CPII, as a civil society organization with extensive expertise in the area of access to legislation and transparency of state publications, follows the motto "*The Albanians should know what decisions are taken on their behalf.*" The official acts are a national asset of irreplaceable value and as such, they should be usable and effectively accessible by all Albanians. Access to legislation is a right applied to everyone and not only to those who have the time or means available to exercise it. In this context, this is a direct indicator for evaluating the commitments already taken by the Albanian Government both in national and international level.

Furthermore, the proclamation of the acts through their publication, constitutes one of the fundamental principles of the state. This principle confirms the obligation that before subjects are required by the state to follow rules, they should be informed that such rules exist and are effective. This is a fundamental prerequisite for ensuring transparent and accountable governance.

Gerti Shella
Project Director

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CPII is also grateful to the National Endowment for Democracy, NED, with its headquarters in Washington D.C, whose assistance was decisive for the consolidation of such this monitoring process.

A special thank-you is extended to the CPII working team, which during these four years has successfully addressed a great number of methodological and empirical issues in the course of the project implementation. They were faced with great pressure caused by the extraordinary number of acts being reviewed and the burden of responsibility toward the public opinion and central institutions in respect to the introduced monitoring findings.

A final acknowledgement goes to the state institutions which welcomed with interest and professional attitude the conclusions and recommendations of the annual reports on the Transparency of State Publications in the Republic of Albania. A number of these institutions have properly reflected these recommendations in their work, displaying progressively improved performance in terms of publication of their acts in the Official Journal, as the graphs in the second part of this publication suggest.



FIRST PART

TRANSPARENCY OF STATE PUBLICATIONS, 2010



The First Part of this publication contains the annual report, "**Transparency of State Publications, 2010.**" Object of monitoring and evaluation in the frame of this report is the publication in the Official Journal of acts issued by central constitutional institutions during 2010.

As in the past years, the **2010 Report** is focused on those acts, whose publication in the Official Journal is legally binding. The legal basis for the findings of the **2010 Report** is briefly, (but precisely) introduced at the beginning of each chapter. The legitimacy is determined through a double evaluation of both organic laws provisions (of articles which impose the obligation to the respective institution for publishing its acts in the Official Journal of the Republic of Albania), and of Law No. 8502, dated 30.6.1999, "*On the establishment of the State Publications Center,*" as amended by Law No. 9091, dated 26.6.2003.

In the frame of the **2010 Report**, CPII has yet again monitored the regularity of publication of the European Court of Human Rights' judgments in the Official Journal. The publication in the Official Journal of the full text-body of ECHR judgments, in which Albanian State is a defendant, is a practice followed by Albanian Government to enforce the Recommendation (2002) 13 of the CoE Committee of Ministers. It is worth emphasizing that, as implied by the term "Recommendation," the publication of the ECHR judgments is not a legal obligation stemming from the domestic legal system of the Republic of Albania.

The publication timeline for the decisions (judgments) of the Constitutional Court and of the

Unifying Decisions of the Supreme Court (UDSC) in the Official Journal has also been subject to evaluation in the framework of this monitoring.

The "**Transparency of State Publications, 2010**" Report contains a special chapter for evaluating the publication in the Official Journal of the Albanian text [translation] of international agreements ratified by the Parliament during 2010. In this context, CPII has taken into consideration the concerns related to the "backlog" of international acts, which have not been published in the Albanian language over the past years. The size of this "backlog" is only identified in the findings introduced to the Parliament by the Ombudsman, through the Special Report No. 1, dated 23.05.2008. (According to the preliminary evaluations undertaken by CPII, the size of this backlog is many times larger than what was identified by the Ombudsman).

The authors have taken due care to present the findings of the 2010 Report in a comprehensive manner not only for those with a professional interest in reading such findings, but also for the media, and even for the those who would not be considered "experts of the field."

To enable a flexible reading of the **2010 Report**, the monitoring conclusions for each type of act are introduced on a colored background (banner) inside each page. A positive result is inserted in a green color background and a negative result in an orange one. Each page is equipped with a special legend for each alternative element related to the form and format of the findings presentation in the tables.



THE LEGISLATIVE BRANCH

Albania is a parliamentary republic (Article 1 of the Albanian Constitution). Generally speaking, the Assembly (Parliament) is randomly referred to as the highest state institution. However, the Constitution contains no definition on the role and functions of the Assembly, or the superior position it has over other constitutional institutions¹.

The functioning of the Assembly of Albania is regulated by the Regulation of the Assembly, which is approved by the Assembly itself in accordance with the principle recognized and applied in the democratic countries according to which “the law-maker (parliament) is in charge of defining its own rules”².

In exercising its law-making attributes, the Assembly adopts various types of acts, such as laws, decisions, resolutions and declarations (Article 106 of the Assembly’s Regulation).

Out of all acts adopted by the Assembly, this monitoring focuses only on the laws, which stand at the top of the parliamentary documents hierarchy. Laws are the primary goal and final output of the law-making process. As a normative act, the law represents a system of juridical norms that regulate important social relations in a general way.

The Albanian Constitution pays special attention to the law-making process, including procedural mode in which a law enters into force, as one of its key moments. In the third part of the Constitution, Chapter IV, Article 84/3 reads: “A law enters into force with the passage of not less than 15 days after its publication in the Official Journal”. This is the common procedure for entry into force of the law.

Paragraph 4 of Article 84 foresees even an extraordinary procedure for entry into force of the law and

practically: “In the case of extraordinary measures, as well as in cases of necessity and emergency, when the Assembly decides with a majority of all its members and the President of the Republic gives his consent, a law may enter into force immediately, but only after it is made known publicly. The law must be published in the first number of the Official Journal”. Thus, a law should meet three cumulative conditions for an immediate entry into force:

- 1) The Assembly decides with the majority of all its members;
- 2) The President gives his consent;
- 3) The Law is made known publicly.

Even Article 117 of the Albanian Constitution indicates on point 1 that: “The laws, normative acts of the Council of Ministers, ministers, other central state institutions, acquire juridical force only after they are published in the Official Journal.”

Based on all the above said, it is clear that non-publication of laws in the Official Journal would a-priori lead to their non-entry into force. Non-publication of normative acts in the Official Journal in strict juridical terms means that they do not exist³. As long as they are non-existent, they yield no obligation to be implemented or followed by the subjects.

The principle according to which *ignorantia juris non excusat* (from latin: *lack of knowledge of law is no excuse (in the court)*) loses its meaning in this case, due to non-satisfaction of the preceding principle, according to which “one could never benefit or be harmed by a prohibition or permission of a law if he/she is given neither *de facto* nor formal opportunity to get to know the law”. Publication of the laws and other official acts in the Official Journal presumes the fact that such acts have been made known to everyone.

1. “Constitutional Law” Luan Omari; Aurela Anastasi, revised edition, 2010, pg.194

2. “Constitutional Law” Luan Omari; Aurela Anastasi, revised edition, 2010, pg.235

3. “Administrative Law 2” Sokol Sadushi, third edition, revised, 2005, pg.55





MONITORING RESULTS, 2010

Laws of the Assembly (Parliament)

There are 156 published laws in the Official Journals of 2010 (1 January-31 December).

The series opens up with: **Law no.10212, dated 21.01.2010**- On the ratification of the "Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Kosova for the cross-border police collaboration".
(Published in the Official Journal No. 9, page 293; publication date: 15-02-2010;).

and ends with: **Law no.10367, dated 23.12.2010** - On the adoption of the normative act with the force of law, no.5, dated 10.11.2010, of the Council of Ministers "On some amendments and additions to the Law no.10142, dated 15.05.2009 "For the supplementary social insurances of the Armed Forces personnel".
(Published in the Official Journal No. 181, page 10120; publication date: Dec. 2010;)

After all verifications were made, it was concluded that:

all laws approved by the Assembly during 2010 are published in the Official Journal

Additional ascertainments:

From the total of 156 laws approved and published in the Official Journal, 2010, only 4 of them "enter into force immediately", according to their last provision. Verification shows that for these 4 laws, the three cumulative conditions foreseen in the Constitution for the immediate entry into force have been met. Specifically:

- 1) The Assembly has decided by majority vote;
- 2) The President has given consent by special decree on the immediate entering into force;
- 3) The public notification of the law has been completed.

It was ascertained that for laws no. 10336, 10267, 10254, **the approval by the Assembly, the promulgation by decree of the President** (including his consent for immediate entry into force) and **the publication in the Official Journal** occurred one day after the approval by the Assembly.

Whereas for laws no. 10276, **the approval by the Assembly** was given on 06.05.2010, the promulgation by decree of the President (including his consent for immediate entry into force) was on 10.05.2010, and **the publication in the Official Journal** occurred on 21.05.2010. Laws 10276 ratifies loan or credit agreements between the Albanian Government and Deutsche Bank AG, London e J.P. Morgan Securites, *on temporarily management of the Eurobond, with a max limit of 400 mln Euro deri në 400 milion Euro.*



THE INTERNATIONAL ACTS

Albanian Constitution has given a special attention to the process of binding international agreements and treaties. In its part one, “Basic Principles”, it stipulates that “The Republic of Albania applies international law that is binding upon it” (*Article 5*).

In the human rights area, it has directly applied the European Convention of Human Rights and has promoted it to a constitutional norm while emphasizing that “These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights” (*Article 17/2*).

International agreements rank second after the Constitution on the hierarchy of normative acts that are effective in the entire territory of the Republic of Albania (*Article 116/1*). Publication of their text body comprises both, a constitutional and legal obligation as, according to Article 117/3 of the Constitution: “International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws. The promulgation and publication of other international agreements is done according to law”.

Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania... (*Article 122/1*). An international agreement, which has been ratified by law, has superiority over laws of the country that are not compatible with it (*Article 122/2*).

For an agreement to be implemented in compliance with the constitutional understanding, it is necessary that, like in the case of laws, the content of the acts it contains is made known in the Albanian language (*logical deduction*) to the Albanian State organs and all the Albanian citizens.

Four years ago, the People’s Advocate (PA) undertook a research which concluded that a relatively

large number of international acts which Albanian State had signed or adhered to, before and after the '90, remained still un-published in the Official Journal.

In 2008, PA submitted a Special Report (No.1) to the Assembly, emphasizing that the problem was still remaining unsolved for at list 75 international acts. PA assessed as “very important the publication of all international acts ratified by our country before and after 1990, which have become part of our internal legislation and are consequently binding to all Albanian institutions and should be implemented in accordance with the Albanian Constitution”.

While acknowledging and accepting the existence of the problem in question, CPII included in the Monitoring Report of 2009 findings concerning the publication (or not) in extra OJ of the Albanian translated text-version of the 75 international acts that PA had identified as unpublished “stock” in the framework of his Special Report, No.1, dated 23.05.2008.

The thorough research made by CPII concluded that, after the submission date of the Special Report No.1, only the text of the “Convention on the elimination of all types of discrimination against women” (UN) was published in the Official Journal, after officially translated in Albanian (Extra edition of OJ No. 33, dated 15.10.2008). About 15 days prior to this Report being submitted to the Assembly, SPC published in Extra editions of the Official Journal No. 28 and 29 the Albanian translated text of the “*Convention for the Protection of Human Rights and Fundamental Freedoms*” (CoE) and all its additional protocols (a total of 15).

Even in the frame of the 2010 Report, CPII has included an evaluation chapter on the “stock reductions” process, regarding the un-published international agreements ratified by the Albanian Assembly, (only of those which have been previously identified by the PA).





MONITORING RESULTS, 2010

Translated text-body of international acts

The publication in the Official Journal of the Albanian officially translated text of international agreements ratified during 2010 seems to proceed normally.

The review of the 2010 Official Journals evidenced 62 laws ratifying international acts. In more specific terms, 9 laws ratifying the adherence of Albania in

various conventions, 4 laws ratifying the signing of protocols and 49 laws ratifying the signing of international agreements, memorandums, statutes and treaties were identified in the Official Journal.

All the above-mentioned acts are published in the Official Journal, accompanied by the official Albanian translation of the respective agreement.

As a conclusion:

all international agreements ratified by the Assembly in 2010 are published in the Official Journal translated in Albanian official language

Backlog of the unpublished international acts

Identified practice indicates that the backlog of unpublished acts is dealt with through the Supplemental editions of the Official Journal. This mean that that in order to assess whether the backlog of unpublished ratified international agreements which are evidenced as unpublished in the Albanian language, has reduced or remains at the same levels, the monitoring should be focused on the thorough review of the Supplemental Official Journals that have been issued by during 2010. It is evidenced that SPC has issued 30 Supplemental Official Journals during this year. No translated text (in Albanian) of international agreements, ratified before 23 May 2008, when the Ombudsman submitted the Special Report No. 1, is found in any of these editions.

To conclude, it can be stated that, with regard to reduction of the “stock” identified by PA in his Special Report no 1, 2010 marked no progress. No international agreements belonging to the backlog was published in any of the Extra Editions of the Official Journal in 2010.



▲ Facsimile of PA's Special Report No. 1 "On the publication of Albania ratified international acts in the Official Journal", dated 23.05.2008.



THE EXECUTIVE BRANCH

The executive powers in the Republic of Albania are comprised of an entirety of central and local organs, having the Council of Ministers at the very top. The latter consists of the Prime Minister, Deputy Prime Minister and the Ministers (Article 95 of the Constitution).

The Council of Ministers defines the principal directions of the general state policy. In exercising its executive powers, it issues decisions and instructions (Article 100 of the Constitution). The Council of Ministers, in cases of necessity and emergency, may issue, under its responsibility, normative acts having the force of law for taking temporary measures (Article 101 of the Constitution).

Normative acts of the Council of Ministers are effective in the entire territory of the Republic of Albania; they rank fourth on the hierarchy of acts, practically following the Constitution, international agreements and laws (Article 116 of the Constitution).

A significant part of decision-making by the Council of Ministers is **proposal of draft laws** (Article 81 of the Constitution) and **approval in principle of international agreements**. Both types of such acts are sent to the Assembly, respectively for approval or ratification (when ratification is required by the effective legal provisions). The Council of Ministers has also the competency of binding agreements that are not subject to ratification by the Assembly.

The Council of Ministers is chaired by the Head of the Council of Ministers (randomly referred to as: *the Prime Minister*). The Constitution has provided a position of supremacy to the Prime Minister in exercising political direction functions. Article 102/1, paragraph lettered –b– sanctions that “*the prime minister outlines and presents the principal directions of general state policy and is responsible for them*”.

The Prime Minister, in the exercise of his powers, issues orders; whereas the minister, in the exercise of his powers, issues orders and instructions (Article 102/ point 3 & 4, of the Constitution).

Organization and functioning of the Council of Ministers is regulated by law no. 9000, dated. 30. 1. 2003. This law pays special attention (Chapter IV) to the types of acts issued by the executive governing organs, to the way they enter into force and get published in the Official Journal. According to Article 29 of this law:

1. *Normative Acts of the Council of Ministers with force of law are immediately published in the Official Journal.*
2. *Decisions of the Council of Ministers acquire juridical powers after publication in the Official Journal. For decisions of normative character, a date other than that of publication in the Official Journal can be set as the date of entry into force, whereas decisions of individual character enter into force immediately, but will be published in the Official Journal.*
3. *Instructions of the Council of Ministers and minister acquire juridical powers after their publication in the Official Journal.*
4. *Orders of the Prime Minister, minister or supervisor of a central institution reporting to the Prime Minister or minister, enter into force immediately, are announced to the interested parties and advertised for at least 3 days in some noticeable space of the respective institution.*

This means that with the exception of the *Orders* (point 4, Article 29), publication of every act of the Council of Ministers and/or ministers in the Official Journal is mandatory in any case. The lawmaker was very careful to ensure that the legal obligation of publication in the Official Journal of acts issued by the Council of Ministers (Article 29, Law 9000) does not necessarily link only to designation of the moment of entry into force (as the case would be for acts of normative character).



MONITORING RESULTS, 2010

Normative Acts with the Force of Law of the CoM

Article 101 of the Constitution provides for the case of the Executive branch taking over Legislative attributes, when “issuing **normative acts with the force of law** in order to take special measures, in cases of need and urgency”. These normative acts shall be submitted to the Assembly, which adjourns within five days. These normative acts with the force of the law lose their jurisdictional power from the start, unless approved by the Assembly within 45 days.”

Immediate entering into force of normative acts with force of the law (due to the nature of the act itself, issued in cases of need and urgency, thus when “there is no time” for the Assembly to adjourn on regular sessions to enact a law on the issue), implicates a very sensitive debate among law professionals for as long as questions remain unanswered on what happens to the effects already generated by this acts (due to its very urgent nature) if not passed by the Assembly within 45 days; are these effects reversible anymore?! Moreover, neither doctrine nor constitutional practice in Albania has defined what shall be considered as “case of need and urgency”, which sets the condition for the CoM to

issue such “powerful” acts, thus overlapping or overtaking Legislative competences and attributes .

Within this reporting framework we will not stop arguing over the doctrinal discussion on the way a **normative act with the force of law** issued by the CoM enters into force (the Constitutional Court has at least two interpretations of it).

One thing is certain: the immediate publication of the **NAFL** in the Official Journal is a request deriving from point 1, article 29 of the Law No. 9000, dated 30.1.2003 “On the organization and functioning of the Council of Ministers”, which explicitly determines that: “*Normative acts with the force of law issued by the CoM, are immediately published in the Official Journal*”.

NAFLs are indexed in an ascending numerical order within one calendar year. This means that in the beginning of each calendar year the act's series opens up with the index number “1” and closes in with the number given to the last NALP issued for that year (till December 31).

NAFL series for 2010 opens up with:

Normative act [with the Force of Law] No.1, dated 05.05.2010- “On some changes and additions on the law nr.9663, dated 18.12.2006 “For concessions”, amended on page 2227.

(published in OJ No. 59, page 22227, publication date: 21-05-2010)

and ends with:

Normative act [with the Force of Law] No.6, dated 22.12.2010- On some changes and additions to the law no.10190, dated 26.11.2009 “For the 2010 Budget”, as amended.

(published in OJ No. 173, page 8878; publication date: 24-12-2010)

Verification showed that:



all Normative Acts with the Force of Law (6), issued by Council of Ministers in 2010 are published in the Official Journal.





MONITORING RESULTS, 2010

Decisions of the Council of Ministers, DCMs

Decisions of the Council of Ministers (DCM) are indexed in an ascending numeric order, on calendaric basis. This means that every year the acts' se-

ries starts with the index number 1 and closes down with the number given to the last DCM issued for that year (till 31 December).

the series of DCMs for 2010 closes down with:

Decision of CoM no. 1081, dated 29-12-2010, "On the selection of the Austrian company that will conduct the feasibility project in the field of Information Technologies, which will be financed in the frame of the financial cooperation with Austria (Published in Official Journal No.187, Pg 10363; publication date: Dec; 2010)

It has been evidenced that during 2010 the Council of Ministers issued at least 1081 DCMs.

Eight hundred and twenty one DCMs were published *de-facto* in the Official Journal during 2010. By following a careful monitoring protocol, which consists on contrasting the Official Journal content for the *type of act*: "DCM" with the CoM's official website content, 25 standard DCMs, issued in 2010, were identified as left un-published in the Official Journal. These DCMs are available online (CoM website) but yet not published in the Official Journal, 2010.

Fifty-eight DCMs *which approve agreements in principle*, were identified on the CoM official website. Four of them are published in the Official Journal but the remaining 54 are not. The Council of Ministers approves in principle the international treaties and agreements, on behalf of

the state or government (*Article 5, Law No. 8371, dated 9.7.1998, "On the conclusion of international treaties and agreements"*).

Even though as a rule these DCMs are complemented by successive acts, the Law No. 9000 "On the organization and functioning of the CoM" does not make any distinction in its provisions (*article 29*) on the non-publication in the Official Journal of these *transitory* DCMs. The practice of 2010 also suggests that the DCMs "*on the approval in principle*" have often been submitted and then published in the Official Journal by SPC. In specific terms, 17 DCMs *on the approval in principle* were published in the 2010 Official Journals. Irrespective of any arguments that the publication in the Official Journal of these types of DCMs is not necessary as they are not *final*, the authors of this monitoring report will abide in spirit and by the letter to the provisions of *Article 29 of the Law No. 9000 "On the or-*

As a de-facto conclusion it can be stated that:

at list 25 DCMs (of definitive nature) issued in 2010, are not published in the Official Journal

in 2010, from at list 71 DCMs "on approval in principle", 17 are published in the Official Journal



ganization and functioning of the CoM," while assessing the periodicity of publication of these acts.

However, with the aim of taking into account the alternative [opposing] arguments on the issue, the findings related to DCMs *on the approval in principle* will be listed in a separate table. The discussion whether they should also be considered as unpublished DCMs in the Official Journal currently remains a prerogative of anyone who wishes to be involved in this doctrinaire debate, after having carefully reviewed the nature of these acts, which CPII has grouped in the "legend TABLE" below.

The authors of this monitoring report agree with the practice of non-publication of (*non-confidential*) DCMs in the Official Journal, only in the cases when the Council of Ministers takes a *decision on a proposal of a draft-law*. In this case, as implied by the act title, we are dealing with a proposal of the Council of Ministers to the Parliament, in full exercise of its competences, as established by the Constitution.

In most of the cases, a *DCM on the approval in principle of an agreement*, is followed either by a **DCM on the proposal of a draft-law** (bill) to be ratified (by the Parliament) upon the conclusion of this agreement (or adherence thereto), or by a DCM on the [definitive] approval of the agreement by the CoM itself, when this falls within its legal competences.

The Council of Ministers' website exhibits 695 DCMs on proposal of a draft-law, which, as a rule, are not submitted for publication in the SPC (Official Journal), since they are not consolidated versions (*they are transitory acts*). They simply provide a forum for the Parliament to discuss it and potentially pass it as law.

The relevant calculations lead to the conclusion that from the grand total of 1081 DCMs issued in 2010, only 969 are identifiable by title and content, including, **821 DCMs published** in the Official Journal, **25 [final] DCMs** identified on the CoM official website but not in the Official Journal, **54 DCMs "on the approval in principle,"** available on the CoM official website but not in the 2010 Official

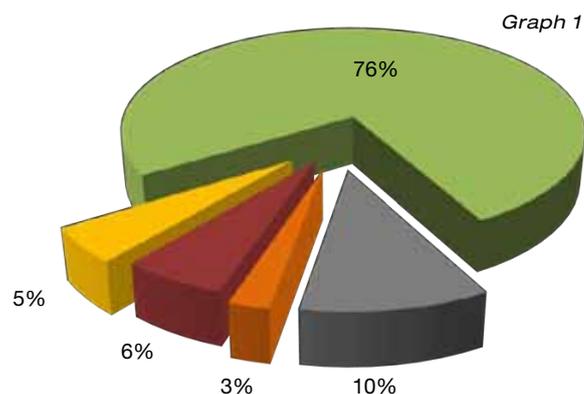
Journals, as well as **69 DCMs "on the proposal of a draft-law,"** published on the official website, but as explained above, not subject to publication in the Official Journal.

The difference between the total number of DCMs approved during 2010 (1081) and the DCMs identifiable (by title and text) reveals that 112 DCMs "are missing when the roll is called".

There are three theoretical probabilities as to what these 112 DCMs, which are published neither on the CoM website nor in the 2010 Official Journals, might be. They may either be all confidential DCMs, or all non-confidential DCMs (standard DCMs, approvals in principle or proposal of a draft-law); or a combination of confidential and non-confidential DCMs.

At this point, the CPII methodology, which is based on contrasting the publication data from at least two official sources in which acts are published, recognizes its own objective limitations. Each affirmation on the nature of these 112 DCMs would be a pure speculation; as a rule, such an affirmation may only have a quantitative but not a qualitative character.

Graph 1 groups these specifically unidentifiable 112 DCMs in the **Grey Area**. The DCMs grouped in this area represent the acts known only to the Government, or differently put, acts which are unknown to the ordinary Albanian citizens. The numerical values, on which the percentages in the graphs are calculated, are exhibited once more in the legend chart at the bottom of the page.



legend TABLE

Year	Total issued in one year	DCMs published in OJ	DCMS "for proposing a draft-law"	DCMs "for approval in principle"	DCMs nonpublished, found by CPII	DCM published in Extra OJ	GREY Zone
2010	1081	821	69	54	25	N/A	112





MONITORING LEGITIMACY

On the instructions of the CoM and ministers

Instructions are administrative acts issued by the CoM and Ministries in order to implement laws and/or DCMs. They are normative acts that detail, suggest and advise on all commandments of the law through detailed orientations. Instructions are of an explanatory nature, but this is not to be interpreted in its narrowest meaning that the instruction cannot bring about compulsory effects for all subjects to Administrative Law. Relevant administration bodies and/or individuals for which the instruction is addressed to are obliged to respect the rules stipulated by this act on a specific relation. Compulsory effects of the instruction are definitely not of the same degree with those of a decision (DCM), directive or regulation. Nevertheless, juridical norms foreseen by the instruction are that of a juridical act and as such, their implementation is compulsory¹. The right to issue instructions stands with the body for which such a right has been explicitly acknowledged (vested). According to the Constitution (*Articles 100/5 & 102/4*), instructions are issued only by the Council of Ministers or Minister². Due to its normative nature, an instruction enters into force after its publication in the Official Journal, in compliance with Article 17 of the Constitution, which stipulates that: “Laws, Council of Ministers’ and other institutions’ normative acts take juridical power only following their publication in the Official Journal”.

In respect of the constitutional norm, Law No. 9000, dated 30.1.2003 “*On the organization and functioning of the Council of Ministers*”, clearly determines in its Article 29/3 that: “**Instructions of the Council of Ministers and ministers take juridical power following their publication in the OJ**”.

Publication in the OJ of normative acts issued by the Council of Ministers and ministers is a legal obligation for SPC as well. Article 2, letter “a” of Law No. 8502, dated 30.6.1999, **as amended**, “*On the establishment of the State Publications Centers*”, explicitly determines the obligation for the SPC to publish “normative acts of the Council of Ministers, ministers and management bodies of other central institutions...”.

From all of the above, it is clear that the publication of CoM and ministers’ instructions in the Official Journal is a constitutional and legal obligation (Law No. 9000 and Law No. 8502) and a juridical condition for these acts to enter into force. In the framework of this monitoring report are presented findings with regard to publication of instructions issued by the following executive institutions:

1. Council of Ministers
2. Ministry of Finance
3. Ministry of Education and Science
4. Ministry of Public Works and Transport
5. Ministry of Agriculture...
6. Ministry of Environment...
7. Ministry of Internal Affairs
8. Ministry of Justice
9. Ministry of Economy...
10. Ministry of Health
11. Ministry of Labor and Social Affairs ...

Joint Instructions (when two or more line ministries issue together an instruction) shall be accounted only in cases when a normal indexing system (ascending numerical order) is applied upon.

Neni 29

Hyrja në fuqi e akteve

1. Aktet normative, me fuqinë e ligjit, të Këshillit të Ministrave botohen menjëherë në Fletoren Zyrtare.

2. Vendimet e Këshillit të Ministrave marrin fuqi juridike pas botimit në Fletoren Zyrtare. Për vendimet me karakter normativ mund të caktohet si datë hyrjeje në fuqi një datë tjetër nga ajo e botimit në Fletoren Zyrtare, ndërsa vendimet me karakter individual hyjnë në fuqi menjëherë, por botohen në Fletoren Zyrtare.

3. Udhëzimet e Këshillit të Ministrave dhe të ministrit marrin fuqi juridike pas botimit në Fletoren Zyrtare.

Udhëzimet e Kryeministrit, të ministrit ose të drejtuesit të institucionit qendror, në varësi të Kryeministrit ose të ministrit, hyjnë në fuqi menjëherë, u njoftohen të interesuarve dhe shpallen, për të paktën 3 ditë, në një vend të dukshëm të institucionit përkatës.

paragraph 3, Article 29,
Law No.9000,
“On the organization
and functioning of COM”

1 - “Administrative Law 2” Sokol Sadushi, third edition, revised, 2005, page 61

2 - “Administrative Law 2” Sokol Sadushi, third edition, revised, 2005, page 62





MONITORING RESULTS, 2010

Instructions of the Council of Ministers

The Council of Ministers issues a relatively small number of *instructions* within a calendar year. Just like DCMs, *instructions* of CoM are indexed in an ascending numerical order (series), which opens up in the beginning of each year with the index number “1” and closes with the index number given to the last

instruction issued for that year (till December, 31st).

The review of all Official Journals, 2010 shows that there are eight instructions of the CoM published, respectively:

- ◆ **Instruction No 1 dated 13-01-2010** – “On the way of verification or review of legal validity of the creation of property titles over agricultural lands of the former Agricultural Enterprises and the development area with tourism as a priority”
(published in OJ No. 4, page 59; publication date: 28-01-2010)
- ◆ **Instruction No 8, dated 10-12-2010** – “On determination of conditions and procedures for granting the right to legal entities to make available surface areas provided for the construction of buildings and implementation of the respective activity in the energetic and industrial area of Porto-Romano, Durrës”
(published in OJ No. 181, page 10144; publication date: Dec. 2010)

In the CoM official website, reports, strategies etc., no data were found which could indicate the existence of another instruction with an index number higher than “8”, which would influence the verification outcome. Similarly, there were found no CoM instructions with fractioned index number (*see: Briefly on “CPII” Methodology*).

It is worth underlining that only 6 out of a total of 8 instructions issued in 2010 by the CoM, are published in its official website. This information does not cast a shadow on the fact that the CoM and SPC have both fully respected their legal obligations stemming from the respective laws (*Law 9000 and Law 8502*), in the concrete case, for publishing the CoM instructions in the Official Journal.

The verification concluded that:



every instruction issued by the Council of Ministers in 2010 is published in the Official Journal





MONITORING RESULTS, 2010

Instructions of the Ministry of Finance, (MoF)

Minister of Finance issues a relatively high number of instructions within a year, compared to other ministers of the government cabinet. Instructions of MoF are indexed in ascending numerical order (series) on calendar basis, just like DCMs. This means

that every year the series opens up with the index number "1" and closes in with the number given to the last instruction for the year (till December, 31st). The series of instructions issued by MoF during 2010 starts up and closes out with respectively:

- ◆ **Instruction No 1, dated 21-01-2010** - "On implementation of 2010 budget".
(this instruction is not published in the OJ, but only on the official website of MoF)
- ◆ **Instruction No.42, dated 23-12-2010** - "On some amendments to the Instruction No. 1 dated 08-01-2009 "On establishing new service fees for the use of television equipment".
(published in OJ No. 174, page 8931; publication date: 27-12-2010)

Following a careful review of not only the Official Journal 2010, but also of the MoF official website and other governmental documents available online (reports, strategies etc), 4 instructions issued during 2010 are "tagged" with a fractioned index, i.e: 7/1; 7/2; 7/3; 9/1. As a rule, these types of instructions are amendments or improvements made to a preceding specific instruction, in our case, to those with number 7 and number 9. It means that during 2010 the Ministry of Finance issued at least 46 instructions (42 instruc-

tions with simple index number + 4 instructions with a fractioned index number) of which only 30 were found published in the Official Journal.

The grid table provides a visual presentation of absences reported in the publication of these instructions in the Official Journal 2010. This table has listed also 5 joint instructions of MoF and/with other institutions (see references at the bottom of the page).

1	2	3	4 ¹	5	6	7	7/1	7/2	7/3
8	9	9/1	10	11	12	13	14	15	16
17 ²	18	19	20	21	22	23	24	25	26
27	28	29	30	31 ³	32	33	34	35	36 ⁴
37	38	39	40	41	42 ⁵				

In orange boxes: corresponding index numbers of instructions which are not published in the OJ, whose title and content can not be found.

In yellow boxes: index numbers corresponding to unpublished instructions which are identified by CPII both as title and content (see: Table No.1, pg 27).

To conclude, as suggested by the colored boxes,

at least 14 instructions of MoF, issued in 2010, are not published in the Official Journal (30% of the total)

1 Joint instruction with MIA
2 Joint instruction with MES
3 Joint instruction with MPWT, MITIK
4 Joint instruction with MPWT
5 Joint instruction with RTSH (Albanian Public Radio-Television)





MONITORING RESULTS, 2010

Instructions of the Ministry of Education, (MES)

The Minister of Education and Science (MOES), just like the Minister of Finance issues a relatively large number of instructions within the timeframe of a year, compared to other ministries. Every year the instructions' series opens up with the index number "1" and

closes down with the number given to the last instruction for that year (till December, 31st). The Official Journals of 2010 suggests that the MES instructions' series starts up and ends with respectively:

- ◆ **Instruction No 1, dated 04-01-2010** - "On re-distribution of unfulfilled quota and registration of admissions for filling the quota in the first cycle of part time and distance learning studies in public institutions of higher education for the academic year 2009-2010".
(published in OJ No. Nr 26, page 799; publication date: 21-03-2010)
- ◆ **Instruction No 38, Dated 02-12-2010** - "On an amendment to the instruction 35, dated 05/11/2010, "On the procedures for registration and admissions in the first cycle of part time and distance learning studies in public institutions of higher education for the academic year 2009-2010"".
(published in OJ No.187, page 10366; publication date: 25-02-2011)

There are only 24 instructions issued by MES which are published *de-facto* in the Official Journals, 2010. In the official website of MES, as well as in other governmental reports, strategies etc. there were found no data to indicate the existence of another instruction with an index number higher than "38", which would influence the verification outcome. Further more, no MES instructions "tagged" with fractioned index number were identified (see: Briefly on "CPII" Methodology).

This suggests that there are 14 instructions of MES not published in the Official Journal of 2010. CPII has even identified 4 instructions (title & content) issued by MES in 2010, which belong to the backlog consisting on these 14 instructions (see: *see: Table No.1, pg 27*).

The grid table provides a visual presentation of absences reported in the publication of MES instructions in the Official Journal 2010.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38		

In orange boxes: corresponding index numbers of instructions which are not published in the OJ, whose title and content can not be found.

In yellow boxes: index numbers corresponding to unpublished instructions which are identified by CPII both as title and content (see: *Table No.1, pg 27*).

To conclude, as suggested by the colored boxes,

at least 14 instructions of MES, issued in 2010, are not published in the Official Journal (37% of the total)





MONITORING RESULTS, 2010

Instructions of the Ministry of Public Works and Transport, (MPWT)

The Ministry of Public Works, Transport and Telecommunications (MPWTT) issues a relatively small number of instructions within a year. The instructions are indexed in an ascending numeric order,

which opens up and closes in within one calendar year. It appears that the highest number in the indexing series of MPWT instruction is "27", concretely:

- ◆ **Instruction No. 27, dated 07.10.2010** – “On an amendment to the Instruction No. 40, dated 24.12.2008 “On determining the service fee for aircrafts flying over Albanian airspace”
(published in OJ No. 147, page 7906; publication date: 06-11-2010)

It was also identified one instruction, issued by this ministry, indexed with a fractioned number, concretely 13/1 (published in the Official Journal). The monitoring team did not come across any other instruction issued by this Ministry during 2010, indexed with a number higher than “27” (though this is not theoretically excluded).

This means that in 2010, the Ministry of Public Works, Transport and Telecommunications issued at least 28 instructions (27 instructions indexed with

simple numbers + 1 instruction indexed with a fractioned one). Only 22 instructions were published de facto in the Official Journal of 2010.

Three out of six instructions left unpublished in the Official Journal, were specifically identified by the monitoring team (see: Table 1).

The grid table provides a visual presentation of the absences in the publication observed with regards to the MPWT instructions during 2010.

1	2	3	4	5	6	7	8	9	10
11	12	13	13/1	14	15	16	17	18	19
20	21	22	23	24	25	26	27		

In orange boxes: corresponding index numbers of instructions which are not published in the OJ, whose title and content can not be found.

In yellow boxes: index numbers corresponding to unpublished instructions which are identified by CPII both as title and content (see: Table No.1, pg 27).

To conclude,
as indicated by
the colored boxes:

at least 6 instructions of MPWT, issued in 2010, are not published in the Official Journal (21% of the total)





MONITORING RESULTS, 2010

Instructions of the Ministry of Environment, Forests and Water Administration, (MEFWA)

The Ministry of Environment, Forests and Water Administration (MEFWA) issues a small number of instructions within a year. This ministry's instructions are also indexed according to an ascending numeric order. This means that the index series starts up at the beginning of each year with number "1" and closes

down with the index number that the last instruction issued during that year will take (till December, 31st). In the Official Journals issued in 2010, are found published a series of instructions starting from 2 to 5 (index numbers). Concretely:

- ◆ **Instruction No. 2, dated 29.06.2010** – “On the necessary applying documentation for acquiring an environmental licenses”
(published in OJ No. 110, page 5452; publication date: 19-08-2010)
- ◆ **Instruction No. 5, dated 26.11.2010** – “On criteria and procedures for supplying activities emitting environmental noise with simple environmental licenses”
(published in OJ No. 174, page 8928; publication date: 27-12-2010)

On December, 28, 2010, MEFWA issued an instruction which was not assigned a regular index number (*in an ascending numerical series*). This instruction bears the number **"1065"**. In the meantime, MEFWA has issued two different instructions both in terms of date and content, which have the same index number **"3"**. One of these instructions is a joint instruction with the Ministry of Interior Affairs, MIA (**Instruction No. 3, dated 16.8.2010** "On the rules and procedures for supplying resident and non-resident foreign citizens with a hunting licence").

Given that this instruction was initiated by the MEFWA, it shall be counted in series of instructions issued by this ministry and published in the Official Journal

of 2010. As a conclusion, MEFWA has issued a total of 7 instructions (*including Instruction No. 1065*) in 2010.

It must be noted that almost every year, instructions of MEFWA, which are not alike both in terms of date and content, are though assigned the same index number.

1	2	3	3	4	5	1065
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In orange boxes: corresponding index numbers of instructions which are not published in the OJ, whose title and content can not be found.

To conclude,
as indicated by
the colored boxes:

at least 1 instruction of MEFWA, issued in 2010, is not published in the Official Journal (14% of the total)





MONITORING RESULTS, 2010

Instructions of the Ministry of Agriculture, Food and Consumer Protection (MAFCP)

The Ministry of Agriculture, Food and Consumer Protection (MAFCP) issues a small number of instructions within a year. It uses a regular indexing

system for this type of act. The research in all the Official Journals of 2010 has identified only one published instruction:

- ◆ **Instruction No. 1, dated 14-01-2010** - "On the implementation of the Decision of Council of Ministers No.1290, dated 23.12.2009, "On determining the basic criteria of sectors to be supported and degree of benefit from the agriculture and rural development program fund"
(published in OJ No. 14, page 442; publication date: 25-02-2010)

After a thorough examination / evaluation of official internet sources, it was identified that on 17 November 2010 the MAFCP issued the Instruction No. 19, "On sampling and analyzing methods for the official control of the nitrate level in food products." This suggests that during 2010, the minister of MAFCP issued at least 19 instructions. The search into other official documents did not reveal the existence of any MAF-

CP instructions with a fractioned number or an index number higher than "19" (although this is not theoretically impossible).

The grid table provides a visual presentation of the discrepancies observed with regards to the publication of the MAFCP instructions in the Official Journal during 2010.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	

In orange boxes: corresponding index numbers of instructions which are not published in the OJ, whose title and content can not be found.

In yellow boxes: index numbers corresponding to unpublished instructions which are identified by CPII both as title and content (see: Table No.1, pg 27).more, see: Table No.1, pg 27).

As a conclusion:

at least 18 instructions of MAFCP, issued in 2010, are not published in the Official Journal (95% of the total)



METHODOLOGICAL NOTE:

The following listed ministries apply a different indexing order for the instructions they issue. In fact, more than act's index numbers they give the impression of being protocol numbers that "baptize" or "tagg" the instruction. It is not excluded in certain cases that the index number is the continuity of an indexing order used from several years uninterrupted. This makes it difficult, not to say impossible the evaluation of the regularity of the index order (series), which is the basic tool in the monitoring method used by CPII. This is to be considered an "arbitrary" indexing order. As result of not being objectively able to examine consistency of the index order on calendar basis where the missing parts would have been noted and identified for a given year, CPII

will be limited only in applying the Factual Component of verification for the following ministries. In other words, identification of those instructions missing the publication in Official Journal will be done through examining the official web pages and other relevant government documents (reports, strategies, etc). Since these ministries do not publish on their official webpage the instructions they issue (with rare exceptions), the monitoring results for these ministries' instructions will be considered methodologically "fragile". Nevertheless, the monitoring findings regarding instructions issued by these ministries which are left un-published, can not be smaller in any case than reported below. On the contrary, in any case, the result tends to be higher in theory.



Instructions of the Ministry of Internal Affairs

Following a detailed review of all the 2010 Official Journals, it was evidenced the publication of 5 instructions issued by the Minister of Interior and of a joint instruction of the MIA and MPWT (No. 56881). A search into other

alternative official sources, in the context of this monitoring process, revealed 3 MIA instructions that have not been published in the Official Journal. Specifically:

- ◆ **Instruction No. 30, dated 05.02.2010** "On joint anti-trafficking actions"
- ◆ **Instruction No. 359, dated 11.10.2010** "On the procedures for clearing the duplicate information of Albanian citizens from the basic registers and National Civil Register"
- ◆ **Instruction No. 365, dated 14.10.2010** "On drafting of final lists of the voters"

Two of these instructions were referenced (found) in the *Report on the Implementation of the National Strategy for the Fight against Human Trafficking* (January - December 2010).

It is noteworthy that two of the unpublished instructions are important acts on voters' lists in the Republic of Albania for the **Local Elections of May 8, 2011**.

As a conclusion:

there are at list 3 instructions issued by MIA in 2010, which are missing in Official Journal





MONITORING RESULTS, 2010

Instructions of the Ministry of Justice (MoJ)

Following a detailed review of all the 2010 Official Journals, the publication of 4 instructions of the Ministry of Justice was evidenced. Two of them are joint instructions with other institutions, specifically Instruction No. 2007/1, dated 02.03.2010, is a joint instruction with the Ministry of Economy, whereas,

Instruction No. 5, dated 21.07.2010, is a joint instruction with the Prosecutor General Office. The search into other official sources in which acts are published, did not reveal any other instructions of this Ministry left unpublished in the 2010 Official Journal.



Instructions of the Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO)

Eleven published instructions of the Ministry of Labor, Social Affairs and Equal Opportunities, MLSAEO were identified following a review of all the 2010 Official Journals. The search on the offi-

cial website of this Ministry or alternative official sources in which acts are published, did not reveal any instructions left unpublished in the 2010 Official Journal.



Instructions of the Ministry of Economy, (METE)

A review of all the 2010 Official Journals revealed that 6 published instructions issued by the Minister of Economy, Trade and Energy. Two of these instructions have a fractioned index number (1/1 and 1/2). In the meantime, two joint instructions with the MoF were also identified, specifically instruction No. 1 and instruction No. 10280 (thus, there are two instructions having the same

index number "1": one of them is a joint instruction with MoF and the other a joint instruction with METE).

The search of the official website of this Ministry or into other official sources, in which acts are published, did not reveal any unpublished instructions in the 2010 Official Journal.



Instructions of the Ministry of Health (MoH)

Following a careful review of the 2010 Official Journals, no instructions of the Ministry of Health were reported published. In the meantime, the daily press has referred to a number of instructions of the MoH, i.e: Instruction "On the organization of voluntary blood donation sessions by the personnel of health in-

stitutions nation-wide." No data on such an act could be found in any of the potential sources consulted in the context of this monitoring report. Consequently, for the purpose of methodological discretion (the press is not considered an official source), the instruction in question cannot be reported unpublished.

TAB. no.1

No.	Instructions identified (title and/or content) as unpublished in the Official Journal 2009	Index number	Name of ministry	Date of Issue
1	On implementation of the 2010 Budget	1	MoF	21-01-2010
2	On preparation of the state budget and special funds	7	MoF	22-02-2010
3	On preparation of the state budget and special funds	7/2	MoF	09-07-2010
4	On preparation of the local budget	7/3	MoF	10-07-2010
5	On the measures for implementing the final exams and State Maturity Exam, 2010	12	MES	05-04-2010
6	On sales of pre-university education text	15	MES	28-05-2010
7	On establishing the criteria, level and procedures for the beneficiaries of the excellence fund for new excellent students and scientists.	24	MES	30-07-2010
8	On students evaluation by grades and credits.	27	MES	09-07-2010
9	On admissions in general high schools on part time and distant learning basis, their organization and equivalence.	37	MES	22-11-2010
10	On establishing a common definition of the critical parts of restricting security areas in airports.	24	MPWT	20-10-2010
11	On establishment of measures for the implementation of basic standards for the airport security.	25	MPWT	20-10-2010
12	On general safety rules of civil aircrafts.	26	MPWT	20-10-2010
13	On documentation for the verification of uncultivated agricultural lands.	8	MAFCP	18-06-2010
14	On sampling procedures for official control of the levels of mycotoxines in food products	12	MAFCP	29-09-2010
15	On establishment of maximum levels for some contaminants in food products	13	MAFCP	29-09-2010
16	On maximum limits of residues of medical veterinarian products in food products of animal origin	15	MAFCP	15-10-2010
17	On food additives	18	MAFCP	17-11-2010
18	“On sampling and analysis methods for the official control of the level of nitrates in food products”	19	MAFCP	17-11-2010
19	On joint action of the implementing structures of the national strategy for the fight against trafficking in human beings	30	MIA	05-02-2010
14	On the cleaning procedures of overlapped information of Albanian citizens ID in the basic registers and the national civil register	359	MIA	11-10-2010
15	On drafting of final electors' lists.	365	MIA	14-10-2010



THE JUDICIAL BRANCH

The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers. (*Article 7 of the Constitution*).

The judicial branch of power provides for the supervision and protection of the key norms in place, for purposes of achieving the development of a regular social life. In the Republic of Albania, the judicial power is exercised by the Supreme Court, as well as the courts of appeal and courts of first instance. (*Article 135 of the Constitution*).

The organic Law No. 8436, dated 28.12.1998 “On the organization of the judiciary branch in the Republic of Albania” regulates on its entirety the organization of justice based on the country’s Constitution, whereas the activity of the Supreme Court is regulated by a specific organic Law, No. 8588, dated.15/03/2000 “On the organization and functioning of the Supreme Court in the Republic of Albania.”

One of the most important functions of the Supreme Court is the unification of judicial practice in the Republic of Albania. For the unification and amendment of the judicial practice, the Supreme Court has the right to select judicial issues for examination in the Joint Colleges (panels). Decisions of the Supreme Court are obligatory in terms of execution.

The Law no. 8588, dated 15/03/2000 “*On the organization and functioning of the Supreme Court in the Republic of Albania*.”, has given a special importance to the promulgation and publication of the decisions ruled by this court. Article 19 of this law explicitly stipulates that:

1. *The decisions of the Supreme Court are proclaimed with the reasoning no later than 30 days from the date of the termination of the judicial examination.*
2. *The decisions of the Joint Panels, along with the reasoning of the minority, shall be published in the Periodical Bulletin of the Supreme Court.*
3. *Decisions for the unification and amendment of the judicial practice¹ are published in the upcoming issue of the Official Journal.*

The lawmaker has explicitly stipulated on point 3 of Article 19 the obligation for publication in the very first issue of the Official Journal of the decisions for the unification and amendment of the judicial practice (HC unification decisions).

This article contains a double obligation: besides being published in the Official Journal, this must be done at the first possible moment (explicitly: in the very upcoming issue of the Official Journal). Scrupulous implementation of legal modalities regarding publication of unifying decisions of the Supreme Court provides for a uniform interpretation of laws in compliance with the *principle of legal certainty*.

It is through such decisions of the Supreme Courts’ Joint Panels that judgements’ uniformity and law interpretation during court proceedings is ensured by the entire troop of judges in the Republic of Albania (about 350). Lack of their publication in the Official Journal would *apriori* lead to failure in fulfilling the aimed goal of the Supreme Court: the unification of judicial practice.

On the other hand, the reason why the Legislator has specified that such types of decisions shall be published in the very first issue of the Official Journal, relates to the fact that judges in lower level courts have to get to know and familiarized with them as soon as possible, so that the practice already unified through the legal interpretation of the Supreme Court is reflected in proper time in the relevant cases that are being or shall be examined.

Based on all that is exposed above, the unifying decisions of the Supreme Court, in the framework of this monitoring, will be evaluated both in terms of their publication and the legal time frame of publication in the Official Journal. The monitoring team has evidenced in a special column of Table No.3 and No. 5, the Official Journal in which the Supreme Court’s unifying decision is published, and has roughly calculated which one had to be the ‘nearest’ issue for that publication.



MONITORING RESULTS, 2010

Unifying Decisions of the Supreme Court

Publication in the Official Journal

During 2010, the Supreme Court judged in its Joint Colleges gave only one Unifying Decision, namely: ***“Decision of the Joint Colleges of the SC, no.1, dated 26.11.2010 “On the administrative objection to decision no 3550, dated 30.10.2009, “For object demolition”*** (Source: *official website of the Supreme Court*).

According to the Article 19, point 3 of law No. 8588 *“On the organization and function of the Supreme Court of the Republic of Albania”* must be published in the first upcoming issue of the Official Journal. After a careful review, it was concluded that

this Unifying Decisions of Supreme Court is not published in 2010 edition of the Official Journal. As a matter of fact, this UDSC is found published in an “Extra” Edition of the Official Journal, no.74 which entered in circulation on April 2011.

As a general rule, Extra (supplementary) Editions of the Official Journal are issued in the successive year in order to publish acts which have not been proceeded for publication in due time, in our case, within the legal time-frame set by the law No. 8588 or even by the law 8503, dated 30.6.1999 *“On State Publication Center”, as amended*.

As a conclusion:

the only Unifying Decision of the Supreme Court given in 2010, is published in the Official Journal

Time frame for UDSC publication in the Official Journal

The Unifying Decision of the Joint Colleges of the SC, no.1, dated 26.11.2010 *“On the administrative objection to decision no 3550, dated 30.10.2009, “For object demolition”*, has been published in the Official Journal after four month of delay. The Article 19, point 3 of law No. 8588 *“On the organization and function of the Supreme Court of the Republic of Albania”* clearly sets the legal requirement that a UDSC must be published in the first upcoming issue of the Official Journal.

If the Supreme Court should have respected this legal obligation, this UDSC should have been published in the OJ No. 157, dated November, 30, 2011, which according to the calculations was the first Official Journal to come 30 days from the date of the termination of the judicial examination. It must be also stressed hat the last Official Journal for the year 2010 (no. 187), was issued in circulation on February, 25, 2011.

As a conclusion:

the publication in the Official Journal of the only Unifying Decision of the Supreme Court given in 2010, was delayed by 4 months



Even though in the framework of this study, publication of the Constitutional Court Acts is treated after the Chapter on the Judicial Powers, this court on its own is not a part of the common judicial system. It has a special jurisdiction for the verification of the constitutionality of laws and other normative acts. The Constitutional Court guarantees respect for the Constitution and makes final interpretation of it (Article 124/1 of the Constitution). In the exercise of its duty, it is subject only to the Constitution (Article 124/2 of the Constitution). The competencies of the Constitutional Court are set out in Article 131 of the Constitution, according to which this organ decides on:

- compatibility of law with the constitution or with international agreements as provided in article 122 of the Constitution;
- compatibility of international agreements with the Constitution, prior to their ratification;
- compatibility of normative acts of the central and local organs with the Constitution and international agreements;
- conflicts of competencies between powers, as well as between central government and local government;
- constitutionality of the parties and other political organizations, as well as their activity, according to article 9 of this Constitution;
- dismissal from duty of the President of the Republic and verification of the impossibility for him to exercise his functions;
- issues related with the election and incompatibility in exercising the functions of the President of the Republic and of the deputies, as well as the verification of their election;
- constitutionality of the referendum and verification of its results;
- final adjudication of the individual complaints for the violation of their constitutional rights to due process of law, after all legal means for the protection of those rights have been exhausted.

The organization and functioning of the Constitutional Court is regulated by the organic law no. 8577, dated 10.2.2000. According to specification in article 2 of this

law: “*The Constitutional Court is the highest instance that guarantees respect for the Constitution and makes final interpretation of it.*”

While being a negative legislator *sui generis*¹, the decisions of the Constitutional Court are of special importance. Law No. 8577 has paid a special attention to the publication of those decisions. Article 26 of this law stipulates that:

1. *Decisions of the Constitutional Court are final. They are published in the Official Journal and enter into force on the day of their publication. When decision concerns the protection of constitutional rights of the person, the Court may decide to have its decision enforced on the day of its proclamation.*
2. *The organ, which publishes the Official Journal, is obliged to publish the decisions of the Constitutional Court, no later than 15 days after the decision is presented for publication at said organ.*
3. *The Constitutional Court prepares annual summary of its decisions.*

Regarding publication timelines of the CC decisions in the Official Journal, the organic law no, 8577, dated 10.2.2000, does not set a deadline for the CC, as to when is it to send the decision for publication to the SPC, but on the other hand, it sets a deadline for the latter as to when is it to carry out the publication of the DCC, in an explicit way: “*no later than 15 days after the decision is presented at said organ (SPC).*”

Whereas, law no. 8502, dated 30.6.1999 “**On establishment of SPC**”, amended, explicitly sets out that: “*The responsible organ is obliged to submit for publication to the SPC the acts foreseen under paragraph “a” of article 2 of the above law, within 3 days from their approval and, in specific cases, within no later than 15 days.*” (Article 6, amended by Law No. 9091/2003).

This means that the required official deadline for the publication of the DCC in the Official Journal is no more than 30 days, except for those cases when the CC decides to have its decision enforced on the day of its proclamation.

1 - “Constitutional Right” Luan Omari; Aurela Anastasi, 2010 revised edition, pg. 418



MONITORING RESULTS, 2010

Decisions of the Constitutional Court

Publication in the Official Journal

During 2010, the Constitutional Court judged 38 decided cases (Source: official website of the CC). Research shows that there are 38 decisions (judgements) of the Constitutional Court published in the Official Journal 2010, meaning that:

all decisions of the Constitutional Court given in 2010 are published in the Official Journal of that year

Time frame for UDSC publication in the Official Journal

With regard to legal timeframe of publication in Official Journal, no delays were identified with regard to Decisions of the Constitutional Court given in 2010. The required official deadline for the publication of the Decisions of the CC in the

Official Journal is calculated to be no more than 30 days, except for those cases when the CC decides to have its decision enter into force on the day of its proclamation (*see legal explanation on the previous page*).

The verification concluded that:

during 2010, all decisions of the Constitutional Court are published in the Official Journals within legal timeframe, as the law requires



The European Court of Human Rights (ECHR) in Strasbourg

Albania is a member state of the Council of Europe. Albania has signed the European Convention on Human Rights on 13/07/1995 and has ratified it on 2/10/1996, making it part of its domestic legal system (Article 17/2 of the Constitution).

According to the definition of Article 1 of the ECHR, the High Contracting Parties (i.e. Albania also), undertake the obligation to secure to everyone within their jurisdiction the rights and freedoms sanctioned by this Convention (and its additional protocols).

The European Court of Human Rights and the Committee of Ministers' essential function is to ensure that member states comply with the obligations undertaken upon ratification of the Convention. One of these obligations is the execution of the final judgements of the ECHR, a process that is supervised by the Committee of Ministers.

Publication of the final judgements of the ECHR by the Respondent State is part of the monitoring process for the execution of such judgements. Execution of ECHR's final judgements represents some particularities when compared with a judgement ruled by a common domestic court. The Court of Strasbourg's final judgement has two main components: the individual measures and the general measures. Publication of the complete text body of the Court's final judgement is considered to be part of the implementing process of the general measures. It is supervised by Committee of Ministers in its Human Rights Meetings, based on the information provided by the Respondent State.

The High Contracting Parties of the ECHR are characterised by a diversity of traditions and practice with regard to the publication of the court judgements. Considering the importance of the case law of the ECHR, especially regarding the protection of human rights protection, the publication process is very important not only to the specific legal case. The uni-

fication of practice of the domestic courts is highly important and it is achieved only through the process of translation, publication and dissemination of judgments of the ECHR. Unification of legal practice prevents any possible human rights violation in the future, which in turn can give rise to new individual applications presented to the Court.

In 2002, the Committee of Ministers adopted the Recommendation (2002)13, according to which all member states are required to ensure publication in their respective national language as well as to provide effective dissemination of the Convention's text, along with publication of the ECHR case law, especially the one *"introducing new developments in the interpretation of the Convention's articles"*.

The publication of the final judgements in the Official Journal is estimated as the model that best satisfies the purpose of this Recommendation, without excluding other various private initiatives. Albania has practically chosen the publication in the Official Journal of the complete text body of the judgements regarding all the cases where it has been an Respondent State.

For the first time, CPII has included in this monitoring report the findings related to the publication in the Official Journal of the ECHR's final judgements. It is worth highlighting that, as the term "Recommendation" implies, the publication of the ECHR judgements in Official Journal is not a legal obligation deriving from the domestic legal system of the Republic of Albania.

The impact of the ECHR final judgments against Albania, has been very significant for the domestic case law. Adjustment in conformity with such final judgements, as well as familiarization with them throughout the publication in the Official Journal, provides in the best service to the fundamental human rights and freedoms' guarantee in Albania.



MONITORING RESULTS, 2010

Final judgements & decisions of ECHR

Following the search of data obtained from the ECHR official website (HUDOC Database), a total of 7 judgments in which Albania was a defendant have been issued during 2010. Only 3 of them became final judgments during 2010, whereas the other 4 shall become final in 2011, a year which remains outside the intended timeline scope of this monitoring report. In the meantime, 2 ECHR decisions taken in 2009 became final in 2010, specifically the "*Bushati et al vs. Albania*," case and the "*Caka vs. Albania*" case. This means that only 5 decisions, which were scheduled to become final in 2010 (in Table 2 at the bottom of the page, they correspond to those indexed by the or-

dinal numbers from 1 to 5) shall be subject to monitoring with regard to publication in the 2010 Official Journal. Following a review, it was evidenced that all these decisions were published in the 2010 Official Journal (in the Albanian language). Furthermore, the "*Bushati et al v. Albania*" (application No. 6397/04) and the "*Caka v. Albania*" case (application No. 44023/02) were published in the Official Journal before the date set for the final decision. In any case, they are indicators of an adequate publication periodicity of the ECHR judgments by the Albanian Government.

As a conclusion:

all judgements of EHCR, becoming final in 2010, in which Albania is a defendant, are published in the Official Journal

TAB. no.2

No.	Case of	No. of application	Date of Judgment	Becomes final in	Published in the Official Journal
1	Bushati <i>et al</i> vs. Albania	6397/04	8/12/2009	8/03/2010	Extra OJ no. 39, 2009 (issued on 08/01/2010)
2	Caka vs. Albania	44023/02	8/12/2009	8/03/2010	Extra OJ no. 40, 2010
3	Mullai <i>et al</i> vs. Albania	9074/07	23/03/2010	23/06/2010	Extra OJ no. 41, 2010
4	Laska and Lika vs. Albania	12315/04 dhe 17605/04	20/04/2010	20/07/2010	Extra OJ no. 42, 2010
5	Berhani vs. Albania	847/05	27/05/2010	04/11/2011	Extra OJ no. 71, 2010
6	Puto <i>et al</i> vs. Albania	609/07	20/07/2010	20/10/2010	Extra OJ no. 72, 2011
7	Vrioni <i>et al</i> vs. Albania	35720/04 dhe 42832/06	07/12/2010	11/04/2011	Extra OJ no 75, 2011
8	Gjyli vs. Albania	3290/07	07/12/2010	07/03/2011	Extra OJ no. 72, 2011
9	Mishgjoni vs. Albania	18381/05	07/12/2010	07/03/2011	Extra OJ no. 72, 2011





SECOND PART

ACTS' PUBLISHING LEVEL ANALYSES, 2006-2010



The Second Part provides an overview analysis of the publishing status in the Official Journal of primary and secondary legislation (laws and bylaws) during the last five years (2006-2010). The analysis uses data related to each type of act that has been subject to monitoring by CPII in the context of the annual reports on “**Transparency of State Publications in the Republic of Albania**”.

The five-year data are grouped into tables in which numerical values are assigned to each type of act, for each and every year. They are further processed into special graphics, in order to provide a clear visualization of the publishing level for each type of act and each institution, within the five-year period under monitoring (2006-2010).

The calculations on *the annual publishing level* of acts are presented in percentages, in order to facilitate comparative evaluations in this respect. Also, *the average publishing level* of an act, issued by each and every institution for the five years (2006-2010) taken altogether, is calculated in percentages.

Based on the publishing level results, CPII has also come to conclusions on *the level of compliance* with the provisions of organic laws imposing the obligation for publication in the Official Journal of acts issued by the institution governed by these laws. Such conclusion aims at indicating to what extent the central

constitutional institutions enforce (behave in compliance with) the provisions of the respective laws which regulate their organization and functioning (in our case, the articles imposing the obligation for publication in the Official Journal of the acts they issue).

Special graphs have also been developed regarding the deadlines for publication in the Official Journal of UDSC. This is an explicit legal requirement imposed on the Supreme Court by virtue of Article 19/3 of the organic law No. 8588, dated 15.03.2000 “*On the organization and functioning of the Supreme Court in the Republic of Albania.*”

A special graphical presentation is selected to visualize the publishing level trend of acts for each year that is subject of the evaluation (2006-2010). The trend analysis (be that decreasing or increasing) is provided both graphically and in narrative mode. CPII has made every effort to provide comprehensive and precise explanations for each and every graphical trend elaborated.

The analytical methodology used by CPII to carry out the above evaluations, may serve as a methodical approach model for other stakeholders who are interested in measuring the level of compliance with the law and/or compliance with specific legal provisions, which might be of specific interest and which fall into the scope of their monitoring work.



On the level of compliance with law provisions

In the context of this study, when we refer to the “*level of compliance with legal provisions*”, we imply those articles of the Constitution or of the organic laws, which impose to the relevant institution the obligation for publishing the acts it issues in the Official Journal. It is worth emphasizing from the very outset that the process of the publication of acts in the Official Journal implies a *sender-receiver* relationship, respectively of the institution issuing the act with the State Publications Center, SPC. The functioning of the latter is regulated by a special Law No. 8502, dated 29.6.1999, “*On the establishment of SPC,*” as amended. The evaluation of compliance with the provisions of this law (8502) is not subject to this analysis, as long as SPC is a “host institution.”

Another reason for focusing only on the organic laws, specifically on the respective provisions imposing the obligation for publication of acts in the Official Journal, is the fact that the organic laws prevail over simple laws, as is the case with the Law No. 8502. Furthermore, there are no empirical data to

suggest that the acts issued by the central constitutional institutions are left unpublished in the Official Journal by the SPC itself, for reasons related to its internal organization and functioning.

It is worth emphasizing that SPC, though functioning in conformity with a special law, remains at the end of the day a subordinate institution (*that is, under the subordination of the Ministry of Justice*). In this context, the central constitutional institutions (*senders*) might logically dictate “*the publication fate*” of the acts they issue, rather than the subordinate institution (*receiver*).

The table below contains (details) a list of organic laws and of their specific provisions which require the publication in the Official Journal of acts issued by the respective institution these laws govern (regulate). Enforcement of these provisions (articles) by the institution itself shall be subject to evaluation in terms of *level of compliance*.

TAB. no.3

Institution	Name of the organic law	Relevant article	Type of act
Parliament	The Constitution of Albania	84 & 117	Law
Council of Ministers	Law No. 9000, dated 30.1.2003 "On the organization and functioning of the CoM."	29 (point 1 & 2)	DCM, NAFL
Ministries (CoM included)	Law No. 9000, dated 30.1.2003 "On the organization and functioning of the CoM."	29 (point 3)	Instruction
Supreme Court	Law No. 8588, dated 15.03.2000 "On the organization and functioning of the Supreme Court in the Republic of Albania"	19 (point 3)	UDSC
Constitutional Court	Law No. 8577, dated 10.2.2000. "On the organization and functioning of the Constitutional Court in the Republic of Albania"	26 (point 1)	Judgement

- 1 Detyrimi për botimin e ligjeve në Fletore Zyrtare e caktos Kushtetuta. Në pjesën e tretë të Kushtetutës, kreu IV, nenin 84/3 thuhet se: “ligji hyn në fuqi me kalimin e jo më pak se 15 ditëve nga botimi i tij në Fletoren Zyrtare”. Kjo është edhe procedura e zakonshme e hyrjes në fuqi të ligjit.
- 2 Për të bërë një vlerësim objektiv të performancës së QPZ në raport me botimin e akteve që ajo merr në dorëim nga institucionet qendrore kushtetuese është e domosdoshme kqyerja e hollësishme e regjistrit e saj, në të cilin regjistrohen aktet që ajo merr në dorësim për t’i procesuar më pas për botim.

ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

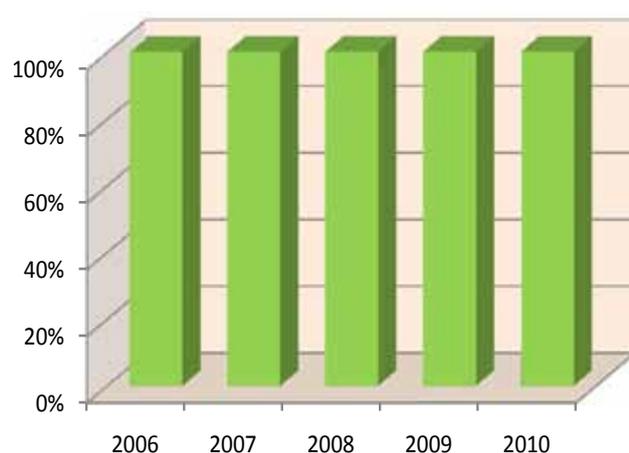
Laws of the Assembly (Parliament)

No unpublished laws were evidenced (spotted) during the examination of the Official Journals issued in the time period 2006-2010. The table on the right provides a numerical presentation of all the laws enacted by the Parliament and published by the SPC in the Official Journal for each year, based on the data provided in the reports on the Transparency of State Publications in the Republic of Albania, from 2006 to 2010.

Year	Total of laws approved	Laws published in OJ	Laws unpublished in OJ
2006	209	209	0
2007	184	184	0
2008	196	196	0
2009	157	157	0
2010	156	156	0

TAB. no.4

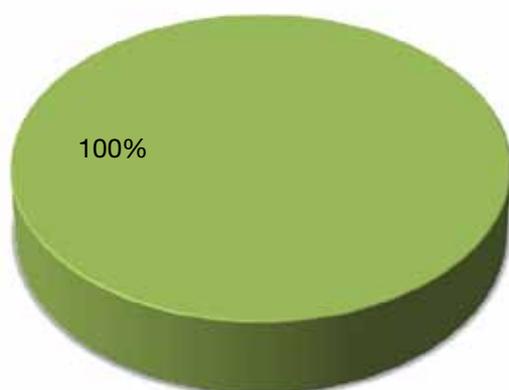
Graph 1: Annual publishing level



The **annual publishing level** for the type of act: **Law** in the Official Journal for the time period 2006-2010 is at 100% (Graph. 1).

Graph. 2 introduces the **average publishing level** for the type of act: "Law" in the Official Journal for the five-year period (2006-2010) taken altogether. This also marks 100%. This graph. concurrently indicates the **level of compliance** with the relevant provisions, which impose the obligation for publication of the act in question (see: Table 3) in the Official Journal. All the 902 laws enacted (passed) during the five-year period, have been published in the Official Journal of the Republic of Albania, meaning that the **level of compliance** with the law by the Assembly is 100%.

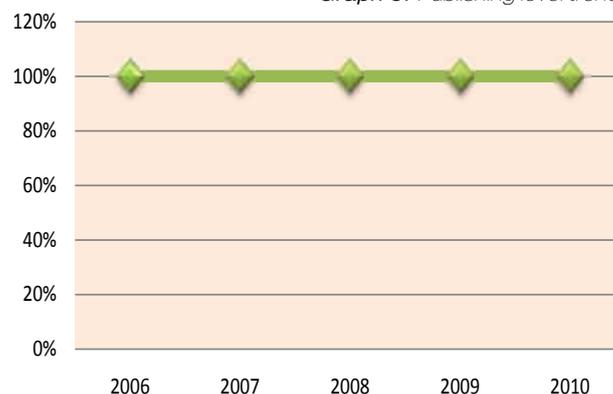
Graph 2: Average publishing level (2006-2010)



Legend: ■ Published ■ Not published

The **publishing level trend** for the type of act: "Law", visualized in Graph. 3, is represented by a straight horizontal line which, in the vertical axe marks 100%.

Graph 3: Publishing level trend



On acts issued by the Council of Ministers

The Council of Ministers (CoM) is the institution issuing the largest number of acts within each year, compared to any other central institutions. The vast majority of these acts are decisions or as otherwise known, DCMs.

Occasionally, CoM also issues *normative acts with the force of law* (NAFL), which represent an insignificant number of the annual total. Similarly, the Council of Ministers periodically issues *instructions*. Considering their fairly negligible size compared to the DCMs, the identification of the NAFL or the instructions left unpublished is simple and with an almost “zero” error margin in the monitoring process. Further, both types of acts in question are final in terms of the effects they generate, therefore, their “final destination” is the Official Journal, as clearly defined in Articles 29/1 and 29/3 of the Law No. 9000, dated 30.1.2003 *"On the organization and functioning of the CoM."*

Unlike NAFL and **Instructions of the CoM**, the monitoring process for the act type: “DCM” follows quite a complicated protocol. This is due to the fact that not all DCMs are targeting the Official Journal as their final destination. Some of them have a transitory character (or nature). In more specific terms, the CoM issues DCMs even when it *approves in principle* specific documents (agreements, lists of property inventories transferred for the central administration to the local government, etc.) or when it *proposes a draft-law* (bill). Let’s say, the latter should be ratified by the Parliament and then submitted for publication to the Official Journal (in this process, the DCM “evolves” into a law). Hence, the final destination of the acts issued by the CoM is not always the same. The **final DCMs** are submitted for publication in the Official Journal; the **transitory DCMs** are sent for further approval to the Parliament or even by the CoM itself, which must take the final decision on a second stage for a specific acts/document (governmental agreement, final property list, etc.).

Furthermore, the Council of Ministers issues *"confidential"* DCMs (*literally translated from Albanian: "Secret"*), which, by definition, do not get published (neither in the Official Journal, nor in the CoM official website). In the case of “confidential” DCMs, the CPII methodology cannot be applied, thus, facing its own limitations.

It should also be emphasized that the consistency of the CoM website is far from desirable, thus, narrowing the data benchmarking. The annual monitoring practice used by CPII has already evidenced that some of the DCMs published in the Official Journal are not published at all on the CoM official website. The discrepancies observed in this respect

for the five-year period, 2006-2010, are detailed in Table 6.

Due to the above reasons, the graphs representing the publishing level of the *type of act: “DCM”* shall be different from the graphs used for the acts of other institutions under monitoring. Thus, subject to graphical visualization will be the annual number of DCMs submitted for publication in the Official Journal each year, from 2006 to 2010 (in other words, the reflected values in these graphs derive from the schematic verification for the years under analysis, 2006-2010.

Such a graph does not necessarily indicate *the publishing level* of the *type of act: “DCM”* (or its non-publication). It simply gives an idea / indication on the percentage of DCMs which are not submitted for publication in the Official Journal each year in proportion to the total number of Dams issued for that year. These unpublished *DCMs may be either "confidential", or DCMs "on the proposal of a draft law," DCMs "on the approval in principle" or standard (final) DCMs*, which, for various reasons (legal obligation, institutional practice, inattentiveness, negligence, deliberate withholding) are not submitted for publication in the Official Journal. Never the less, the authors would interpret as a positive indicator each progressive growth (year after year) of the percentage of DCMs submitted for publication in the Official Journal, compared to the percentage of DCMs left unpublished each year.

Another graph will compare the volume of different types of DCMs in relation to one-another, for every year under survey (2006-2010). Through a variation analysis, this graph aims to demonstrate the real size of the **Grey Area** where all unpublished DCMs are grouped, the attributes of which (title, date and index) are impossible to be identified or recognized through the use of CPII methodology. To put it differently, this study manages to identify the Grey Area only in quantitative terms, without differentiating (evaluating) which acts available within the **Grey Area** should have been published in the Official Journal and which not (*transitory, "confidential" DCMs*).

A different methodological approach should be applied for the qualitative evaluation of those acts grouped in the **Grey Area**; this qualitative evaluation should be conducted *within the archive* of the institution that issues the acts and not by contrasting the data obtained by the outside public sources in which these acts are published (in our case, the DCMs published in the Official Journal and the CoM official website content).

ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

Decisions of the Council of Ministers, (DCM)

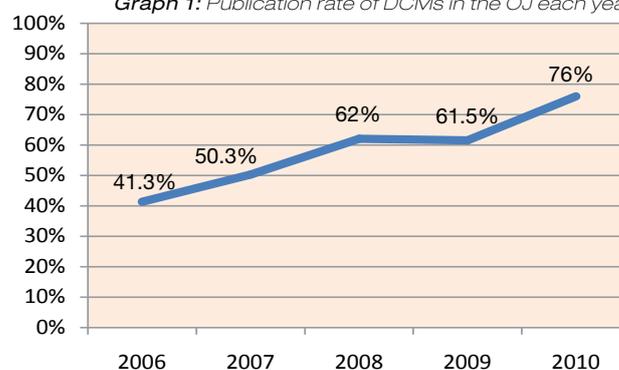
Table 5 (next right) provides a detailed presentation in numerical values of the total number of DCMs that the CoM has issued each year (2006-2010) and the ones published *de facto* in the Official Journals of the respective year.

Graph 1 introduces in percentage the ratio between the *DCMs issued in a year and the DCMs published de-facto in Official Journals of that year*. As it is clearly observed, the indicators are continuously improving: from 40% in 2006 to almost 80% in 2010. For the purpose of methodological accuracy, it should be reiterated that this “trajectory” aims simply to give an idea on the number of DCMs (that are not) sent each year for publication in the Official Journal. This graph does not necessarily determine **the publishing level** of the type of act: “DCM” in the literal meaning of the word, as some of the acts in question are of transitory or “confidential” nature (see: *methodological explanation, pg. 38, on the left*).

TAB. no.5

Year	DCM approved in total	DCM published in the OJ	DCM approved / DCM published, in %
2006	893	369	41.3%
2007	924	465	50.3%
2008	1720	1067	62.0%
2009	1305	803	61.5%
2010	1080	821	76.0%

Graph 1: Publication rate of DCMs in the OJ each year



TAB. no.6

Viti	DCM approved in total	DCM published in the CoM website	DCM approved / DCM published online, in %
2006	893	399	44.7%
2007	924	576	62.3%
2008	1720	1230	71.5%
2009	1305	1048	80.3%
2010	1080	625	57.9%

Graph 2: Publication rate of DCMs in the CoMs' website each year

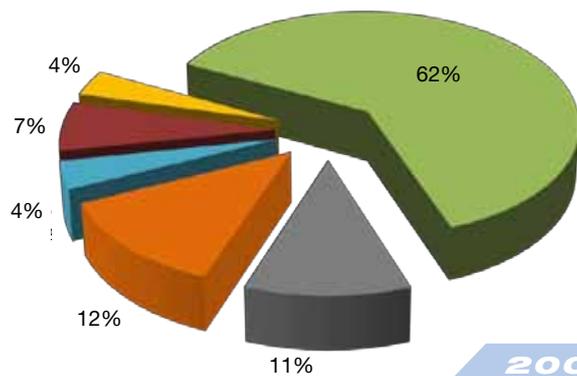
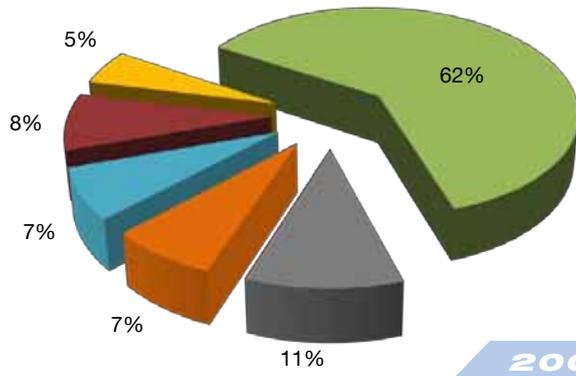
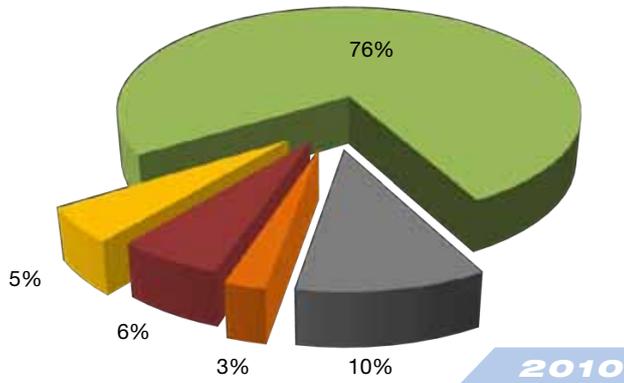


The CPII methodology intertwines two monitoring chains: *Schematic and Factual verification*. If for the first verification only a careful review of the Official Journal would be sufficient, for the second, the comparison of data between at least two official sources in which the acts, subject to monitoring, are published (are made public) is required. One of these two sources is the Official Journal, whereas the other one, as appropriate, may be the official website of the institution issuing the act, official reports/strategies providing a summary of the approved acts, etc. The broader the *comparison basis*, the higher the possibility for identifying the indicative data of the acts left unpublished.

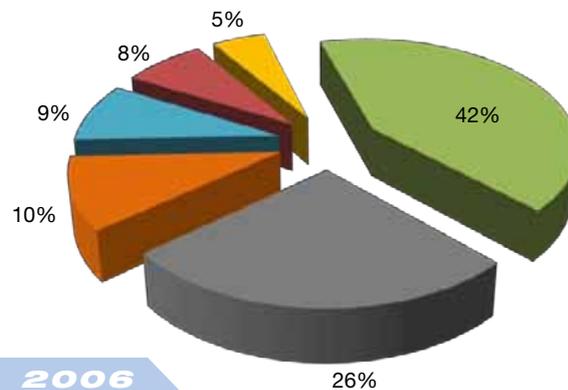
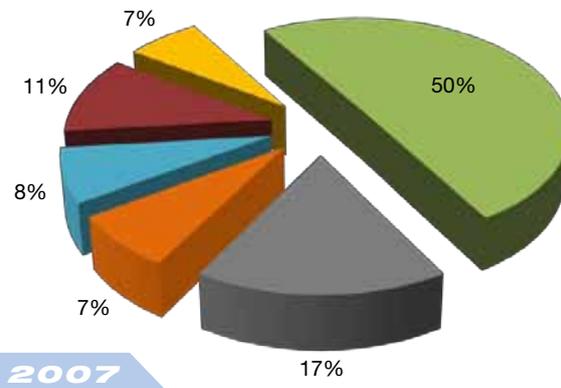
When monitoring DCMs, the contents of the Official Journal and the CoM website are contrasted (compared). The latter, though being one of the websites with most adequate data on the issued acts compared to other institutions, marked a poorer performance in 2010 (*Graph 2*), where for the first time the Official Journal exhibits more DCMs published than the official website. Table 6 also presents in numerical values the total number of the DCMs issued, DCMs issued and published in the Official Journal each year and DCMs that may be available in the CoM website.



The graphs introduced in this page show the volume of different types of DCMs in relation to one-another and simultaneously in relation to their publication in the Official Journal for each year under monitoring (2006-2010). The numerical values, on which the graph percentages are calculated, are detailed in Table 7 at the bottom of the page, where the colors used for each column serve also as a legend for reading the graphs.



The variation analysis used for constructing the graphs aims to demonstrate, inter alia, the real size of the Grey Area, where all the unpublished DCMs for each year, whose identification (title, date and index) is impossible through the CPII methodology are grouped. In this case, the **Grey Area** represents the total number of DCMs known only to the Government or differently put, DCMs unknown to the ordinary Albanian citizens. The nature of the DCMs in the Grey Area (all "confidential" DCMs, all definitive "non-confidential" DCMs, all non-definitive "non-confidential" DCMs or a mixture, thereof) cannot be determined. Therefore, these graphs cannot serve the evaluation of the CoM performance in qualitative terms or the accurate assessment of the level of compliance with Article 29, Law No. 9000 by the CoM.



Legend - Tab no. 7

Year	Total issued in one year	DCMs published in OJ	DCMs "for proposing a draft-law"	DCMs "for approval in principle"	DCMs nonpublished, found by CPII	DCM published in Extra OJ	GREY Zone
2006	883	369	67	44	93	77	233
2007	924	154	102	62	69	70	467
2008	1720	1067	117	62	218	66	190
2009	1305	803	109	68	95	95	135
2010	1081	821	69	54	25	N/A	112



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

Normative Acts with the force of law

The monitoring of the Official Journals 2006-2010 for the act type “NAFL” of CoM evidenced unpublished acts for the time period 2006-2008. Table 8 (on the right) presents the total number of NAFLs approved by the Council of Ministers and their publication in the Official Journal in numerical values for each year, based on the data obtained from the report on the Transparency of State Publications in the Republic of Albania for the time period 2006-2010.

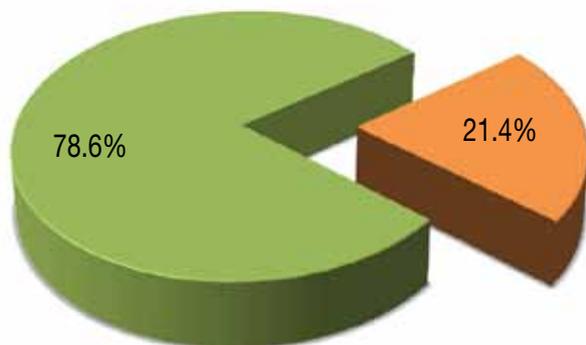
Year	Totali i ANFL të miratuara	ANFL të botuara në FZ	ANFL të pabotuarara në FZ
2006	2	1	0
2007	2	2	0
2008	7	3	4
2009	10	10	0
2010	6	6	0

TAB. no.8

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



Legend: ■ Published ■ Not published

Graph 1 introduces the **annual publishing level** of the act type: “NAFL” in the Official Journal for the time period 2006-2010.

Graph 2 introduces the **average publishing level** of the act type “NAFL” in the Official Journal for the time period 2006-2010, taken altogether. Simultaneously, this graph indicates the CoM’s level of compliance with Article 29, point 1 of the Law No. 9000, dated 30.1.2003 “On the organization and functioning of the Council of Ministers,” which imposes on the latter the obligation for publication in the Official Journal of the act in question.

Graph 3 introduces **the publishing level trend** of the act type “NAFL” in the Official Journal for the time period 2006-2010.

Graph 3: Publishing level trend



As indicated by **Graphs 1** and **2**, the publication status of the act type: “NAFL” in the Official Journal has been problematic during the years 2006 and 2008. During the last two years, 2009 and 2010, the situation was restored at positive maximum values (100% of the NAFLs published in the Official Journal) as also suggested by **the publishing level trend** of the acts (**Graph 3**).



On instructions' publication in the Official Journal

The right to issue instructions stays only with the body to which such a right is expressly recognized. According to the Constitution, an instruction is issued only by the Council of Ministers and a minister (Articles 100/5 & 102/4).

The Law No. 9000, dated 30.1.2003 "On the organization and functioning of the Council of Ministers," clearly stipulates by virtue of Article 29, paragraph 3 that the: "**Instructions of the Council of Ministers and of the minister acquire legal force after the publication in the Official Journal.**" Practically, the instruction is the most important act signed by a minister during the exercise of his functions.

Unfortunately, the monitoring processes carried out by CPII for these last five years has highlighted serious issues in terms of the periodicity of publication in the Official Journal of the ministers' instructions.

Furthermore, the practice followed for indexing this type of act is not standardized. Only some of the ministries, i.e, the Ministry of Finance, Ministry of Education (MES), Ministry of Transport (MPWT), Ministry of Environment (MEFWA) and Ministry of Agriculture (MAFCP) use a regular index series for their instructions. This is an index series following an ascending numerical order and it is based on the calendar year format. Also, the Council of Ministers uses the same index system (rule) for "tagging" the instructions it issues. This is practically the same index system used for the DCMs or even judgments of the Constitutional Court and may already be deemed as the standard system applicable in the Republic of Albania for indexing the most important acts issued by the central constitutional institutions. This is an effective and consolidated indexing system.

The Ministries listed below use a different "indexing" system for the instructions they issue. In fact, more than act indexes, they may be considered "arbitrary"

numbers "christening" the instruction without any specific chronological or numerical criteria. In some cases, it may be possible that the index number has derived from the index series of the preceding years. In each case, this renders the evaluation of the series regularity impossible, a fundamental element on which the monitoring method used by CPII is based. The ministries which do not use the standard index series for the instructions signed by their senior officials, are the following:

1. *Ministry of Justice*
2. *Ministry of Interior*
3. *Ministry of Labor, Social Affairs and Equal Opportunities*
4. *Ministry of Economy*
5. *Ministry of Health*

The Ministry of Foreign Affairs (MFA), Ministry of Culture, Youth and Sports (MCYS) and Ministry of Integration (MoI) are not included in this monitoring process due to the negligible number of instructions they issue during each calendar year on which the evaluation of the report on the Transparency of State Publications is carried out.

Due to the above reasons, only the ministries using the standard index series for their instructions will be subject to evaluation with regards to the publishing level and percentage of the act type "instruction" (year after year and in total, for the time period 2006-2008).

Table 9 sums up the numerical values of the published instructions for each year and for each executive central institution under monitoring for the time period 2006-2010. All values are based on the findings identified by CPII in the context of the annual reports on the "**Transparency of State Publications in the Republic of Albania.**" The graphs on instructions' publishing level for each ministry are processed based on these numerical values.

TAB. no.9

YEAR 2010			
NAME OF THE INSTITUTION	INSTRUCTIONS ISSUED	INSTRUCTIONS PUBLISHED IN OJ	INSTRUCTIONS UNPUBLISHED
COM	8	8	0
MOF	47	32	14
MES	38	24	14
MPWT	28 (1 with fractioned index)	22	6
MAFCP	19	1	18
MEFWA	7	6	1
YEAR 2009			
COM	2	2	0
MOF	56 (4 with fractioned index)	33	23
MES	41	3	38
MPWT	11	6	5
MAFCP	3	1	2
MEFWA	3	1	2
YEAR 2008			
COM	3	3	0
MOF	48 (with fractioned index)	39	9
MES	45	22	23
MPWT	24 (1 with fractioned index)	11	13
MAFCP	6 (1 with fractioned index)	2	4
MEFWA	5	4	1
YEAR 2007			
COM	6	6	0
MOF	30 (with fractioned index)	24	6
MES	41	5	36
MPWT	20	12	8
MAFCP	12 (with fractioned index)	3	9
MEFWA	10	5	5
YEAR 2006			
COM	5	5	0
MOF	12	12	0
MES	49	3	46
MPWT	7	4	3
MAFCP	2	2	0
MEFWA	7	6	1



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

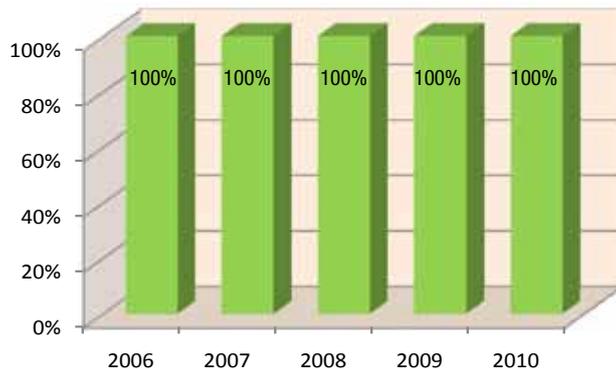
Instructions of the Council of Ministers

The monitoring of the Official Journals 2006-2010 for the *type of act: "CoM instruction"* evidenced no unpublished instructions for this time period. Table 10 (on the right) offers a detailed presentation of the total number of instructions issued by the Council of Ministers year after year in numerical values for the period under survey. The table also introduces the number of CoM instructions published (or not published) in the Official Journal each year, according to the data obtained from the "Transparency of State Publications" reports.

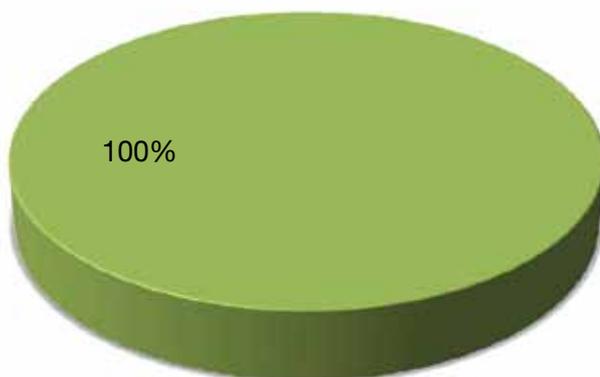
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	5	5	0
2007	6	6	0
2008	3	3	0
2009	2	2	0
2010	8	8	0

TAB no.10

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



Legend: ■ Published ■ Not published

The annual publishing level of the *type of act: "CoM instruction"* in the Official Journal is 100% each year, for the time period 2006 -2010 (Graph 1).

The average publishing level of the *"CoM instruction"* in the Official Journal is also 100% for the time period 2006-2010 (Graph 2). Further, this graph indicates that the level of compliance with Article 29, point 3 of the Law No. 9000, dated 30.1.2003 "On the organization and functioning of the Council of Ministers," is also 100%.

Consequently, **the publishing level trend** of the *"CoM instruction"* (Graph 3) is represented by a straight horizontal line, which, in the vertical axe marks 100% for the five years under survey.

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

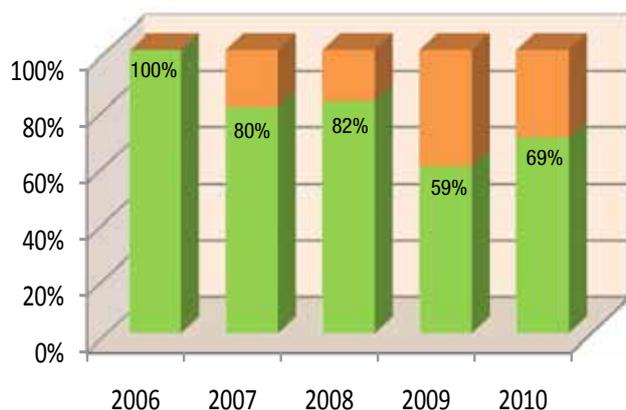
Instructions of the Ministry of Finance

The monitoring of the Official Journals 2006-2010 for the *type of act: "MoF instruction"* evidenced unpublished instructions for each year. Table 11 (on the right) provides a detailed presentation of the MoF instructions in numerical values year after year for the time period 2006-2010. It also introduces the number of the MoF instructions published (or not) in the Official Journal each year, according to the data obtained from the "Transparency of State Publications in the Republic of Albania" reports.

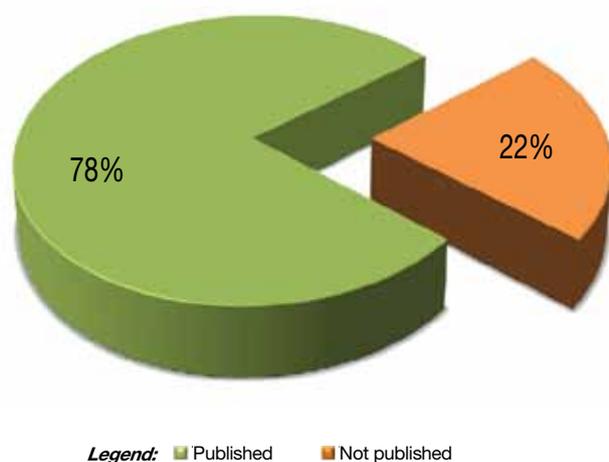
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	12	12	0
2007	30	24	6
2008	48	38	9
2009	56	33	23
2010	47	32	14

TAB no.11

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



The annual publishing level of the type of act: "MoF instruction" in the Official Journal marked 100% only in 2006. As Graph 1 indicates, the lowest values in act publishing level were encountered in 2009, at 59%.

In 2010, the publishing level improved in comparison to 2009, although the annual value was below the average publishing level (value) for the five-year period, marking 78% (Graph 2). The 78% value determines the MoF's *level of compliance* with the relevant legal provision, which imposes it the obligation to publish its instructions in the Official Journal (article 29/3, law 9000, dated 30.1.2003 "On the organization and functioning of the Council of Ministers).

The publishing level trend of MoF instructions is of a descending nature as clearly indicated by Graph 3. From 2006 to 2009 a continuous decline was observed and only in 2010 did increase occur (Graph 3). However, the 2010 values exceeded only the 2009 values, but in no case did they exceed the publication values for the years 2006, 2007 and 2008.

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

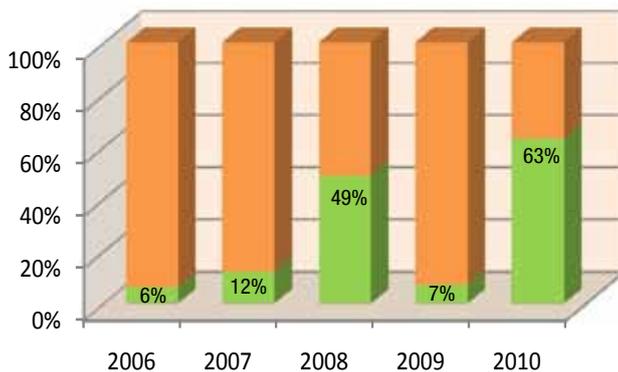
Instructions of the Ministry of Education

The monitoring of the Official Journals 2006-2010 for the *type of act: "MES instruction"* evidenced numerous unpublished instructions for each year. Table 12 (on the right) provides a detailed presentation of the MES instructions in numerical values year after year for the time period 2006-2010. It also introduces the number of MES instructions published (or not) in the Official Journal, based on data obtained from the "Transparency of State Publications in the Republic of Albania" reports.

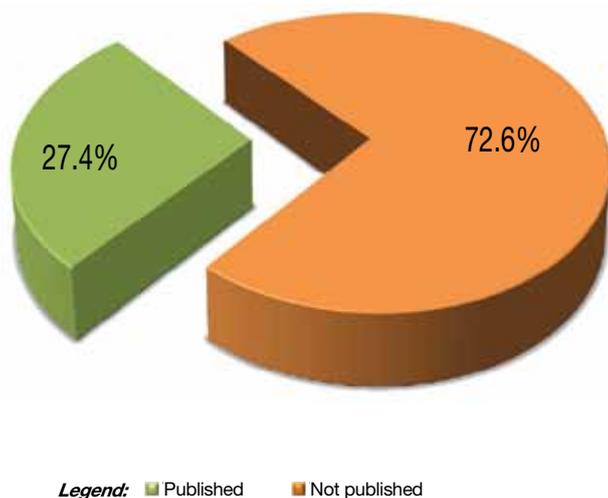
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	49	3	46
2007	41	5	36
2008	45	22	23
2009	41	3	38
2010	38	24	14

TAB no. 12

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)

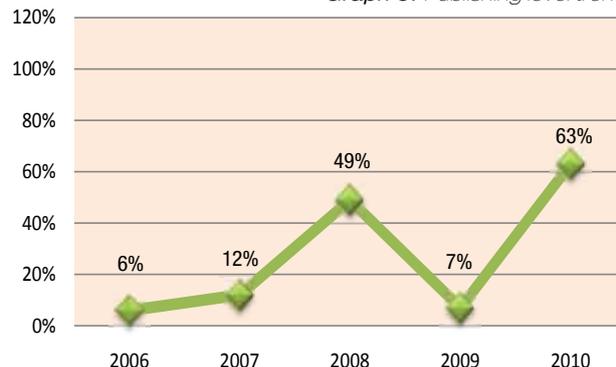


Graph 1 indicates *that the annual publishing level* of MES instructions in the Official Journal is among the lowest. In 2006 and 2009 it decreased to 7%. Only in 2010, it is observed for the first time that acts which got published in the OF exceeded those unpublished (63% of the total are publication in the OJ).

The average publishing level of MES instructions in five years is only 27.4% (Graph 2). Consequently, even the *level of compliance* of MES with the legal requirement in this respect (Article 29/3, Law No. 9000 "On the organization and functioning of the CoM" is the same, i.e. 27.4%. If that would be simultaneously used as a marking grade for the "homework" assigned to the MES by the Law No. 9000, then MES would have failed the class.

The publishing level trend of MES instructions is represented by a line which almost hits the "ground" in 2006 and 2009. Even though in 2010, the trend ascends to 63% (or "6" to use again a teaching marking term), this still remains a poor result (Graph 3).

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

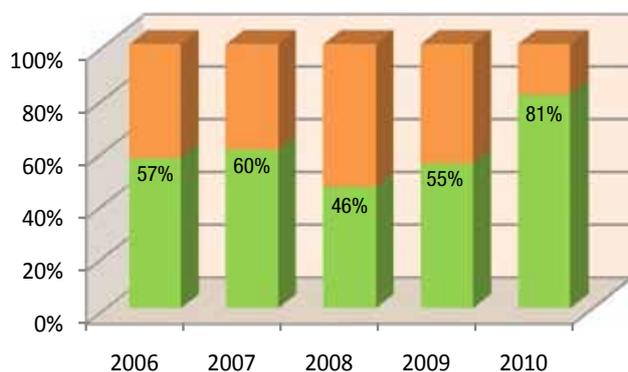
Instructions of the Ministry of Transport

The monitoring of the Official Journals 2006-2010 for the *type of act*: “MPWT instruction” has evidenced numerous unpublished instructions for each year. Table 13 (on the right) provides a detailed presentation of the *MPWT instructions* in numerical values year after year, for the time period 2006-2010. It also introduces the number of *MPWT instructions* published (or not) in the Official Journal, based on data obtained from the “Transparency of State Publications in the Republic of Albania” reports.

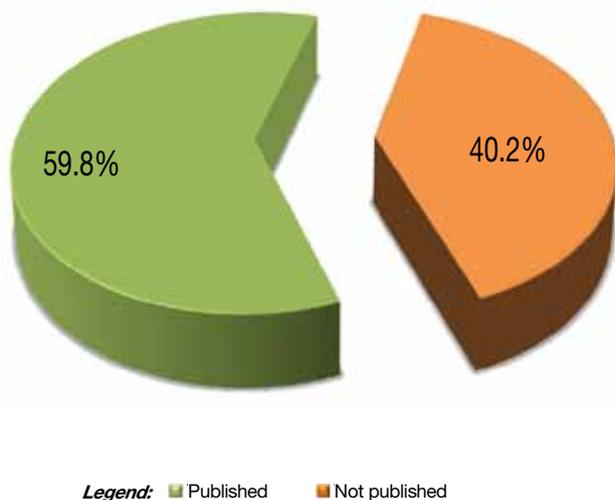
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	7	4	3
2007	20	12	8
2008	24	11	13
2009	3	1	2
2010	28	22	6

TAB no. 13

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



Graph 1 visualizes *the annual publishing level* of the MPWT instructions in the Official Journal (each year of the time period 2006-2010). The lowest values are reported in 2008, with only 46% of the instructions being published in the Official Journal. Every other year, acts' publication percentage does not fall below 50%.

The average publishing level (2006-2010) of MPWT instructions in the Official Journal is 59.8% (Graph 2). Accordingly, this is also *the level of compliance* with Article 29/3 of the Law No. 9000 dated 30.1.2003 “On the organization and functioning of the Council of Ministers” by this ministry (MPWT).

The publishing level trend of instructions issued by MPWT is represented by a broken line, which for 4 consecutive years, 2006-2009, “twists” to 50% levels or rate. Only in 2010 a significant increase of the trend is observed, compared to the previous years. As suggested by Graph 3, from 2008 when the act publishing level reached the lowest values, to 2010, there is a steady increase in terms of the publishing level of instructions in *the Official Journal by this ministry. In conclusion, we may state that the trend shows an improving tendency.*

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

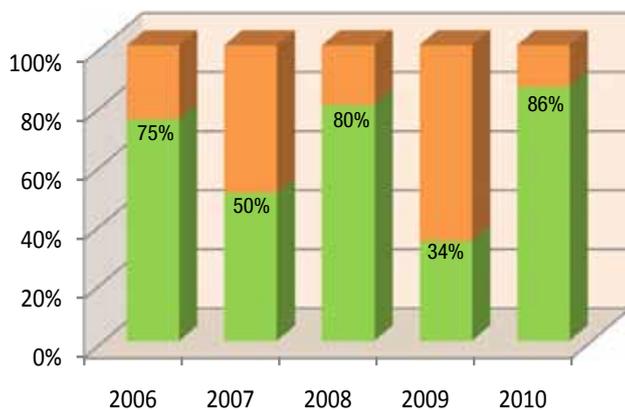
Instructions of Ministry of Environment

The monitoring of the Official Journals 2006-2010 for the *type of act*: “**MEFWA instruction**” has also evidenced numerous unpublished instructions for each year. **Table 14** (on the right) provides a detailed presentation of the **MEFWA instructions** in numerical values year after year, for the time period 2006-2010. It also introduces the number of **MEFWA instructions** published (or not) in the Official Journal, based on data obtained from the “Transparency of State Publications in the Republic of Albania” reports.

Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	7	5	2
2007	10	5	5
2008	5	4	1
2009	3	1	2
2010	7	6	1

TAB no.14

Graph 1: annual publishing level



Graph 2: average publishing level (2006-2010)



Legend: ■ Published ■ Not published

The annual publishing level of MEFWA instructions reached its minimum in 2009, at about 33%. The highest value for the five years under monitoring was reached in 2010, at 86% (Graph 1).

The average publishing level of MEFWA instructions for the time period 2006-2010 was 65% (Graph 2). The 65% value also represents **the level of compliance** with Article 29/3 of the Law No. 9000, dated 30.1.2003 “On the organization and functioning of the Council of Ministers” by this ministry (MEFWA).

The publishing level trend of MEFWA instructions (2006-2010) indicates increases and decreases. Year after year the ascending and descending values counterbalance each other, making the performance evaluation (either positive or negative) practically impossible. However, we should emphasize that 2010 marks the highest values of act publishing level, compared to the previous years, which might be interpreted as a positive indication (until the announcement of results for the year 2011).

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

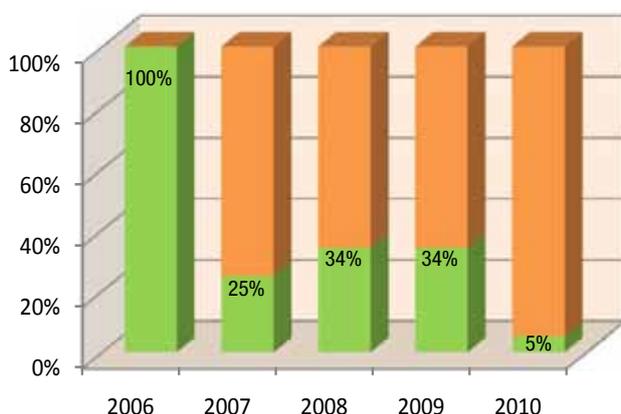
Instructions of Ministry of Agriculture

The monitoring of the Official Journals 2006-2010 for the *type of act*: “**MAFCP instruction**” has indicated a worsening of the situations with regard to this act’s publishing levels in the OJ. **Table 15** (on the right) provides a detailed presentation of the **MAFCP instructions** in numerical values year after year, for the time period 2006-2010. It also introduces the number of **MAFCP instructions** published (or not) in the Official Journal, based on data obtained from the “Transparency of State Publications” reports.

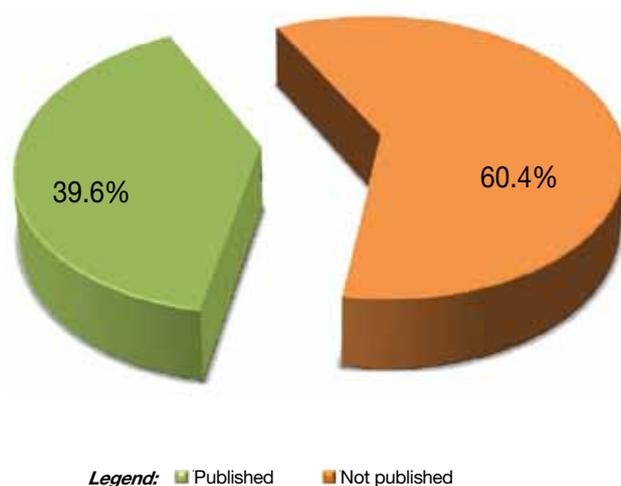
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	2	2	0
2007	12	3	9
2008	6	2	4
2009	3	1	2
2010	19	1	18

TAB no.15

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



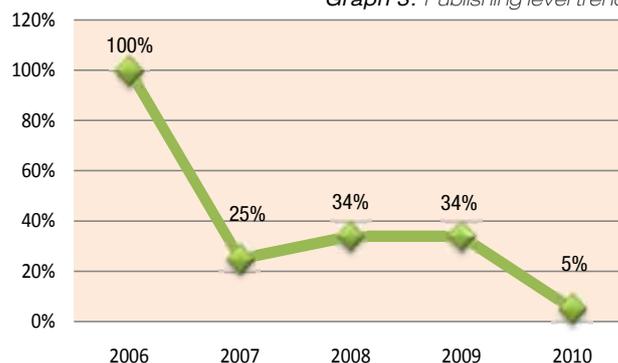
As indicated by Graph 1, **the annual publishing level of MAFCP instructions** declined from 100% in 2006 to a minimum value of only 5% in 2010. It is also noted that the larger the number of instructions issued by the MAFCP within one year, the lower the value of act publishing level tends to be.

The publishing level trend (Graph 3) displays a "chaise-longue" shape. The years 2007 and 2010 represent the legs and the year 2006 represents the back.

The average publishing level of the *type of act*: “**MAFCP Instruction**” for the five-year period (2006-2010) was 39.6%. As already clarified, this is the value determining the **level of compliance** with Article 29/3, Law No. 9000, dated 30.1.2003 “On the organization and functioning of the Council of Ministers” by the MAFCP with regards to the publication of its own instructions in the Official Journal.

If we rounded off the degree/level of compliance (not in %), the Ministry of Agriculture would "fail the class" as it would receive only an “F” mark.

Graph 3: Publishing level trend



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

Unifying Decisions of the Supreme Court

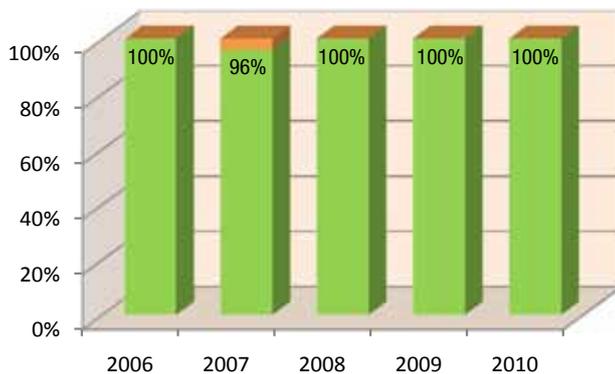
Decisions for the unification and amendment of the judicial practice are published in the upcoming issue of the Official Journal (*article 19/3, Law no. 8588, dated 15/03/2000 "On the organization and functioning of the Supreme Court in the Republic of Albania"*).

The monitoring of the Official Journal exhibits that only one UDSC, dated in 2007, remained unpublished in the time period 2006-2010 (Table 16, on the right). Meanwhile, the situation appears normal in the other years under survey, based on the data obtained from the "Transparency of State Publications" reports.

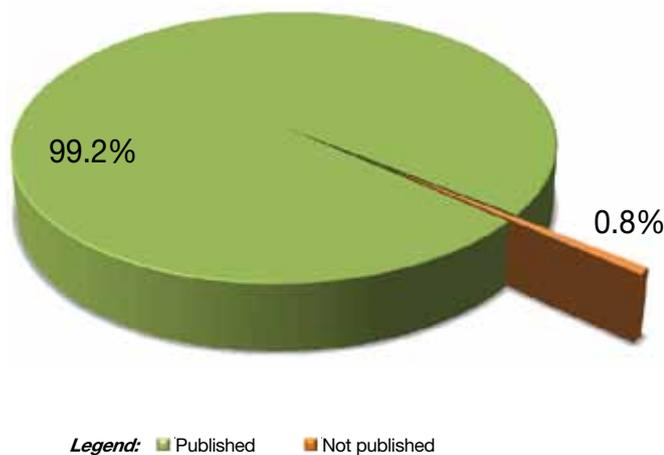
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	14	14	0
2007	27	26	1
2008	4	4	0
2009	18	18	0
2010	1	1	0

TAB no.16

Graph 1: Annual publishing level



Graph 2: Average publishing level (2006-2010)



As suggested by *Graph 1*, only in 2007 **the annual publishing level** of UDSC declined from the absolute value of 100% (out of a total of 9 unifying decisions, only 8 or 89% of the total number were published in the 2007 Official Journal).

The average publishing level of UDSC in the Official Journal for the five years period (2006-2010) taken altogether is 99.2%. This represents simultaneously **the level of compliance** by the Supreme Court itself with Article 19/3 of its organic Law (No. 8588, dated 15.03.2000 "On the organization and functioning of the Supreme Court in the Republic of Albania" by the Supreme Court).

Graph 3 visualizes **the publishing level trend** of the UDSC in the Official Journal for the five-year period, 2006-2010. It reveals a balanced trend (100% rate), with the exception of the year 2007, in which it suffered a decline of 4% from the maximum value.

Graph 3: Publishing level trend



ANALYSIS OF DELAYS IN PUBLICATION, 2006-2010

Unifying Decisions of the Supreme Court

The legal timeline for the publication of the UDSC in the Official Journal has been subject to monitoring and evaluation in the context of the annual "Transparency of State Publications in the Republic of Albania" reports.

The Law no. 8588, dated 15/03/2000 "On the organization and functioning of the Supreme Court in the Republic of Albania.", has given a special importance to the promulgation and publication of the decisions ruled by this court. Article 19 of this law explicitly stipulates that:

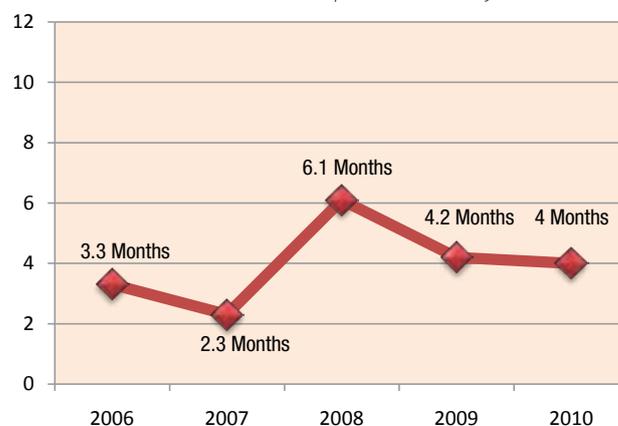
1. The decisions of the Supreme Court are proclaimed with the reasoning no later than 30 days from the date of the termination of the judicial examination.
2. The decisions of the Joint Panels, along with the reasoning of the minority, shall be published in the Periodical Bulletin of the Supreme Court.
3. Decisions for the unification and amendment of the judicial practice¹ are published in the upcoming issue of the Official Journal.

Considering the explicit definition of Article 19/3, the authors of this monitoring report have identified "the earliest issue of the Official Journal" in which the UDSC should have been published, starting to count from the date on which the judgment was announced (human error margin: 5-10%). It is clear that any delays in the proclamation of the UDSC, in breach of the time limits imposed by Article 19, point 1, would automatically lead to a breach of point 3 of the same article (19).

Table 18 on page 52 gives a full list of the UDSC for the five-year period under survey (2006-2010). The two last columns on the right side of the table respectively introduce the Official Journal editions in which the UDSC is published and the Official Journal editions in which the authors of the monitoring report deem that the act should have been published, allowing for one month of grace in calculating the time limits, in compliance with Article 19/3 of the Law No. 8588, dated 15.03.2000 "On the organization and functioning of the Supreme Court."

Graph 1 introduces the trend of publication delays of the UDSC, whereas Table 17 introduces the findings in numerical values and other specifications required for the *type of act: "UDSC" (2006-2010)*.

Grafiku 1: The trend of publication delays of the UDSC



Tab. No. 17

YEAR	DECIDED CASES BY JOINT COLLEGES OF THE SC	UDSC	CIVIL UDSC	PENAL UDSC	UDSC UNPUBLISHED IN OJ	AVERAGE PUBLICATION DELAY OF UDSC IN OJ
2010	2	1	1	0	0	4 Months
2009	18	8	3	5	0	4.2 Months
2008	4	2	1	1	0	6.1 Months
2007	27	9	1	8	1	2.3 Months
2006	14	6	6	0	0	3.3 Months



ANALYSIS OF DELAYS IN PUBLICATION, 2006-2010

Tab. No. 18 - Unifying Decisions of the Supreme Court, 2006-2010

Year	Nr.	Indexing number of Unifying Decision (UD)	Date of Unifying Decision	Official Journal where UD was published	Official Journal where UD should have been published
2010	1	No.2 of Main Register Decision No.1	26.11.2011	no.74 (Extra) April 2011	No.157 30/11/2010
2009	1	No.6/4 of Main Register Decision No.1	6.1.2009	No.171 9/12/2009	No.8 9/2/2009
	2	No.5/3 of Main Register Decision No.2	6.1.2009	No.82 8/6/2009	No.8 9/2/2009
	3	No.7/5 of Main Register Decision No.5	20.1.2009	No.102 8/7/2009	No.13 20/02/09
	4	No.4/3 of Main Register Decision No.1	8.1.2009	No.117 10/8/2009	No.8 9/2/2009
	5	No.6/5 of Main Register Decision No.2	6.2.2009	No.125 24/08/09	No.21 6/3/2009
	6	No.9 of Main Register Decision No.4	24.6.2009	No.125 24/08/09	No.112 24/07/09
	7	No.2/1 of Main Register Decision No.5	15.9.2009	No.171 9/12/2009	No.145 20/10/09
	8	No.6/5 of Main Register Decision No.2/1	2/10/2009	No.162 27/11/09	No.148 2/11/2009
2008	1	No.8 of Main Register Decision No.3	12/2/2008	No.150 3/10/2008	No.37 12/3/2008
	2	No.1 of Main Register Decision No.1	27/03/2008	No.149 24/09/08	No.59 25/04/08
2007	1	No.2/2 of Main Register Decision No.1	25/01/07	No.97 1/8/2007	No.18 24/02/07
	2	No.8/1 of Main Register Decision No.3	24/01/07	No.18 24/02/07	No.18 24/02/07
	3	No.10/3 of Main Register Decision No.5	22/01/07	No.30 23/03/07	No.15 22/02/07
	4	No.9/2 of Main Register Decision No.6	24/01/07	No.97 1/8/2007	No.18 24/02/07
	5	No.1 of Main Register Decision No.8	12/9/2007	No.150 13/11/07	No.133 11/10/2007
	6	No.4 of Main Register Decision No.10	12/9/2007	No.156 27/11/07	No.133 11/10/2007
	7	No.12/5 of Main Register Decision No.19	15/11/07	No.191 7/2/2008	No.168 17/12/07
	8	No.5 of Main Register Decision No.20	15/11/07	No.191 7/2/2008	No.168 17/12/07
2006	1	No.11/2 of Main Register Decision No.1	31/01/2006	No.43 10/05/06	No.13 01/03/06
	2	No.13/4 of Main Register Decision No.3	3/2/2006	No.43 10/05/06	No.16 06/03/06
	3	No.12 of Main Register Decision No.4	1/2/2006	No.34 14/04/06	No.13 01/03/06
	4	No.5 of Main Register Decision No.5	3/3/2006	No.54 02/06/06	No.22 06/04/06
	5	No.7 of Main Register Decision No.9	9/3/2006	No.119 20/11/06	No.26 10/04/06
	6	No.7 of Main Register Decision No.13	9/3/2006	No.107 13/10/06	No.26 10/04/06



ANALYSIS OF ACTS' PUBLISHING LEVEL, 2006-2010

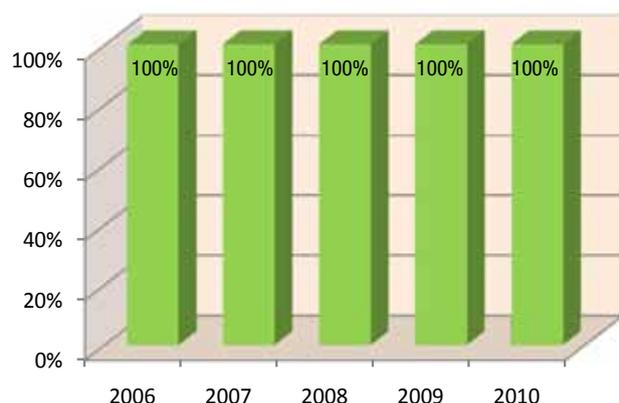
Judgments of the Constitutional Court

No unpublished judgements (decisions) given by the CC were evidenced during the examination of the Official Journals issued in the time period 2006-2010. The **Tab. 19** (on the right) provides a numerical presentation of all judgements (decisions) given by the CC and published by the SPC in the Official Journal for each year, based on the data provided in the reports on the Transparency of State Publications in the Republic of Albania, from 2006 to 2010.

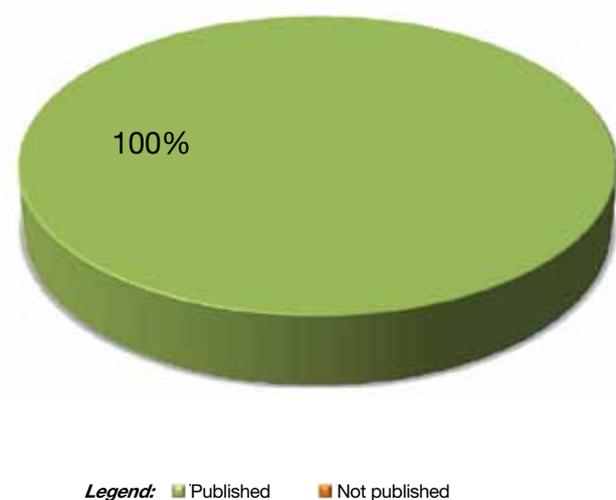
Year	Instructions in total	Instructions published in OJ	Instructions un published
2006	30	30	0
2007	45	45	0
2008	29	29	0
2009	32	32	0
2010	38	38	0

TAB no.19

Graph 1: annual publishing level



Graph 2: average publishing level (2006-2010)

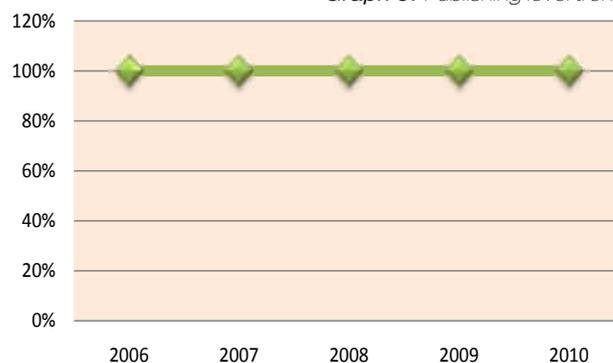


The annual publishing level for the judgements of Constitutional Court (or decisions) is 100% for each of the years under put under monitoring of the time-period 2006-2010 (see: Graph 1).

Consequently, even **the average publishing level** of the CC's decisions (judgements) for the time period 2006-2010 is 100% (Graph. 2) and the same is also **the level of compliance** of the Constitutional Court with its own organic law, (with special regards to Article 26, points 1 & 2, Law No. 8577, dated 10.2.2000. "On the organization and functioning of the Constitutional Court in the Republic of Albania").

The publishing level trend of the Constitutional Court judgments (decisions) in the Official Journal is represented by a straight horizontal line, which, in its vertical axe, remains at the maximum value of 100% for the whole time period 2006-2010 (Graph 3).

Graph 3: Publishing level trend



RECOMMENDATIONS

We shall logically proceed with the initial recommendations to the “sending” institutions, but also to the State Publications Center (receiver), to publish in the “Supplemental” Official Journals, the acts which were identified through this monitoring report as unpublished in 2010. Such a practice was also followed in 2010 by SPC, which printed and circulated a large number of “Supplemental” Official Journals, in which over 400 DCMs were published. Most of these DCMs had been caught in the backlog since 2005. This special editions of Supplemental Official Journals (unique in terms of volume) though delayed, ensured (restored) effective access to a series of acts which arose public and media interest.

If this positive precedent would be replicated again this time, special importance should be given to the publication of ministers’ instructions because, as it has been already made clear in the theoretical deliberations of this Report (*monitoring legitimacy*), they are acts of normative character and their publication in the Official Journal determines the moment of their entry into force. While recommending the publication of instructions in the Official Journal, though with delay, CPII takes into consideration the principle that the non-publication of an act in the Official Journal does not necessarily bring its invalidity, but its ineffectiveness; invalidity itself is assessed in its entirety. The legal effects that might be generated from the act until its publication, have no legal force and the act is considered irrelevant and inexistent¹.

Secondly, the problems encountered through the monitoring of the five-year period, 2006-2010, have clearly identified the need for the unification of the act indexing system, particularly with regards to the ministers’ instructions. The Ministry of Interior, Ministry of Justice, Ministry of Economy (METE) or Ministry of Health do not use the standard index system for their instructions. In fact, rather than act indexes, they may be considered protocol numbers “baptizing” the instruction. In some cases it may be possible that the index number has derived from the previous years. This renders impossible the evaluation of the index series regularity, a fundamental element on which the monitoring method used by CPII is based. Setting up arbitrary the act’s attributes (date, & index no.) undermines the commitments recently undertaken by the Albanian Government at

national and international level for open, transparent and accountable governance, because it renders impossible the identification of such acts by interested subjects (interested entities, legal professionals, normally citizens, etc.), compromising the effective access to the legislation. This may have a negative impact (leading to reduction) on acts’ level of enforcement, or level of compliance with the specific law provisions. In arguing so, we do take for granted that the institution issuing the act has a direct interest on the act being enforced. Its effective notification serves exactly this purpose.

Another element most frequently encountered in the cases of ministers’ instructions, is the arbitrary determination of the last provision of the instruction itself, which specifies the time of the entry into force of the act. *Law No. 9000, dated 30.1.2003 “On the organization and functioning of the Council of Ministers”* clearly establishes through Article 29, paragraph 3 that the: “Instructions of the Council of Ministers and of the minister acquire legal force after their publication in the Official Journal.” Such legal stipulation clearly implies that this type of act cannot become effective prior to its publication in the Official Journal. In contravention to this legal stipulation, in the vast majority of cases, the provisions establishing the entry into force of instructions have a standard formulation of the type: “***This instruction enters into force immediately.***”

CPII recommends that the institutions which issue acts subject to publication in the Official Journal, discard this practice that does not take into account the legal stipulations. They must reformulate the act’s entry into force provision based on the explicit requirement of the *Law No. 9000 “On the organization and functioning of the CoM”*. Article 29 of this Law clearly imposes the publication modalities of an act, especially with regard to entry into force following publication in the Official Journal. In this context, it is worth emphasizing that the instruction is the most important act a minister issues in the exercise of his governing functions and duties. If the laws (primary legislation) generally regulate the legal relations in a specific area, what remain most tangible for the *implementing entity* (enforcement agencies, subjects, etc) are the bylaws (secondary legislation), in particular the instructions of the line minister specifying in

1 “E Drejta Administrative 2” Sokol Sadushi, third edition, revised 2005, pg.5



details the law implementation modalities and/or DCMs, in the specific case. The subjects (enforcement agencies) are only required to follow/comply with these instructions. Therefore, the access of the implementing body or subject to these acts should be fully ensured, starting with their public disclosure. This is achieved not only through their publication in the Official Journal (legally defined) but also through the ministries' websites in a specially earmarked and user-friendly medium.

The increase of the absorbing and processing SPC capacities is another recommendation put forward in the context of this Report. The survey conducted for the five-year period, 2006-2010, evidenced a fairly high number of acts to be handled by SPC each year for publication in the Official Journal. Certainly, daily SPC faces a real professional challenge to accomplish strictly its legal mission, as stipulated in *Law No. 8502 "On the establishment of the Center for Official Publications," as amended*.

CPII has repeatedly recommended (in both previous reports) that the grounds for the lack of SPC technical capacities and human resources for the publication of this number of acts, might be eliminated if the Albanian state would recognize the official effect of the electronic publication of the Official Journal. According to some experts, this initiative might certainly require some interpretations of the Constitution. We welcome the fact that such a recommendation has been taken into account (some amendments to the *Law No. 8502 "On the establishment of SPC," as amended*, are being reviewed).

CPII has already clearly stated its position that the amendment of the *Law No. 8502 "On the establishment of the Center for Official Publications" as amended*, would not necessarily imply the amendment of the Constitution. In more simple terms, CPII has recommended that the current print publication of the Official Journal might continue as usual, but at a much more reduced circulation. In the meantime, the law should specify modalities when an electronic version of the Official Journal should be considered the identical copy of the print format. The electronic copies of the Official Journal published in the internet would make up for the reduction of the circulation in a print format. Simultaneously, they would highly improve public access to the act database. If this also were to be the version to be adopted in the context of the anticipated amendments to the *Law No. 8502, as amended*, only 100 print copies may be printed for archival purposes and to overcome any potential defaults or manipulation of the online systems. These authentic print copies may be submitted to the key national consti-

tutional institutions, in order to administer them in their archives, such as the National Library, the State Archives or any other similar institutions.

For more than a year now, the Ministry of Justice has been working on drafting the anticipated amendments to the *Law No. 8502*. These amendments are also expected to address the issue of the electronic publication of the Official Journal. In this context, CPII would recommend to the Ministry of Justice to involve better in the drafting process specialized stakeholders of the civil society, who make real contributions in the area of access to legislation. Last year, CPII organized a round table of a high technical level, with the most distinguished experts in the area of official publications and e-governance, attended by senior officials of the Ministry of Justice. A summary of the recommendations of this round table was then sent to the Ministry of Justice. CPII commissioned two distinguished local experts in the area of administrative law, to carry out a genuine comparative study on the relevant practice of the European countries. This study was submitted for further evaluation to the Ministry of Justice. It is already a well-known fact that most of the European countries have "abandoned" the print publication (paper version) of the Official Journal. These countries have already closed down gigantic printing houses and have adopted a brand new approach, guaranteeing a high-level access to the official act database to anyone, reduction of the cost of the Official Journal, elimination of distribution delays, etc.

Another CPII recommendation in light of drafting of amendments to the *Law No. 8502, as amended*, would be the coordination of the deadlines for the publication of acts in the Official Journal, as established by this law, with the ones established respectively by the organic law on the Supreme Court (No. 8588) and the Constitutional Court (No. 8577).

In conclusion, a recommendation on the issue of the "backlog" of the international acts ratified over the years by the Parliament, whose text has not been published in the Official Journal in the Albanian language. CPII observed that this backlog is several times larger than the one identified by the Ombudsman in the Special Report No. 1, which was submitted to the Parliament on 23 May 2008. CPII will make public shortly the results of a comprehensive evaluation of the situation during the last twenty years, in respect of the unpublished international acts. However, we currently recommend to the Ministry of Justice and other relevant institutions to proceed without delay in terms of the reduction of the backlog recommended for publication in the Official Journal by the Ombudsman.



BRIEFLY ON "ÇIP" METHODOLOGY

In general terms, the "ÇIP" Methodology consists of two linked components:

1. **Schematic** – Identification of unpublished acts in the Official Journal, through examining the consistency of the numerical order (series) used to index each type acts (Laws, Decisions, Instructions, etc). Each interruption of the indexing series resulting after examining the Official Journal indicates a non-published act. This verification component tends to give answer to the question "how many" acts, subject of publication in the Official Journal, have been published and how many of them lack the publication.
2. **Factual** – Cross-examination of findings through comparison of two or more official sources in which acts are being stored. This tends to give answer to the question "what" official acts have not been published concretely (as number, title and text body content).

With regard to identification of unpublished laws, the "ÇIP" Methodology performs high efficiency (margin error: 95-98%) due to the simplicity of the indexing order used for tagging this type of act (ascending numerical order) but also due to the fact that the laws approved by the Parliament are of definitive nature and as such their final destination is the publication in the OJ which is a juridical condition for the entry into force. The same high verification efficiency is performed also when applied upon Normative acts with legal power (NALP) as well as court decisions (Supreme Court, Constitutional Court).

With regard to identification of unpublished Decisions of the Council of Ministers (DCM), the verification protocol is far more complicated. The main reason for that is that not all DCMs are subject of publication in the Official Journal. A significant part of decision-making by the Council of Ministers is proposal of draft laws (Article 81 of the Constitution) and approval in principle of international agreements. Both types of such acts are sent to the Assembly, respectively for approval or ratification (when ratification is required by the effective legal provisions). In such case all this type of DCMs must be separated before methodological verification begins (margin of human error: 92%).

A relative difficulty represents also the identification of unpublished ministerial instructions. "ÇIP" Methodology provides with a specific verification protocol, mainly consisting of applying **Schematic component**. As explained, each absence or void in the numerical order in Official Journal of a given year, indicates necessarily a missing, consequently an unpublished ministerial instruction.

Factual component of the Methodology is applied only when possible when verifying instructions' publication in the OJ. Unlike the COM, the ministries do not publish online in their respective official websites all (in some cases not at all) the instructions issued by the ministers, though such type of acts represent the most important issued by the minister in exercise of their duties. In order to generate as much as possible "raw ma-

terial" for the **Factual component** to take place, in addition to official websites of the ministries, all government documents, i.e. strategies, annual progress reports, bulletins etc are carefully examined to extract every possible data that might expand basis for verification while comparing searching to identify those missing instructions whose index number is known, but not their content (title, date of approval, text body).

Another reason to apply the **Factual component** while monitoring the ministerial instructions' publication in OJ is the uncertainty that the last index number that closes up the indexing series of instructions issued by a given ministry, might not be *defacto* the last one. As long as we assume that not all ministerial instructions are being published in the OJ, it is reasonable to accept the possibility that the unpublished act might be also the one that closes up the index series (and not only those in between). For this reason, if during exploration and content examination of ministerial websites, governmental strategies, official bulletins etc, will be come across with instructions resulting or "tagged" with a higher index number than the last one published in the OJ of that year, than all calculations will be based upon this new higher index number that closes up *de facto* the indexing series of that given ministerial instruction in the given year (see: **Schematic component**).

Another methodological restriction in monitoring publication consistency of ministerial instructions is that not all ministries apply the same indexing method or system to "tag" the instructions each of them issue. Speaking in concrete terms, The COM, MOF, MOES, MOPWTT, MOEFWA, MOACP use an ascending numerical order on calendar year bases to index their respective instructions, while, MOJ, MOH, METE, MOLSAEO use a non-conventional indexing order, which seems to "tag" instructions with protocol numbers. In such case, only **Factual component** of verification can be applied upon, for as long as this is feasible. Results generated this way are to be considered "fragile" from the methodological point of view. Nevertheless, the findings regarding instructions issued by these ministries which are left unpublished, can not be smaller in any a case than reported below. On the contrary, in any case, they tend to be higher in theory.

The following official sources have been used as basis for verification in the context of this monitoring project:

1. Official Journals of 2006, 2007, 2008 and 2009
2. Extra editions of Official Journals
3. Electronic archive of SPC (www.qpz.gov.al)
4. The official website of the Council of Ministers. (www.keshilliministrave.al)
5. The official website of the ministries
6. Governmental documents i.e. progress reports, strategies, etc.
7. Recommendations of People's Advocate
8. The official website of the Constitutional Court (<http://www.gjk.gov.al/>)
9. The official website of the Supreme Court (<http://www.gjykataelarte.gov.al/>)
10. The official website of the ECHR (http://www.echr.coe.int/echr/Homepage_EN)



SPECIAL ANEX

TABLES OF UN-PUBLISHED DCMs, 2010

Due to the specificity in terms of volume and interest that they represent, the DCMs identified as unpublished in the Official Journal, 2010 will be grouped in two special tables in this Special Annex. Each table consist on easily distinguished columns, each of them under the following headings:

1. Title of DCM
2. Date of DCM
3. DCM's entry into force modality
4. Source at which this DCM was found

TAB. NO. 20 contains 25 the DCMs which are published on the CoM website, but not in the OJ 2010.

TAB. NO. 21 contains 54 DCMs for the approval in principle which are published on the CoM website, but not also in the Official Journals of 2010.

Practice suggests that such DCMs for the approval in principle are not submitted for publication in the Official Journal, because they are considered to be acts of transitory nature (supposed to complemented by

successive acts). As a matter of fact, the Law No. 9000 "On the organization and functioning of the CoM" does not make any distinction in its provisions (article 29) which would exclude from publication in the Official Journal these *transitory DCMs*. However, with the aim of taking into account the alternative [opposing] arguments on the issue, the findings related to DCMs on the approval in principle will be listed in a separate table (Tab. 21). The discussion whether they should also be considered as unpublished DCMs in the Official Journal let remain a prerogative of anyone who wishes to be involved in this doctrinaire debate, after having carefully reviewed the nature of these acts.

The title of the DCMs listed in **Tab. No.20** and **No.21** will not be translated into English for not altering or modifying any word, phrase, or context of the bylaw during consistency verification by those who might have a direct interest on this monitoring findings. The second reason for non-translating acts' titles has to do with fact that their publication targets mostly the inner institutions and domestic public.

TAB. no. 20

No.	DCM (title and content) identified as unpublished in the Official Journal, 2010	Issued in	Mode of entry into force	publication source
1	VENDIM PËR DHËNIEN NË PËRDORIM KOMISIONIT TË PROKURIMIT PUBLIK TË DISA MJEDISEVE, NË ADMINISTRIM TË AGJENCISË SË PROKURIMIT PUBLIK	07/04/2010	This decision enters into force immediately	CoM official website
2	VENDIM PËR KALIMIN NË PËRGJEGJËSI ADMINISTRIMI TË PRONËS "ZYRA DOGANORE, DREJTORIA RAJONALE, GJIROKASTËR", NGA MINISTRIA E FINANCAVE (DREJTORIA E PËRGJITHSHME E DOGANAVE), TE MINISTRIA E BRENDSHME, PËR DREJTORINË E PËRGJITHSHME TË POLICISË SË SHETIT	07/04/2010	This decision enters into force immediately	CoM official website
3	VENDIM PER NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E SHËNDETËSISË, PËR MBULIMIN E PJESSHËM TË SHPENZIMEVE TË KURIMIT TË SHTETASIT BESNIK HERCEKU, NË ITALI	24/03/2010	This decision enters into force immediately	CoM official website
4	VENDIM PER NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E SHËNDETËSISË, PËR MBULIMIN E PJESSHËM TË SHPENZIMEVE TË KURIMIT TË SHTETASIT KLITI KËRHXHALLI, NË IZRAEL	24/03/2010	This decision enters into force immediately	CoM official website
5	V E N D I M PER NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E SHËNDETËSISË, PËR MBULIMIN E PJESSHËM TË SHPENZIMEVE TË KURIMIT TË SHTETASIT FADIL MEHMETAJ, NË GJERMANI	24/03/2010	This decision enters into force immediately	CoM official website
6	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR KRYEMINISTRINË, PËR PAGESËN E ZYRËS SË PNUD-IT, NË TIRANË	17/03/2010	This decision enters into force immediately	CoM official website
7	V E N D I M PËR MIRATIMIN E VLERËS SË NDIHMËS PËR DËMET E SHKAKTUARA NË OBJEKTE, PRONË PRIVATE, NGA RESHJET E SHIUT DHE PËRMBYTJET, NË QARQET SHKODËR DHE LEZHË	17/03/2010	This decision enters into force immediately	CoM official website



No.	DCM (title and content) identified as unpublished in the Official Journal, 2010	Issued in	Mode of entry into force	publication source
8	V E N D I M PËR DHËNIE FONDI FINANCIAR BASHKISË KRUJË TË QARKUT TË DURRËSIT, PËR ZBATIMIN E PROJEKTEVE EMERGJENTE, QË LIDHEN ME MARRJEN E MASAVE REHABILITUESE DHE MBROJTËSE NGA FATKEQËSI TË NDRYSHME	10/03/2010	This decision enters into force immediately	CoM official website
9	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E MIRATUAR PËR VITIN 2010, PËR BASHKINË KUKËS, PËR ZBATIMIN E PROJEKTTIT REHABILITIMI I MBULESAVE TË PALLAT-EVE, NË LAGJEN NR.1, KUKËS	10/03/2010	This decision enters into force immediately	CoM official website
10	V E N D I M PËR MIRATIMIN E PROGRAMIT TË PËRGJITHSHËM ANALITIK TË PROJEKTEVE, QË DO TË PARAQITEN PËR SHQYRTIM NË KËSHILLIN E MINISTRAVE, GJATË VITIT 2010	10/03/2010	This decision enters into force immediately	CoM official website
11	V E N D I M PËR EMËRIMIN NË DETYRË TË ANËTARËVE TË KOMISIONIT TË PROKURIMIT PUBLIK	10/03/2010	This decision enters into force immediately	CoM official website
12	VENDIM PER SHITESË FONDESH PËR AGJENCINË KOMBËTARE BËRTHAMORE	03/03/2010	This decision enters into force immediately	CoM official website
13	VENDIM PER HAPJEN E PËRFAQËSISË DIPLOMATIKE TË REPUBLIKËS SË SHQIPËRISË NË KUVAJT, SHETI I KUVAJTIT		This decision enters into force immediately	CoM official website
14	VENDIM PER DHËNIE FONDI FINANCIAR KOMUNËS PASKUQAN TË QARKUT TË TIRANËS, PËR ZBATIMIN E PROJEKTTIT EMERGJENT, RRËSHQITJA TE VARREZAT NË PASKUQAN , PËR MARRJEN E MASAVE REHABILITUESE DHE MBROJTËSE	03/03/2010	This decision enters into force immediately	CoM official website
15	V E N D I M PËR HAPJEN E PËRFAQËSISË DIPLOMATIKE TË REPUBLIKËS SË SHQIPËRISË NË BRATISLAVË, REPUBLIKA E SLOVAKISË	03/03/2010	This decision enters into force immediately	CoM official website
16	V E N D I M PËR ÇAKTIMIN E NUMRIT TË PËRFAQËSUESVE TË ORGANIZATAVE TË PUNËMARRËSVE DHE TË PUNËDHËNËSVE NË KËSHILLIN KOMBËTAR TË PUNËS	03/03/2010	This decision enters into force immediately	CoM official website
17	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E BUJQËSISË, USHQIMIT DHE MBROJTJES SË KONSUMATORIT, PËR AUTORITETIN KOMBËTAR TË USHQIMIT	24/02/2010	This decision enters into force immediately	CoM official website
18	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E SHËNDËTËSISË, PËR MBULIMIN E PJESSHËM TË SHPENZIMEVE TË KURIMIT TË Z. SIMON LUSHAJ, NË TURQI	24/02/2010	This decision enters into force immediately	CoM official website
19	V E N D I M PËR NJË NDRYSHIM NË VENDIMIN NR.88, DATË 15.2.2006, TË KËSHILLIT TË MINISTRAVE, VPËR PËRÇAKTIMIN E PËRBËRJES STRUKTURE DHE SHPËRBLIMIN E KËSHILLIT KOMBËTAR TË SPORTIT, TË NDRYSHUAR	24/02/2010	This decision enters into force immediately	CoM official website
20	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR MINISTRINË E FINANCAVE, PËR KRYERJEN E RIKONSTRUKSIONIT TË AKADEMISË SË TRAJNIMEVE TË ADMINISTRATËS TATIMORE DHE DOGANORE	17/02/2010	This decision enters into force immediately	CoM official website
21	V E N D I M PËR NJË SHITESË FONDI NË BUXHETIN E VITIT 2010, MIRATUAR PËR INSTITUTIN E STATISTIKAVE, PËR KRYERJEN E RIKONSTRUKSIONIT TË NDËRTESES, NË ADMINISTRIMIN TË KËTIJ INSTITUCIONI	17/02/2010	This decision enters into force immediately	CoM official website
22	V E N D I M PËR MIRATIMIN E PROGRAMIT EKONOMIK E FISKAL TË SHQIPËRISË, 2010 -2012	27/01/2010	This decision enters into force immediately	CoM official website
23	V E N D I M PËR MIRATIMIN E LISTËS SË INVENTARIT TË PRONAVE TË PALUAJTSHME SHTETËRORE NË KOMUNËN TOPOJAN, TË QARKUT TË KUKËSIT	27/01/2010	This decision enters into force immediately	CoM official website
24	V E N D I M PËR NGRITJEN E KOMISIONIT TË NDIHMËS SHTETËRORE	27/01/2010	This decision enters into force immediately	CoM official website
25	V E N D I M PËR EMËRIM NË DETYRË	13/01/2010	This decision enters into force immediately	CoM official website
26	VENDIM PËR DHËNIEN NË PËRDORIM KOMISIONIT TË PROKURIMIT PUBLIK TË DISA MJE-DISEVE, NË ADMINISTRIMIN TË AGJENCISË SË PROKURIMIT PUBLIK	07/01/2010	This decision enters into force immediately	CoM official website

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Nr. rendor	VKM të identifikuara konkretisht (titull dhe përmbajtje) të cilat nuk janë të botuara në Fletore Zyrtare, 2009	Issued in	Mode of entry into force	publication source
1	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT DHE PROJEKTIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE, DHE UJËSJELLËS – KANALIZIME, POGRADEC, SH.A.-JA, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROGRAMIT “	22/12/2010	This decision enters into force immediately	CoM official website
2	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË HUASË, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE, DHE UJËSJELLËS – KANALIZIME, POGRADEC, SH.A.-JA, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROGRAMIT “MBROJTJA MJEDIS	22/12/2010	This decision enters into force immediately	CoM official website
3	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË HUASË NDËRMJET, REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROGRAMIT “INFRASTRUKTURA BASHKIAKE I, FURNIZIMI ME UJË DHE KANALIZIME PËR QYTETET	22/12/2010	This decision enters into force immediately	CoM official website
4	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT DHE PROGRAMIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE DHE FONDI SHQIPTAR PËR ZHVILLIM, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROJEKTIT “FONDI I INVESTIMEVE	22/12/2010	This decision enters into force immediately	CoM official website
5	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROGRAMIT “INFRASTRUKTURA BASHKIAKE ”	22/12/2010	This decision enters into force immediately	CoM official website
6	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT DHE PROJEKTIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE, DHE UJËSJELLËSIT, BERAT - KUÇOVË, SH.A., DHE KFË, FRANKFURT AM MAIN, PËR FINANCIMIN ME GRANT TË PROJEKTI	22/12/2010	This decision enters into force immediately	CoM official website
7	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT DHE PROGRAMIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E FINANCIVE DHE SHOQATA RAJONALE “KORÇA”, DHE KFË FRANKFURT AM MAIN, PËR FINANCIMIN E PROJEKTIT “ADMINISTRIMI I MBETJEVE	22/12/2010	This decision enters into force immediately	CoM official website
8	VENDIM PËR MIRATIMIN, NË PARIM, TË MEMORANDUMIT TË MIRËKËPTIMIT NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KËSHILLIT TË EUROPËS, PËR ZYRËN E KËSHILLIT TË EUROPËS NË TIRANË DHE STATUSIN E SAJ LIGJOR	22/12/2010	This decision enters into force immediately	CoM official website
9	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES NDRYSHUESE, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË AUSTRISË, PËR REALIZIMIN E NJË SISTEMI KOMPJUTERIKPËRREGJISTRIN THEMELTARTËGJENDJESCIVILENËSHQIPËRI	10/12/2010	This decision enters into force immediately	CoM official website
10	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË KREDISË SË EKSPORTIT, NDËRMJET KËSHILLIT TË MINISTRAVE, QË VEPRON NË EMËR TË REPUBLIKËS SË SHQIPËRISË DHE PËRFAQËSOHET NGA MINISTRIA E FINANCIVE, DHE UNICREDIT BANK AUSTRIA, AG, PËR FINANCIMIN E PËRMI	10/12/2010	This decision enters into force immediately	CoM official website
11	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJEVE NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË KOSOVËS, PËR HAPJEN E PIKAVE TË PËRBASHKËTA TË KALIMIT NDËRKUFITAR BËRJE – GLLOBOÇIÇË, ORGJOST (KUKËS) ORÇUSH	13/10/2010	This decision enters into force immediately	CoM official website



Nr. rendor	VKM të identifikuara konkretisht (titull dhe përmbajtje) të cilat nuk janë të botuara në Fletore Zyrtare, 2009	Issued in	Mode of entry into force	publication source
12	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË FEDERATËS RUSE, PËR PËRMBUSHJEN E DETYRIMEVE FINANCIARE TË REPUBLIKËS SË SHQIPËRISË, KUNDREJT FEDERATËS RUSE,	13/10/2010	This decision enters into force immediately	CoM official website
13	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS FEDERALE TË GJERMANISË, PËR BASHKËPUNIMIN NË FUSHËN E SIGURISË	06/10/2010	This decision enters into force immediately	CoM official website
14	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES FINANCIARE, NDËRMJET KFË, FRANKFURT AM MAIN, DHE REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRIA E PUNËVE PUBLIKE DHE TRANSPORTIT, (PËRFITUESI), PËR SHUMËN 975 475 EURO, PËR SHËRBIMET E EKSPERTIZËS SË M	13/08/2010	This decision enters into force immediately	CoM official website
15	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË BASHKËPUNIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË MAQEDONISË, NË KUADRIN E PROCESIT TË ANËRTARËSIMIT NË BASHKIMIN EUROPIAN	28/07/2010	This decision enters into force immediately	CoM official website
16	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË MBRETËRISË SË DANIMARKËS, PËR BASHKËPUNIMIN PËR ZHVILLIM	28/07/2010	This decision enters into force immediately	CoM official website
17	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES NDRYSHUESE TË MARRËVESHJES SË FINANCIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE SHOQATËS NDËRKOMBËTARE PËR ZHVILLIM (IDA), PËR PROJEKTIN E TRANSPORTIT	28/07/2010	This decision enters into force immediately	CoM official website
18	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE URDRHIT SOVRAN USHTARAK BAMIRËS TË SHËN GJONIT TË JERUZALEMIT, TË RODIT DHE MALTËS, PËR SHËRBIMIN POSTAR	07/07/2010	This decision enters into force immediately	CoM official website
19	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË KROACISË, PËR NDIHMË TË NDËRSJELLË NË RAST TË FATKEQËSIVE DHE AKSIDENTEVE TË MËDHA 22	07/07/2010	This decision enters into force immediately	CoM official website
20	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE URDRHIT SOVRAN USHTARAK BAMIRËS TË SHËN GJONIT TË JERUZALEMIT, TË RODIT DHE MALTËS, PËR SHËRBIMIN POSTAR	07/07/2010	This decision enters into force immediately	CoM official website
21	VENDIM PËR MIRATIMIN, NË PARIM, TË KONVENTËS RAJONALE TË RREGULLAVE PREFERENCIALE TË ORIGJINËS PAN-EURO-MED	07/07/2010	This decision enters into force immediately	CoM official website
22	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES NDRYSHUESE TË MARRËVESHJES SË FINANCIMIT, NDËRMJET REPUBLIKËS SË SHQIPËRISË DHE SHOQATËS NDËRKOMBËTARE PËR ZHVILLIM (IDA), PËR PROJEKTIN E MODERNIZIMIT TË SISTEMIT SHËNDETËSOR	07/07/2010	This decision enters into force immediately	CoM official website

Nr. rendor	VKM të identifikuara konkretisht (titull dhe përmbajtje) të cilat nuk janë të botuara në Fletore Zyrtare, 2009	Issued in	Mode of entry into force	publication source
23	VENDIM PER MIRATIMIN, NË PARIM, TË MARRËVESHJES "ISTISNA'A" DHE MARRËVESHJES SË AGJENCISË "ISTISNA'A", NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE BANKËS ISLAMIKE PËR ZHVILLIM (IDB), PËR PROJEKTIN "RINDËRTIMI I RRUGËVE DYTËSORE DHE L	30/06/2010	This decision enters into force immediately	CoM official website
24	VENDIM PER MIRATIMIN, NË PARIM, TË MARRËVESHJES SË HUASË, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE BANKËS ISLAMIKE PËR ZHVILLIM (IDB), PËR PJESËMARRJE NË FINANCIMIN E PROJEKTIT "RINDËRTIMI I RRUGËVE DYTËSORE DHE LOKALE"	30/06/2010	This decision enters into force immediately	CoM official website
25	VENDIM PER MIRATIMIN, NË PARIM, TË MARRËVESHJES SË GRANTIT NR. TF 096009, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE BANKËS NDËRKOMBËTARE PËR RINDËRTIM DHE ZHVILLIM (IBRD), PËR FINANCIMIN E PROJEKTIT "MBËSHTETJA E ZBATIMIT TË INICIAT	30/06/2010	This decision enters into force immediately	CoM official website
26	VENDIM PER MIRATIMIN, NË PARIM, TË PROTOKOLLIT NR.3 TË KONVENTËS KUADËR EUROPIANE "PËR BASHKËPUNIMIN NDËRKUFITAR NDËRMJET BASHKËSIVE APO AUTORITETEVE TERRITORIALE NË LIDHJE ME GRUPIMET E BASHKËPUNIMIT EURORAJONAL"	16/06/2010	This decision enters into force immediately	CoM official website
27	VENDIM PER MIRATIMIN, NË PARIM, TË PROTOKOLLIT SHITESË TË KARTËS EUROPIANE TË VETËQEVERISJES VENDORE PËR TË DREJTËN PËR TË MARRË PJESË NË PUNËT E NJË AUTORITETI VENDOR	16/06/2010	This decision enters into force immediately	CoM official website
28	VENDIM PER MIRATIMIN, NË PARIM, TË MEMORANDUMIT TË MIRËKUPTIMIT PËR BASHKËPUNIMIN DHE MBËSHTETJEN PËR SEKRETARIATIN E KONVENTËS SË BASHKËPUNIMIT POLICOR TË EUROPËS JUGLINDORE	16/06/2010	This decision enters into force immediately	CoM official website
29	VENDIM PËR MIRATIMIN, NË PARIM, TË PROTOKOLLIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË TURQISË, PËR NJËSINË SHQIPTARE QË OPERON NËN KOMANDËN E FORCËS TURKE NË AFGANISTAN, BRENDA FUSHËS SË VEPRIMIT TË OPERACIONEVE TË F	09/06/2010	This decision enters into force immediately	CoM official website
30	VENDIM PER MIRATIMIN, NË PARIM, TË PROTOKOLLIT NR.3 TË KONVENTËS KUADËR EUROPIANE "PËR BASHKËPUNIMIN NDËRKUFITAR NDËRMJET BASHKËSIVE APO AUTORITETEVE TERRITORIALE NË LIDHJE ME GRUPIMET E BASHKËPUNIMIT EURORAJONAL"	16/06/2010	This decision enters into force immediately	CoM official website
31	VENDIM PER MIRATIMIN, NË PARIM, TË PROTOKOLLIT SHITESË TË KARTËS EUROPIANE TË VETËQEVERISJES VENDORE PËR TË DREJTËN PËR TË MARRË PJESË NË PUNËT E NJË AUTORITETI VENDOR	16/06/2010	This decision enters into force immediately	CoM official website
32	VENDIM PER MIRATIMIN, NË PARIM, TË MEMORANDUMIT TË MIRËKUPTIMIT PËR BASHKËPUNIMIN DHE MBËSHTETJEN PËR SEKRETARIATIN E KONVENTËS SË BASHKËPUNIMIT POLICOR TË EUROPËS JUGLINDORE	16/06/2010	This decision enters into force immediately	CoM official website
33	VENDIM PËR MIRATIMIN, NË PARIM, TË PROTOKOLLIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË TURQISË, PËR NJËSINË SHQIPTARE QË OPERON NËN KOMANDËN E FORCËS TURKE NË AFGANISTAN, BRENDA FUSHËS SË VEPRIMIT TË OPERACIONEVE TË F	09/06/2010	This decision enters into force immediately	CoM official website
34	VENDIM PËR MIRATIMIN, NË PARIM, TË KONTRATËS FINANCIARE, NDËRMJET REPUBLIKËS SË SHQIPËRISË DHE BANKËS EUROPIANE TË INVESTIMEVE (BEI), PËR FINANCIMIN E PROJEKTIT TË RRUGËVE DYTËSORE DHE LOKALE	20/05/2010	This decision enters into force immediately	CoM official website



Nr. rendor	VKM të identifikuara konkretisht (titull dhe përmbajtje) të cilat nuk janë të botuara në Fletore Zyrtare, 2009	Issued in	Mode of entry into force	publication source
35	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË SHTETIT TË KATARIT, PËR SHËRBIMET AJRORE	20/05/2010	This decision enters into force immediately	CoM official website
36	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË HUASË, NDËRMJET REPUBLIKËS SË SHQIPËRISË DHE FONDIT OPEC PËR ZHVILLIM NDËRKOMBËTAR (OFID), PËR FINANCIMIN E PROJEKTIT TË RRUGËVE DYTË-SORE DHE LOKALE (FAZA II)	05/05/2010	This decision enters into force immediately	CoM official website
37	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJEVE DHE TË DOKUMENTEVE TË TRANSAKSIONIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË, PËRFAQËSUAR NGA MINISTRI I FINANCEVE, DHE DEUTSCHE BANK AG, LONDËR E J.P. MORGAN SECURITIES LTD, PËR EMETIM	07/04/2010	This decision enters into force immediately	CoM official website
38	VENDIM PËR MIRATIMIN, NË PARIM, TË PROTOKOLLIT DYPALËSH TË BASHKËPUNIMIT PËR ZHVILLIM, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË ITALISË	07/04/2010	This decision enters into force immediately	CoM official website
39	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KOMISIONIT EUROPIAN, PËR PROGRAMIN KOMBËTAR 2009, NË KUADËR TË INSTRUMENTIT TË ASISTENCËS SË PARAZGJERIMIT (KOMPONENTI P	17/03/2010	This decision enters into force immediately	CoM official website
40	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KOMISIONIT EUROPIAN, PËR PROGRAMIN HORIZONTAL PËR SIGURINË BËRTHAMOREDHEM BROJTJENNGARREZATIMET, NË KUADËR TË INSTRUMENTIT	17/03/2010	This decision enters into force immediately	CoM official website
41	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË HUNGARISË, PËR BASHKËPUNIMIN EKONOMIK	17/03/2010	This decision enters into force immediately	CoM official website
42	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË SERBISË, PËR BASHKËPUNIMIN NË FUSHËN E LUFTËS KUNDËR KRIMIT TË ORGANIZUAR, TRAFIKUT TË PALIGJSHËM NDËRKOMBËTAR	10/03/2010	This decision enters into force immediately	CoM official website
43	V E N D I M PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË HUASË, NDËRMJET REPUBLIKËS SË SHQIPËRISË DHE BANKËS EUROPIANE PËR RINDËRTIM DHE ZHVILLIM (EBRD), PËR FINANCIMIN E PROJEKTIT TË RRUGËVE RAJONALE DHE LOKALE	24/02/2010	This decision enters into force immediately	CoM official website
44	V E N D I M PËR MIRATIMIN, NË PARIM, TË PROTOKOLLIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË PORTUGALISË, PËR ZBATIMIN E MARRËVESHJES, MES REPUBLIKËS SË SHQIPËRISË DHE KOMUNITETIT EUROPIAN, PËR RIPRANIMIN	17/02/2010	This decision enters into force immediately	CoM official website
45	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET QEVERISË SË REPUBLIKËS SË SHQIPËRISË DHE MBRETËRISË SË SPANJËS PËR SHMANGIEN E TATIMIT TË DYFISHTË DHE PARANDALIMIN E EVAZIONIT FISKAL NË LIDHJE ME TATIMIN MBI TË ARDHURAT	10/02/2010	This decision enters into force immediately	CoM official website



Nr. rendor	VKM të identifikuara konkretisht (titull dhe përmbajtje) të cilat nuk janë të botuara në Fletore Zyrtare, 2009	Issued in	Mode of entry into force	publication source
46	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS FEDERALE TË GJERMANISË, PËR BASHKËPUNIMIN FINANCIAR PËR VITET 2006, 2007 e 2008, PËR PROJEKTET "LINJA UNAZORE 110 KV N	10/02/2010	This decision enters into force immediately	CoM official website
47	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES FINANCIARE, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KOMISIONIT TË KOMUNITETEVE EUROPIANE, "PËR PROGRAMIN NDËRKUFITAR SHQIPËRI - MALI I ZI, PËR VITIN 2009, TË KOMPONENTIT TË DYTË TË I	10/02/2010	This decision enters into force immediately	CoM official website
48	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET PALËVE NË TRAKTATIN E ATLANTIKUT TË VERIUT, PËR BASHKËPUNIMIN NË LIDHJE ME INFORMACIONIN ATOMIK	10/02/2010	This decision enters into force immediately	CoM official website
49	VENDIM PËR MIRATIMIN, NË PARIM, TË KONVENTËS, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË ESTONISË, PËR SHMANGIEN E TATIMIT TË DYFISHTË DHE PARANDALIMIN E EVAZIONIT FISKAL NË LIDHJE ME TATIMIN MBI TË ARDHURAT	10/02/2010	This decision enters into force immediately	CoM official website
50	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KOMISIONIT TË KOMUNITETEVE EUROPIANE, PËR PROGRAMIN E BASHKËPUNIMIT NDËRKUFITAR NDËRMJET GREQISË DHE SHQIPËRISË, PËR VITIN 2009,	10/02/2010	This decision enters into force immediately	CoM official website
51	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE KOMISIONIT TË KOMUNITETEVE EUROPIANE, PËR PROGRAMIN ME SHUMË PËRFITUES PËR TEMPUS, NË KUADËR TË KOMPONENTIT TË IPA-S, "ASIS-TENC	10/02/2010	This decision enters into force immediately	CoM official website
52	VENDIM PËR MIRATIMIN, NË PARIM, TË MARRËVESHJES SË FINANCIMIT,	10/02/2010	This decision enters into force immediately	CoM official website
53	VENDIM PER MIRATIMIN, NË PARIM, TË MARRËVESHJES, NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS FEDERALE TË GJERMANISË, PËR RIPROGRAMIMIN E FONDEVE TË MBETURA, PREJ 800 000 EURO-SH, NGA PROJEKTI "FURNIZIMI ME UJË	03/02/2010	This decision enters into force immediately	CoM official website
54	V E N D I M per MIRATIMIN, NË PARIM, TË MARRËVESHJES NDËRMJET KËSHILLIT TË MINISTRAVE TË REPUBLIKËS SË SHQIPËRISË DHE QEVERISË SË REPUBLIKËS SË SLOVENISË,PËR SHKËMBIMIN DHE MBROJTJEN E NDËRSJELLË TË INFORMACIONIT TË KLASIFIKUAR 58	03/02/2010	This decision enters into force immediately	CoM official website



