



SIGMA

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ALBANIA

GENERAL ADMINISTRATIVE LAW FRAMEWORK

ASSESSMENT MAY 2008

Preface

This report updates the assessment report prepared by SIGMA on the same topic in June 2006.

We use the notion of general administrative law to denote those parts of administrative law that are applicable – fully or partially, primarily or supplementarily – to all administrative settings, public bodies, administrative activities and administrative relationships. In other words, general administrative law would be the part of administrative law that is not only applicable across the whole administration, but also contains principles and norms that give rise to special regulations or specific organisational functioning.

Administrative law is the refined product of the pursuit in the course of history of the liberal goal to submit public powers to the law by ensuring that any action of the state is subject to the law or ruled by law. Modern democratic states derive their administrative law from their constitutions. The study of administrative law in a country cannot be dissociated from that of constitutional law.

The general legal framework for the administration is nevertheless comprised, first and foremost, of administrative law. A first approximation of the definition of administrative law is that it is a part of national public law (in EU Member States it is also now a part of the supranational legal order of the EU) that regulates the powers, competences (responsibilities), organisation and functioning of public authorities or of the public administration as a whole. This regulation includes relations established internally between administrative bodies and externally with other administrative bodies and with the general public.

Civil service legislation forms a part of administrative law, which is the instrument used by civil servants to ensure that the administration operates under the rule of law. Reforming the civil service without reforming the general administrative law would be an incomplete reform. For that reason this assessment attempts to answer the following question:

Do Albanian administrative practices and the legal administrative framework guarantee the principle of legality in administrative decision-making, and are they sufficient and appropriate to guide civil servants and public officials and to make them accountable for their performance?

Principle of Legality

The principle of legality in administrative decision-making is established in various pieces of legislation, starting with the Constitution of 1998 (article 4), which states that “the law will be the basis and the limit of the state activity”. The principle of legality is also recognised in the 1999 Code of Administrative Procedures (article 9), which states that public administration bodies carry out their activity by respecting the legislation in force. Article 9 of the 1999 Civil Service Law (CSL) establishes the duty of civil servants to respect and to act in conformity with the legislation in force in their activity as public employees. Furthermore, the CSL establishes that a civil servant is not obliged to respect a superior’s order that he/she considers to be illegal. The civil servant should refer that order to the person or institution that supervises the person or institution giving the illegal order.

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Organisation of the Administration

Law no. 9000 of 30 January 2003 “On the Organisation and Functioning of the Council of Ministers” is a general law setting out the competencies and rules of conduct of the Prime Minister and other members of the Council of Ministers (CoM); the procedures for preparation and submission of proposals for decision by the CoM; the agenda and voting procedures for weekly meetings of the CoM; the role of inter-ministerial committees; and the support organs for the Prime Minister and the CoM. In this law it is also established that the CoM should approve ministries’ areas of activity and their principal functions. In practice, the CoM has approved the activity and functions of only one ministry, the Ministry of European Integration. This situation has sometimes created confusion with regard to the extension of the competencies of ministries, especially in cases where there are cross-cutting activities.

Law 9000/2003 establishes the manner of creating subordinated institutions, but does not establish any rule of relationship between the parent ministry and the subordinate institution. Usually these rules are defined in the special Act governing the function of an agency. As there are no general rules, the situation varies and different solutions are applied for similar issues. The Department of Public Administration (DoPA) is currently running a project, supported by the World Bank, to establish a general framework for the organisation and functioning of subordinated institutions.

Article 95-2 of the Constitution awards large powers to the Council of Ministers while attributing to this body the exercise of any and “every state function that is not given to other organs of state power or to local government”. This article is often used as a constitutional basis for general and even enlarged discretionary powers of the administration (articles 9 and 21 of the Code of Administrative Procedures).

Law no. 8480 of 27 May 1999 regulates the Organisation of Collegial Bodies in State Administration and Public Institutions.

The 1998 Constitution establishes that local governments are founded on the principle of decentralisation, and that the relationship between the state, the regions, and local governments is grounded on autonomy, legality, and co-operation. The government has formulated and parliament has ratified a decentralisation strategy that is broadly consistent with the European Charter of Local Self-Governments, which Albania ratified on 21 October 1998.

There are 373 local government units in Albania. 65 of which are municipalities and 308 communes. Municipalities and communes form the 12 regions. The president of a region is elected by the regional council composed of representatives of the communes and municipalities. The regions have vaguely defined responsibilities in co-ordinating economic development and promoting public investment. In the past, an amount equivalent to 4% of the municipal budget was transferred to feed the regional budgets. Likewise, communes and municipalities may voluntarily entrust some of their competences to the region if they consider that they themselves lack sufficient capacity to manage those competences.

The control of the legality of local government decisions is entrusted to the prefect. The prefect may identify an illegality and warn the mayor before bringing the municipality to court. However, the centre-periphery relationships seem rather unclear from a legal viewpoint. The Association of Municipalities has sued the central government in the Constitutional Court some 15 times; the majority of these suits concern matters of urban planning, where the central government was accused of intruding in the exercise of the local governments’ legal powers.

Last month a law was passed allowing municipalities to borrow money. This law includes a number of safeguards, providing for example that the borrowing should serve public purposes, should not take place within six months of the end of the municipality’s mandate, and should not exceed 130% of the whole budgeted revenue of the municipality; the total sum of interests should not exceed the budget funds remaining after deduction of operational expenditure. The Ministry of Finance is to assist municipalities during the first year of implementation of the law. Other monitoring mechanisms are unclear.

The Ombudsman

The Albanian Ombudsman bears the name of People’s Advocate, and was established eight years ago. From the point of view of the Ombudsman, the main problem areas in the Albanian administration¹ result from the lack of transparency of the public administration. The Ombudsman monitors the implementation of the 1999

¹ Interview with SIGMA in Tirana on 5 March 2008.

law on access to information and since 2000 has formulated recommendations that were repeated almost every year. The Ombudsman receives complaints by media and journalists and individual citizens as well.

Another area of concern to the Ombudsman is property restitution, legalization and registration. A specialised agency deals with these issues. There are currently some 400,000 complaints on these matters. The 2004 Law on Property Restitution was not a good law, as it was very bureaucratic and provided for the payment of very high fines. The Ombudsman formulated recommendations for its amendment. The new government (2005) accepted in principle the Ombudsman's recommendations, and in 2006 a new law established a specialised agency. However, procedures continue to be very heavy and the Ombudsman is still working to remedy this situation.

Other problem areas include the police treatment of detainees, the slowness of court procedures, the prevention of torture, and child protection.

The Ombudsman receives about 4500 complaints per year. This number is tending to stabilize, which may mean that the role of the Ombudsman is known and that the population has generally a positive opinion of the institution.. However, 40% of the complaints received fall outside the Ombudsman's remit; for the remaining 60%, the Ombudsman ruled in favour of the complaining citizens in approximately 20-24% of the cases.

Recommendations are formulated in the Ombudsman's annual reports and mainly concern legislative changes: 150 recommendations for legislative amendment have been formulated in the eight years since the establishment of this institution, and 115 for the amendment of government decisions. A total of 75% of these recommendations were accepted.

Usually, the public administration is willing to co-operate with the implementation of the Ombudsman's recommendations, but sometimes this has required repeated interventions involving the minister, parliament, meetings, etc. In some cases the Ombudsman has asked for disciplinary measures and has used the media to explain the role of the institution. Reports are addressed to parliament and to higher political institutions (Prime Minister or ministers), who in turn sometimes ask the Ombudsman for his contribution and recommendations.

Quality of Legislation

Law 9000/2003 does not establish a clear procedure for regulatory impact assessment even though some elements are established in other legal acts. Carrying out these analyses is not a common practice in the activity of the public administration in Albania. Decision of the Council of Ministers No. 589 of 2003 established a procedure to guarantee the quality of legislation, but the regulatory quality remains generally poor, with some exceptions. According to the People's Advocate, the quality of the legislation protecting human rights is of good quality.

During the assessment period (2006-2008) the government took significant steps to improve the quality of the legislation. Among them was the adoption of a *Law-Drafting Manual incorporating a Guide to the Legislative Process in Albania*, which was published in May 2006 with the assistance of EURALIUS². The objective of this manual is to facilitate the consistency and uniformity of Albanian legislation and to guide and assist Albanian officials in the process of considering, drafting, and adopting legislation.

In this connection, a Department for Legislation and Co-ordination has been established within the Council of Ministers under the responsibility of the Secretary-General of the Government. The department has five lawyers, including its director, and its main responsibility is to check the constitutionality of any legislation to be passed by the Council of Ministers, but the department also ensures the quality of legislation and the sound use of adequate legislative techniques. In this regard, the department relies on the OECD's law-drafting principles. Sometimes the deficient quality of the laws is attributed to the excessive law-drafting speed imposed by the European approximation agenda.

The department examined 931 pieces of legislation in 2007, 850 in 2006 and 700 in 2005, in addition to other lower-rank regulations. Draft laws to be submitted to parliament have already been revised by the Ministry of Justice when they are submitted to the department for a final checking. However, according to the director of the department, there are problems with the approximation of Albanian legislation to

² EURALIUS stands for European Assistance Mission to the Albanian Justice System, a programme funded by the European Union. See: www.uralius.org.al.

EU legislation, as the Ministry for EU Integration has insufficient capacity to carry out all of the reforms that are needed. It is considered that more lawyers specialised in EU law are needed in Albania.

Administrative Liability and Compensation Rights

The law “On Extra-contractual Liabilities of Public Administration Institutions” (Law no. 8510 of 15 July 1999) establishes the obligation of institutions of the public administration to compensate for any damages they might cause to third parties.

Access to Information

Article 23 of the Constitution establishes the right to collect, receive and disseminate information and specifically sets forth the right of access to government-held information. Albania was the first country in the region to adopt a law on free access to information. The Law on the Right to Information about Official Documents (Law no. 8503) was adopted on 30 June 1999. This law contains 19 articles, which guarantee the right to information on official documents. Information contained in an official document that is granted to one person shall not be refused to any other person, except when this information consists of personal data about the person who was initially granted access to the information. The People’s Advocate (Ombudsman) is tasked with oversight of the law. Other laws can limit the right of access to information.

According to a report of 2004 by *Article 19*³, an advocacy group, the government has changed several times since Law 8503 was adopted, and each change has normally led to the reorganisation or the abolition of various ministries, with senior public officials being moved or replaced. This is a fundamental problem for the whole process of legal and administrative reform in Albania and underlines the failure to develop administrative capacity – including setting up systems and procedures and training officials – so as to ensure the effective application of the law as well as other reforms. This problem is accompanied by a serious lack of awareness regarding the law at all levels of Albanian society, from government to civil society to ordinary citizens.

According to *Article 19*, the law itself is clearly well intended in parts but nevertheless lacks several important safeguards. There are significant problems with the appeals process. The code governing the internal appeals process envisages the possibility of long delays in responding to requests, which are unacceptable in relation to information requests. Administrative oversight is provided by the People’s Advocate, the Albanian Ombudsman. However, the legislation governing this institution limits its powers to advisory opinions, so it cannot make binding orders to disclose. The right to judicial review of refusals to provide information has never been exercised in Albania, perhaps as a result of the small numbers of requests made for information, the excessively lengthy time for administrative review, and the lack of confidence in the judiciary due to its reputation for corruption. There are also significant problems with the scope of the law’s application and the regime of exceptions, while the law also lacks a number of important safeguards, such as protection for “whistle-blowers” and systems to promote better record maintenance.

Law 8503 of 1999 on the Right to Information about Official Documents is due to be reviewed along with the Code on Administrative Procedures. The law does not seem to have worked satisfactorily, although the litigation based on it is not abundant, not even in cases promoted by journalists, who usually constitute the main social group targeted by this kind of law, as the law is rarely used by ordinary citizens. One reason for this is that the law is so vague that any official denying access to information may in fact be making the right decision in legal terms. This fact, together with a lingering administrative culture based on secrecy and confidentiality, makes the transparency sought by this legislation unattainable.

Law no. 8457 of 11 February 1999 on Information Classified as “State Secret” regulates the creation and control of classified information. It sets three levels of classification: top secret, secret and confidential. Information can be classified for ten years but that period can be extended. The law creates a Directorate for the Security of Classified Information to enforce security rules. It was adopted to ensure compatibility with NATO standards. In May 2006 parliament approved amendments to the law, creating a new category called “restricted”, referring to information which, if disclosed, would “damage the normal state activity and the interests or effectiveness of state institutions”. These amendments were strongly criticised by civil society

³ <http://www.article19.org/pdfs/analysis/albania-foi.pdf>.

groups and international organisations. Articles 294-296 of the Criminal Code penalize the release of state secrets by both officials and citizens, with a penalty of up to ten years for unauthorised release⁴.

The Law on Archives (No. 9154 of 11 June 2003) sets rules for the retention and collection of archive files. The [Law on the Protection of Personal Data](#) (Law no. 8517 of 22 July 1999) allows individuals to access and correct their personal information held by public and private bodies; this law is also overseen by the Ombudsman.

The [Law on the Declaration and Control of Assets, Financial Obligations of Elected Persons and Some Civil Servants](#) was adopted on 10 April 2003. It requires public officials to declare their assets and liabilities. It is overseen by the High Inspectorate of Declaration and Control of Assets. The law specifically authorises public access to these declarations in accordance with the Law on the Right to Information.

Administrative Procedures

The Code of Administrative Procedures (Law no. 8485 of 12 May 1999) – CAP – is a general law on administrative procedures regulating the way in which administrative decisions are to be made. It basically regulates the legal relationships between administrative bodies and citizens or enterprises to produce individual administrative acts. General normative decision-making is out of the scope of the law. The law provides a definition of an administrative organ (article 3), although in a vague way, and of administrative activity, which comprises administrative acts, contracts and *de facto* actions or *faits accomplis* of the administration. The contracts regulated by this law are not subject to the Law on Public Procurement, even if they are also public contracts.

The law establishes the obligation to notify the parties to a proceeding, to award a hearing to all parties, to be expeditious (30 working days) in decision-making, to communicate decisions to all parties, to give reasons for administrative decisions, and so forth. However, the administrative obligation to give reasons is not explicitly foreseen in the law, but is implicit in articles 115 and ff. The CAP also establishes the principle of proportionality in taking decisions (especially in cases of administrative sanctions).

The CAP regulates administrative recourse, which is expressly admitted only against administrative acts. Even if administrative recourse is not forbidden against contracts and administrative *de facto* actions, it is more difficult to exercise. As a general rule (article 136 of CAP), an administrative recourse is first filed with the organ that issued the act (called “motion for reconsideration”); subsequently it is filed with the hierarchical body of the issuing institution (called “motion for review”); finally, the recourse is submitted to the court (article 139 CAP). Interim relief from administrative acts is admitted except in matters concerning taxation, or when public security or public interest is at stake.

It is worth noting that a huge discrepancy exists between the relatively elevated standards introduced by the CAP and the actual levels of implementation on the ground⁵. In connection with administrative procedures, it is also worth noting that it takes 22 steps and 344 days to comply with licensing and permit requirements. These procedures cost 227.4% of income per capita while in OECD countries the respective average is 14 steps, 146.9 days and 75.1% of income per capita⁶.

There is an Action Plan for Regulatory Reform, which includes the improvement of the licensing system. The lack of assessment methodology, sectoral analyses and relevant evaluation, the limited access to information, and severe problems with licenses issued by local governments have been identified by the government as the main issues in the area of licensing⁷. In this connection, a National Business Registration Centre was established by Law no. 9723 of 3 May 2007 under the Ministry of Economy, Trade and Energy as a sort of “one-stop shop” for registering businesses, which seems to have improved the administrative climate for businesses.

However, at lower levels in the administration (e.g. in deconcentrated units of central government, but especially in municipalities, communes and regions), officials continue to issue new requirements and new

⁴ See <http://www.freedominfo.org/countries/albania.htm>.

⁵ See Gent Ibrahim, “Administrative Procedures in Albania: Main Features and Drawbacks”, paper presented at the Regional Workshop on Public Administration Reform and EU Integration, organised by Sigma in Budva, Montenegro, on 5-6 December 2005 [available on the Sigma website: www.sigmaxweb.org/dataoecd/58/53/35936539.pdf].

⁶ Source: World Bank, “Dealing with Licenses in Albania” (www.doingbusiness.org)

⁷ See Sigma’s “Report on Albanian Licensing Activities”, written by Daniel Trnka, Flemming Norling-Olsen and Steen Bruun-Nielsen, 1 May 2006.

procedures for registering businesses, which is one of the sources of corrupt deals in the country. This clearly points to the need for better regulation or regulatory reform policies and monitoring mechanisms. However, this problem may be also seen as a result of the unclear distribution of powers and responsibilities between the various administrative levels that exist.

The general Code on Administrative Procedures is not well respected in everyday administrative decision-making and practice. Frequently specific procedures are at variance with the general Code. The legal effects of administrative silence are unclear in the current Code, which should also be improved in terms of demanding more transparent decision-making, delegation of administrative powers and better linkage with the judicial review procedure.

Administrative Justice

The Constitution (article 148 and ff.) establishes the independence of the judiciary. An independent institution, the High Council of Justice, manages the system and has the power to appoint and dismiss judges.

In general, the provisions of the Civil Procedure Code (Law no. 8116 of 29 March 1996, amended in 1998 and in 2001) – CPC – apply to court proceedings in administrative cases, unless provided otherwise in the Code. According to EURALIUS the term “administrative case” may refer either to the substantial nature of the case or to its formal qualification by being subject to special procedural provisions. In the context of this recommendation, only the formal qualification is relevant. However, the related articles in the CPC do not clearly define the cases to be regarded as administrative ones. Consequently, there might be different practices for calculating the number of “administrative cases” in the courts.

In Albania, the judicial review of administrative acts is currently entrusted to the ordinary court system. Administrative disputes can be submitted for judicial review if a) the administrative body acted in its capacity as the holder of sovereign rights/state authority; b) the plaintiff either claims the annulment or the changing of the administrative act, or opposes the refusal of the administrative body to issue an administrative act or the failure of the administrative body to examine a complaint of the plaintiff within the defined deadline; and c) the plaintiff argues that the administrative act is illegal and his interests and rights are affected. However, before submitting the case to the court, the plaintiff has to seek the decision of the higher administrative organ, which considers the complaint in an administrative manner, except when the law provides a direct appeal to the court. The competent administrative body that has issued or omitted the administrative act under dispute has to decide on the administrative appeal within a month of its submission. If it does not accept the appeal, it is obliged to transfer the appeal to the superior body, which has to decide on the appeal within two weeks. In the case of failure of the administrative body to meet the deadlines the appellant can directly approach the court. The Albanian court system provides three levels, namely the district courts (currently 29) as the first instance, the appellate courts (currently six), and the High Court as the instance of recourse⁸.

The Code of Civil Procedures establishes that citizens have the right to appeal an administrative act in court within 30 days of its notification or of the expiry date of the term set for the administrative body to express a decision. Only nine articles of the CPC deal with administrative justice or contentious-administrative jurisdiction.

The court must pronounce a decision within 30 days of the registration of the case (articles 327-328 of the CPC). This 30-day term imposed on the court to decide on an appeal is a very short one, especially if independent expertise is needed. In addition, there is a legal presumptive mandate for courts to consider that an administrative act is in conformity with the legislation unless proved otherwise.

There are four ways prescribed by the CPC in which judicial control can take effect⁹: 1) *Annulment proceedings* (article 324 of the CPC) intend to simply annul an administrative act. They are usually used in connection with a claim of incompetence of an administrative authority, “vice of form” of an administrative act, and violation of the substance of the law. This particular action is primarily concerned with ensuring the legality of an administrative act. 2) *Full jurisdiction proceedings* are aimed at actually changing a defective

⁸ See EURALIUS: Recommendation on the Organization of Administrative Justice in Albania at www.euralius.org.al.

⁹ See Gent Ibrahim, “*Administrative Justice in Albania*”, paper presented at the Regional Workshop on Public Administration Reform and EU Integration, organised by Sigma in Budva, Montenegro on 5-6 December 2005 [available on the Sigma website: www.sigmaxweb.org/dataoecd/58/55/35936496.pdf].

administrative act. This is sometimes referred to by scholars as a separate action, the “*full jurisdiction action*”, hinting at its ability to regulate a legal relationship *ex novo*. Naturally, the courts have been cautious with this second aspect, the amendment of the administrative act in question, displaying a degree of deference for the presumption of the legality of the administrative act. 3) *Positive proceedings* (article 324 of the CPC) apply in situations where the plaintiff is negatively affected by the inaction of an administrative authority and asks the court to oblige the administration to act.

These were the specific procedures of judicial review that were already available in Albania prior to the 1998 amendment of the CPC. The above-mentioned actions allowed the court to make important rectifications of administrative actions, but they failed to address damages suffered by private individuals as a consequence of administrative action or inaction. The 1998 amendments to the CPC addressed this “sterility” of judicial review by adding one more action, the *rectification proceedings*.

Rectification proceedings deal with those situations where the plaintiff has suffered damage or loss of property as a result of the action or inaction of an administrative authority and is seeking compensation (in the language of CPC, “the reinstatement of the violated entitlement”). Such an action may concern questions of both law and fact. It can seek annulment, compensation for damages and the revision of the act itself.

The 1998 amendments added one final action, the “*interpretation proceedings*”. Such action, which to date has not been used, is intended for the court to determine the meaning of a relation involving an administrative agency and a private person in the light of the law or of their bilateral agreement.

One drawback in the Albanian administrative justice system is that appeals have to be based on the rights, not on the interests, of a party. In this regard a contradiction can be observed between articles 36 and 135 of the CPC. The latter seems to allow for appeals against administrative acts based on interests, whereas article 36 seems to ban them.

There are no administrative courts. Individual administrative acts are appealed before the administrative chapters of the courts of general jurisdiction. There are some 27 regional courts, which act as the first instance in administrative judicial review, six appeals courts and the Supreme Court. The competence of the courts is established according to the criterion of the locus of the administrative body issuing the administrative act, not the locus of residence of the appealing citizen. This arrangement represents another drawback in the system.

Normative acts of the government cannot be directly appealed before the court (article 326 of the CPC), but individuals can appeal them if they prove that the normative act infringes on fundamental individual rights.

Compliance with the courts’ rulings depends on the willingness of the administration, not of the judges. The bailiffs depend on the Ministry of Justice. The voluntary execution of courts’ rulings by the administration is the exception rather than the rule. Under such conditions, the right of the citizen who appealed to the court against the administration is not guaranteed. The only remedy is the application of the Penal Code, where the “contempt of court” is described as a crime.

According to the Ombudsman, the majority of complaints still refer to the justice system. Judicial decisions are branded as “unjust, inequitable, full of prejudices...through their complaints, citizens seem to have lost their trust in the Albanian judicial system..., which is considered corrupt”¹⁰.

According to the Union of Chambers of Commerce and Industry (UCCI)¹¹, the administrative justice system should be the most urgent reform objective, even more urgent than any administrative reform, because courts are the means of last resort to resolve conflicts. Administrative courts are seen as an absolute necessity because there is a high level of dissatisfaction with current civil justice dealing with administrative cases.

More specifically, for administrative cases dissatisfaction is due to several reasons, according to the UCCI:

- a) Absence of specialised administrative courts and extremely slow procedures: conflicts between the government and the business community involving high financial stakes (increasingly frequent) may take 10 years to be settled by the courts under the current circumstances;

- b) Illogical management of administrative cases by the courts: cases where there are reasons for a fast resolution because of the number of people affected or where the decision directly affects public interests are added to the end of the line, after various other private law cases. This situation also does not meet the expectations of business people, who need clear conditions and fast decisions;

¹⁰ Médiateur de la République d’Albanie, *Rapport annuel 2004*, Tirana, December 2005, page 30.

¹¹ Interview with SIGMA in Tirana on 3 March 2008.

c) Inactivity of the courts and the related issue of corruption: Through corrupt deals, a case may be postponed *sine die*, with important negative financial consequences for businesses;

d) Poor expertise and specialised professionalism: Judges in the current system are trained to resolve private conflicts but are often unaware of economic and financial aspects of the case and careless of the public interest issues that may be at stake.

On the contrary, expectations are high (perhaps too much so) for a system of administrative courts, which is expected to bring about new and specialised expertise and more efficient and faster procedures when (and if) it is established. The establishment of specialised administrative courts to deal with property restitution problems is also thought to reduce risks of corruption and make restitution procedures more efficient, introducing also the jurisprudence of the European Court of Human Rights (ECHR)¹².

Conclusions and Recommendations

1. The Albanian political-administrative system is still not stabilized in terms of transparency and rule of law requirements in which values, such as respect of the law and of court decisions, are far from being the rule.
2. In such a context, legally independent institutions may have to strive to fulfil their roles and defend their remits. Despite difficulties, this challenge seems to have been taken up by the CSC and of the Ombudsman, but not always by the courts.
3. The system of judicial review of administrative decisions needs to be strengthened and made more independent, accountable and dependable. Greater specialisation of judicial authorities is needed as well as better mechanisms for enforcement of, and compliance with, court rulings by administrative bodies.
4. General administrative procedures legislation needs to be reviewed, better aligned with European administrative law principles, and special procedures abolished or reduced to a minimum. Discretion of public authorities to “invent” ad hoc procedures on the margins of the law should be eliminated, especially concerning licenses and permits.
5. Monitoring and accountability mechanisms, in general and at all levels, need to be either established *ex novo* or significantly streamlined where they already exist.

¹² Interview of SIGMA with the Department of Internal Administrative Inspection and Anti-Corruption in the Council of Ministers, held in Tirana on 4 March 2008.