

Effective consultation and participation of the business fora in the EU accession negotiations



WHITE PAPER

Effective consultation and participation of the business fora in the EU accession negotiations

This study is prepared with the financial support of the Embassy of the Kingdom of the Netherlands in Tirana, through the Collective Actions to Promote Integrity MATRA project, implemented by ICC Albania. The ACIT Centre is fully responsible for the study content. The content does not reflect the views of the partners or supporters of the project.

About ICC Albania

ICC Albania is the National Committee of the International Chamber of Commerce (ICC) in Albania since 2012. ICC Albania is the representative voice of ICC in Albania and provides mechanisms for Albanian private sector to engage effectively in shaping international policy, standards and rules.

Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services.

 icc-albania.org.al  [@ICCAAlbania](https://twitter.com/ICCAAlbania)  [/ICC Albania](https://www.linkedin.com/company/ICC-Albania)  info@icc-albania.org.al

About ACIT

The Albanian Centre for Competitiveness and International Trade (ACIT) is a think-tank research institute, whose activity is focused on improving governance, economic development, and promoting reforms within the framework of European integration. Through a series of research and advocacy activities, ACIT helps increase the level of information and necessary capacities, as important instruments for the country's development, as well as increase the benefits to society and citizens through economic integration opportunities.

 acit.al  [/acit](https://www.facebook.com/acit)  info@acit.al

Printed in December 2022

Copyright © 2022

All rights reserved. The Ministry of Foreign Affairs of the Netherlands and ICC Albania hold all copyright and other intellectual property rights. No part of this work may be reproduced, copied, distributed, transmitted, translated or adapted in any form or by any means - graphic, electronic or mechanical, and including without limitation, photocopying, scanning, recording, taping, or by use of computer, the internet, or information retrieval systems – without written permission of The Ministry of Foreign Affairs of the Netherlands and ICC Albania.

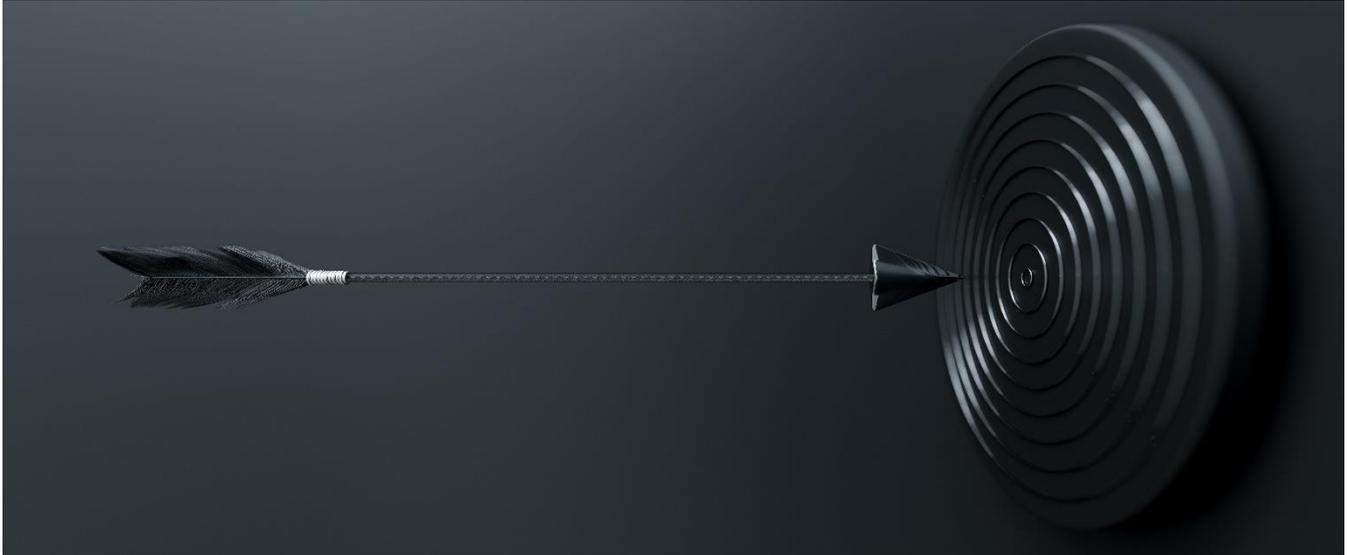
Table of Contents

List of Abbreviations	4
Executive summary	5
Study Scope and Methodology	6
Methodology of the study	7
Institutional Framework and Participation in the Process	9
Institutional framework and current opportunities	13
Main findings	15
Institutions.....	16
Business fora	17
In summary	19
Conclusions and Recommendations	19
Conclusions	19
Recommendations.....	20
Recommendation summary	23
1. Recommendations for the Institutions.....	23
2. Recommendations for the Business fora	25
3. Recommendations for the international partners	26
Bibliography	27

List of Abbreviations

ASPA	Albanian School of Public Administration
EU	European Union
IWGEI	Interinstitutional Working Groups for European Integration
NCEI	National Council for European Integration
MEFA	Ministry for Europe and Foreign Affairs
SAA	Stabilisation and Association Agreement
NPEI	National Plan for European Integration
PPEI	Partnership Platform for European Integration
NPISAA	National Plan for the Implementation of the Stabilisation and Association Agreement

Executive summary



The substantial involvement of the business fora in decision-making during membership negotiations is recognized as an element that enables a successful process.

The purpose of this study is to analyse practices of the business fora involvement in the European integration process. It aims to identify existing structural problems, as well as formulate some practical recommendations to facilitate interface and effective participation in the negotiation process.

In addition to reviewing the relevant literature, reports, studies, and working documentation and procedures, a series of in-depth and semi-structured interviews were conducted, by using the process tracing and triangulation methods. The interviewed participants included representatives from institutions (negotiators and technical staff), representatives from business fora (associations and organisations' directors) and members of the Partnership Platforms, international partners of development projects, specifically engaged in this area, as well as experts of the field.

The study's main findings show clear evidence of a high degree of mutual distrust between the two parties, business fora and institutions. Institutions display a weak level of organisation of the consultation process, lack of predictability and inconsistency. No follow-up and tracking mechanisms for business contribution and input are put in place. To bridge these gaps, it is necessary to improve the quality of communication with the business fora. The latter, on their part, need to demonstrate genuine interest in the consultation process.

Business fora displays both a lack of interest and initiative, especially in terms of cooperation and coordination of joint efforts.

The study concludes with some concrete recommendations, the most important of which include:

- 🌀 Raising the organisational and technical capacities of institutional representatives;
- 🌀 Focusing more on specific topics rather than broad *acquis* chapters;
- 🌀 Organising capacity-building programmes for business associations to understand and then disseminate information to their members;
- 🌀 Empowering business associations by establishing a specialised point of contact and by enabling networking among experts;
- 🌀 Enhancing the international partners' role in the process, especially by improving their coordination;
- 🌀 designing and establishing a resource centre for business fora, aiming to provide all the necessary assistance to parties, for an efficient participation in the negotiation process.

1 Study Scope and Methodology

In July 2022, Albania and the European Union (EU) held the first intergovernmental conference, opening accession negotiations. Albania's formal journey towards this national objective and strategic priority started almost two decades ago.

The signing of the [Stabilisation and Association Agreement](#) (SAA) in 2006 and its entry into force in 2009 brought about two key internal developments in this process: on the one hand, the establishment of institutions and capacities to cope successfully with the commitments and, on the other hand, the agenda of aligning the Albanian legislation with the EU *acquis communautaire*.¹ Following, the first inter-institutional groups for European integration (IWGEI) and other coordination structures of the highest levels were established, as well as the National Plan for the Implementation of the SAA (NPISAA) was drafted.

Following the granting of the candidate status in June 2014, the Albanian institutions drafted and adopted the [National Plan for European Integration](#) (NPEI), which is currently the main strategic document for the organisation and coordination of the work towards EU legislation approximation and adoption.

Further to the European Commission (EC) recommendation for the opening of negotiations in 2018, the Albanian government approved several amendments to the existing legal basis, re-conceptualising the organisation and management of the process² (by setting up dedicated structures for negotiations).

Since December 2018, while awaiting the official start of the negotiations, the Albanian institutions have engaged in preparatory work towards the *acquis* chapters, with the EC support.

Throughout this time, the involvement of various social and economic groups in the process has been, in overall, unstructured and inconsistent. At certain times, both institutions and non-state actors have shown a higher degree of interest, however, this has been due to context and circumstances at the time or triggered by the EC.³

In its 2014 Enlargement Strategy, the EC considered comprehensive involvement in the process a necessary element for successful steps towards membership.

The EU acknowledged the role of civil society and interest groups in developing countries and committed support to the sector through its Guidelines for EU support to civil society in enlargement countries, 2014-2020. In addition to creating demand for added transparency, accountability, and effectiveness from public institutions, the EU acknowledges that the involvement of civil society, business fora, and all other actors in the process, can contribute to deepening the understanding of reforms that a country needs to implement to qualify for membership.

However, effective involvement and substantial participation in the process is still in its initial steps and displays some shortcomings and challenges, especially compared to countries that have successfully completed membership negotiations and are by now EU members.

Considering that a major part of the EU legislation links to internal market and economic activity, Albanian business fora and their representatives will be the most affected by and have the most vested interest in the expected changes. Therefore, it is crucial to involve effectively representatives from many sectors in the negotiation process and elaboration of the Albanian institutions' negotiating positions and strategies. This would protect their interests, improve the quality of the decision-making, and optimize, to the highest extent possible, the opportunities created by the EU membership.

The purpose of this study is to analyse the experiences of business fora involvement in the European integration process, with a focus on the identification of existing structural problems. In addition, practical recommendations are provided to facilitate interaction and effective participation in the negotiation process.

This research work also aims to discuss and inform the involved institutional and business actors on the importance of this cooperation and the appropriate models to facilitate mutual work and commitment.

¹ The '*acquis communautaire*' is the body of norms, regulations, decisions and legal acts generated by the EU institutions.

² Council of Ministers' Decision No. 748, dated 19.12.2018.

³ European Commission, 2014, Guidelines for EU support to civil society in enlargement countries, 2014-2020.

Therefore, on the one hand, the purpose of the study is to analyse and assess the existing practices and business fora involvement mechanisms in the EU membership process. This would help understand the shortcomings better and discuss proposals for maximising the business fora's potential to contribute to the process. On the other hand, this study also aims to identify the possible mechanisms that can help and optimise the dialogue between the institutions involved in the process and the business fora.

Methodology of the study

From a methodological point of view, this study has adopted several methods suitable for single case studies.⁴

Desk research



Following the review of the literature on the enlargement policy and the experiences of business fora involvement in previous accessions, the focus shifted to the national legal basis, working documentation, and practices for business fora involvement in decision-making for the integration process. Previous studies or reports on the topic have also been reviewed. The analysed documents include official as well as monitoring documents by various non-state actors and by projects/international partners active in the field in Albania.

Meeting minutes



In addition, the minutes of several meetings held between business representatives and institutional actors as part of the process, as well as materials generated from these activities, were analysed.

Interviews



In addition to the desk study, in-depth and semi-structured interviews were also conducted with some of the main representatives engaged in this process, such as: institutional representatives (negotiators and technical staff), business representatives (associations) and members of partnership platforms, international partners of foreign projects, specifically engaged in this area, as well as experts of the field. The main interviewees among the business fora were representatives of producers, exporters, traders, apparel sector, agro-processing, and foreign companies.

The selection was based on their level of representation and activity in partnership platforms or in the public discussion on European integration.

The semi-structured questions related to their consultation expertise in this area, including frequency, process quality, and their recommendations for necessary interventions and improvements. The interviews also focused significantly on researching their level of familiarity with the negotiation process and its potential effects on their sectors, including the demand for staff information and awareness.

Additionally, practical matters in terms of involvement and their interface with governmental entities in charge of consultation were also addressed during interviews.

Similarly, interviews were conducted with institutional officials in charge of consultations, including the negotiator of the economic chapters and members of the technical staff (coordinating and support staff) from the coordinating ministry. In such instances, questions related to how the meetings were organised and run, the expectations of the institutional actors for contribution from the business fora, as well as their perception on encountered issues and the barriers that make it challenging for the parties to coordinate as effectively as possible.

Interviews on business fora involvement in the overall decision-taking, included also other experienced and knowledgeable institutional actors, such as the Investment Council.

The purpose of these interviews was to gain a deeper insight into the dynamics and features of business fora engagement as a whole and have a chance to observe the distinctions/differences in engagement in the integration process.

A third round of interviews was conducted with third parties involved in the process, including international partners and representatives of projects or initiatives, dedicated to facilitating and supporting this interface. The interviews with members of the SANECA project focused on the partnership platforms activities. Interviews were conducted with the project staff, to gain a deeper understanding of the organisational and functional aspects of these platforms, as well as record as complete an overview as possible of the issues encountered during their operation in the last two years. An internal analytical project document was included in the methodology on the lessons learned and the main recommendations for future platforms.

⁴ Yin, R. K., 2009, *Case Study Research. Design and Methods*. London: Sage Publications.

Parallel to the [SANECA] project, interviews were also conducted with organisations involved in project implementation and organisation of roundtables for business fora consultation (such as, European Movement in Albania) or similar formats such as the European convention.

The purpose of these interviews was two-fold:

- **On the one hand**, to explore and collect information based on the substantial experience of the actors in the consultations for European integration, by means of process tracing. This type of technique helps the understanding of interaction mechanisms between actors and the identification of progress-hindering shortcomings. This method is usually accompanied by the triangulation technique, which is known to be suitable and very useful for qualitative research⁵, especially for capturing the differences between the various actors' interpretations of the same phenomenon or event. Simply put, different parties are asked on the same process and their different perceptions and experiences are documented.
- **On the other hand**, the interviews were used to confirm several preliminary findings and certain hypotheses raised after analysing the existing documentation.

The report is organised in three main sections:

- First, the membership negotiation process, technical aspects, and procedural steps, as well as the business fora role, in line with the existing literature and previous EU enlargement experiences, are briefly presented. The legal and institutional framework related to the process is explained in a synthetic manner, with a focus on negotiations and responsible institutions in the business field.
- The second section focuses on the analysis and study findings. The most significant elements that emerged from the gathered data and the main issues identified are presented in detail in this section.
- The study concludes with an extensive section of recommendations. Special emphasis is put on substantial proposals, based on lessons learned so far and mechanisms and practices that can make consultation with the business fora during the membership negotiations process more efficient.

⁵Ritchie, J., Spencer, L., and O'Connor, W., 2003, Carrying out qualitative analysis. In J. Ritchie and J. Lewis, ed., *Qualitative research practice: A guide for social science students and researchers*. Sage: London; Thousand Oaks.

2 Institutional Framework and Participation in the Process

From the inception of the European project, the EU enlargement policy has been conceived as a success mechanism for the prosperity and attractiveness that the European model represents to the non-member countries.

Membership is open to any state that respects the EU common values⁶ and commits to implementing them rigorously.⁷ Since 1993, membership in the EU is made possible upon meeting the [Copenhagen criteria](#), which basically requires for the candidate country to be a functional democracy with established democratic institutions and rule of law, be a functional market economy, and have the necessary capacities to implement the European legislation.

[The intergovernmental conference](#) held on 19 July 2022 was only the first formal step in the negotiation process [for Albania]. The representatives of all EU member states and institutions meet in such conferences with the candidate countries, which are embarking on the negotiation process, to discuss and approve the negotiation framework and work plan in general terms. The conference also serves to express once again the common will for the process and enlargement, upon all the criteria being met.

The first phase following the conference is the so-called [screening](#) of all legislation and standards in the candidate country. All the legislative and policy gaps in each chapter in the candidate country are analysed with the support and assistance of the EC. This process usually lasts several months (up to a year) and compares the national legislation to the European one, identifying what needs to be done for the approximation of all legislation.

After identifying the needs, the EC also drafts the criteria for opening specific chapters (opening benchmarks), and in turn each party drafts its own negotiating position.

A key step in the negotiation process is defining

[the negotiating position](#), during which time the institutions prepare planning and strategic documents for negotiations, as well as define the timelines needed for the implementation of each legislation component.

It should be emphasised that a candidate country cannot negotiate the content of the legislation, as it is mandatory for every member country or aspiring country during the negotiation phase.

However, they can negotiate the implementation period. To do this in the most efficient and beneficial way for Albania, institutional representatives should have clarity which sectors would be “protected”, by being given more time and assistance before the EU legislation (*acquis communautaire*) takes effect.

This process is both formal and important, as it requires the country's institutional authorities to have good strategic planning capacities and a sectoral and developmental vision. This is also one of the important stages where business fora involvement should be considerable and substantial. Such involvement will also be requested by the EC.

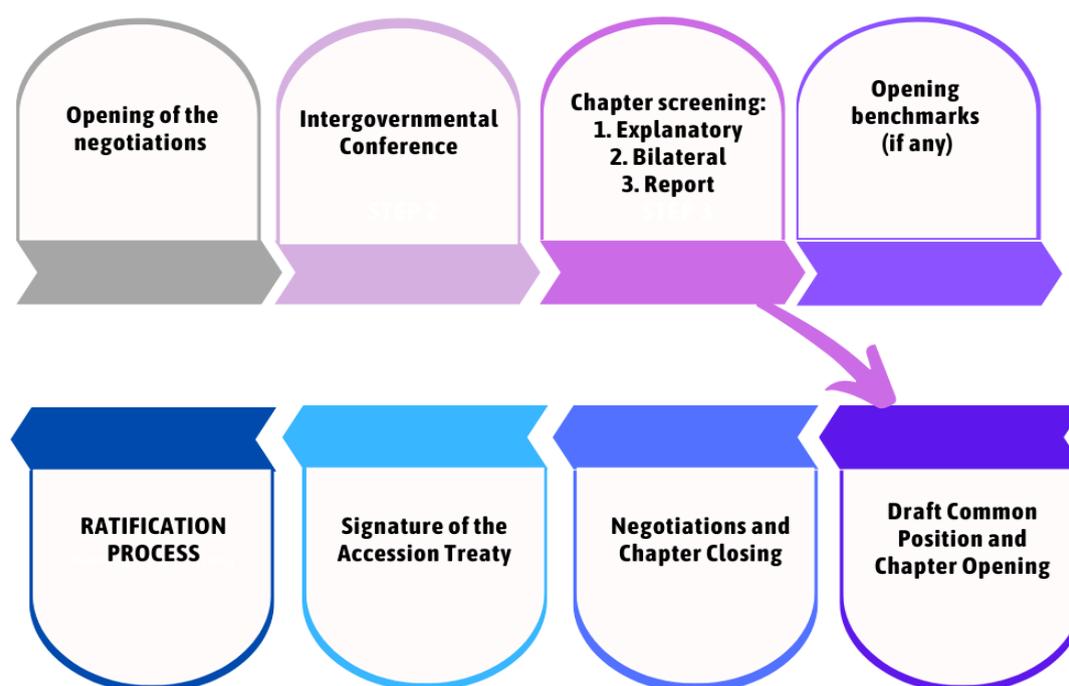
At the end of the negotiation process, once the country has met all the criteria, the proposal will follow to close the chapters and draw up common positions. The approval of these documents leads the candidate country to the final stage of the accession process, which is the accession treaty. The treaty also proposes the date of entry into force and the formalisation of membership, allowing time for the treaty's approval and ratification processes, in line with the procedures⁸ foreseen by the EU.

⁶ Article 2 of the Treaty of the European Union.

⁷ Article 49 of Treaty of the European Union.

⁸ The treaty needs to be ratified by the European Parliament, approved by the Council, and then ratified by all the national parliaments (of the member states).

Figure 1.1. Illustration of the membership negotiation steps



As emphasised previously, drafting and formulating the negotiating positions are very important elements, as it is within these positions that the country's priorities are structured [outlined] and the transitional periods for the acts' entry into force are discussed.

The transitional periods are extensions of the time allotted to countries for the adoption of standards, beyond their accession date. These periods are agreed upon during negotiations, based on the negotiating positions. These timelines serve to allow time for the candidate countries to prepare and cope with the impact of these systemic and structural changes and to safeguard the high standards achieved.⁹

For instance, it has been observed that the EU approved 322 transitional measures during the big enlargement process of 2004, for 17 out of 31 negotiating chapters. However, also in that instance, the process experienced a relatively weak participation of business fora, especially in terms of including [considering] the opinions of the business fora in decision-making.¹⁰

The negotiation process complexity necessitates that the candidate country has a clear strategy of preferences for sectors for which it will seek transitional periods. The consultation and participation of the business fora is vital for this strategy of priorities and preferences. The participation of business fora and civil society in the negotiation phase, means a real opportunity for all interested parties to influence the steps and deadlines for the implementation of the commitments made.¹¹ To this end, it is essential to identify and implement effective communication and engagement mechanisms, so that both business fora and other organisations become real parties to the process and develop a sense of ownership.¹² The experiences acquired and process-responsible bodies established so far, are often under resourced, ineffectively managed, and unclear in their operations and communications. With the opening of the membership negotiations and the new EU enlargement methodology, it becomes even more important to understand and analyse the current situation and formulate more adequate solutions for business fora involvement.

⁹ Dimitrova, A. and Buzogány, A. (2014), Post-accession policy-making in Bulgaria and Romania. *J Common Mark Stud*, 52: 139-156. <https://doi.org/10.1111/jcms.12084>

¹⁰ Viera Knutelska. *The Czech Coordination System of European Affairs and Its Inclusiveness*. 2013

¹¹ Aneta Cekik (2017) *Adapting to Europe? Business interests and civil society groups in accession countries*, *West European Politics*, 40:5, 1066-1087, DOI: 10.1080/01402382.2017.1308696

¹² International Centre for Human Development, 2012, *The Role of Civil Society in EU Integration Processes: Real Engagement through Effective Involvement*

The substantial involvement of the business fora in decision-making during membership negotiations, is recognized in the literature as an element that enables a successful process. Companies and their representative organisations have the potential to contribute and help institutions with various components, such as information from the field, expertise, support, information dissemination, and, in some cases, even funding.¹³ Lack of information and lack of involvement of interest groups in the process, has significant consequences, especially for the quality of drafted legislation and for its practical application (implementation and enforcement).

Various studies show that when the business fora and civil society organisations are not involved in the negotiation process, they can slow down the implementation phase¹⁴.

However, if the business fora are kept out of the process, they might put up resistance by not cooperating with the authorities on other issues related to their sector, further fuelling the mutual distrust.¹⁵

In the case of previous enlargements or countries currently in the negotiation process (Montenegro and Serbia), different business fora involvement formats have been employed. As each country's approach has had its own successes and failures, it is exceedingly challenging to develop a single effective model or practice. The Central European countries have had relatively low-level of participation by the civil society and business fora, and the entities involved in the process have had opportunities to be active only in some of the chapters (mainly those on free movement and competition). On the other hand, the farmers' community has played a crucial role, especially in Poland, in topics related to food safety standards and sector subsidies. These categories have been directly involved in the working groups.

A similar approach has also been observed in the case of some Balkan countries. The selected models and formats have been and are different, though mainly categorised into two groups:



The countries that have decided upon a more direct involvement of business fora and civil society in the negotiation process through a vertical model, are part of the first group. This applies particularly to Croatia and currently to Montenegro. For Croatia, involvement implied direct

engagement of certain business representatives to participate as full members in the working groups. The non-institutional members also held a leadership or coordinating role in a few negotiating chapters. Full participation by the business representatives brought effective knowledge and contribution to the process, however, at the expense of the need for better coordination between the parties. Croatia created also a special structure, similar to that of a technical office (Secretariat) to involve non-state actors. Montenegro is practicing a similar approach.

The Secretary General of the Chamber of Commerce holds the position of the Head of the working groups for important negotiating chapters, such as chapter 3 (Right of Establishment and Freedom to Provide Services) and Chapter 8 (Competition Policy), as examples. Such a practice entails an *ad-hoc* or case-by-case approach, taking into consideration the country's needs for each chapter, and particularly the resources, capacities, and the quality of business representation in each field.

This approach presents a more qualitative involvement of non-state actors in the process, regardless of the initial need to invest for capacity growth, the cost of increased coordination and the challenge of motivating participants.



The second group employs formats of a more horizontal approach, involving more actors in more chapters. However, the relevant contribution in these instances remains at a superficial and informative level. By using the model of European integration conventions and advisory roundtables (National Council for Integration), Serbia and North Macedonia aim to focus more on the general consensus in decision-making and dissemination of information on the major aspects of the process, rather than the technical involvement of non-state actors in negotiations. These models have the merit of being more inclusive (compared to the first group which has a more exclusive approach) and can be adopted homogeneously for each chapter, with a high degree of formalisation. However, they exhibit shortcomings regarding the participation quality and effectiveness, and inadequate level of preparedness and capacity building of non-state actors in the process.

Presently, Albania has adopted an approach generally similar to the second group of countries. As underlined, each model has its features and should be adapted to the implementation context.

¹³ Börzel, T., Buzogány, A. Governing EU accession in transition countries: The role of non-state actors. *Acta Polit* 45, 158–182 (2010). <https://doi.org/10.1057/ap.2009.26> Real Engagement through Effective Involvement.

¹⁴ Đokić, I. and Sumpor, M. 2013, The Role of Croatian Civil Society Organisations in the European Union Accession Process.

¹⁵ Bobic, M. and Bozic, R. 2012, Civil Society in the Process of European Integration – from Constructive dialogue to Successful Negotiations.

Nonetheless, the participation effectiveness risks contrasting the need for a wide inclusion and local ownership¹⁶ and increased legitimacy in decision-taking, considering the technical nature and the process dynamics.

Lastly, it should be emphasised that involvement in the process was also underlined in the new enlargement methodology drafted by the EC (2020).

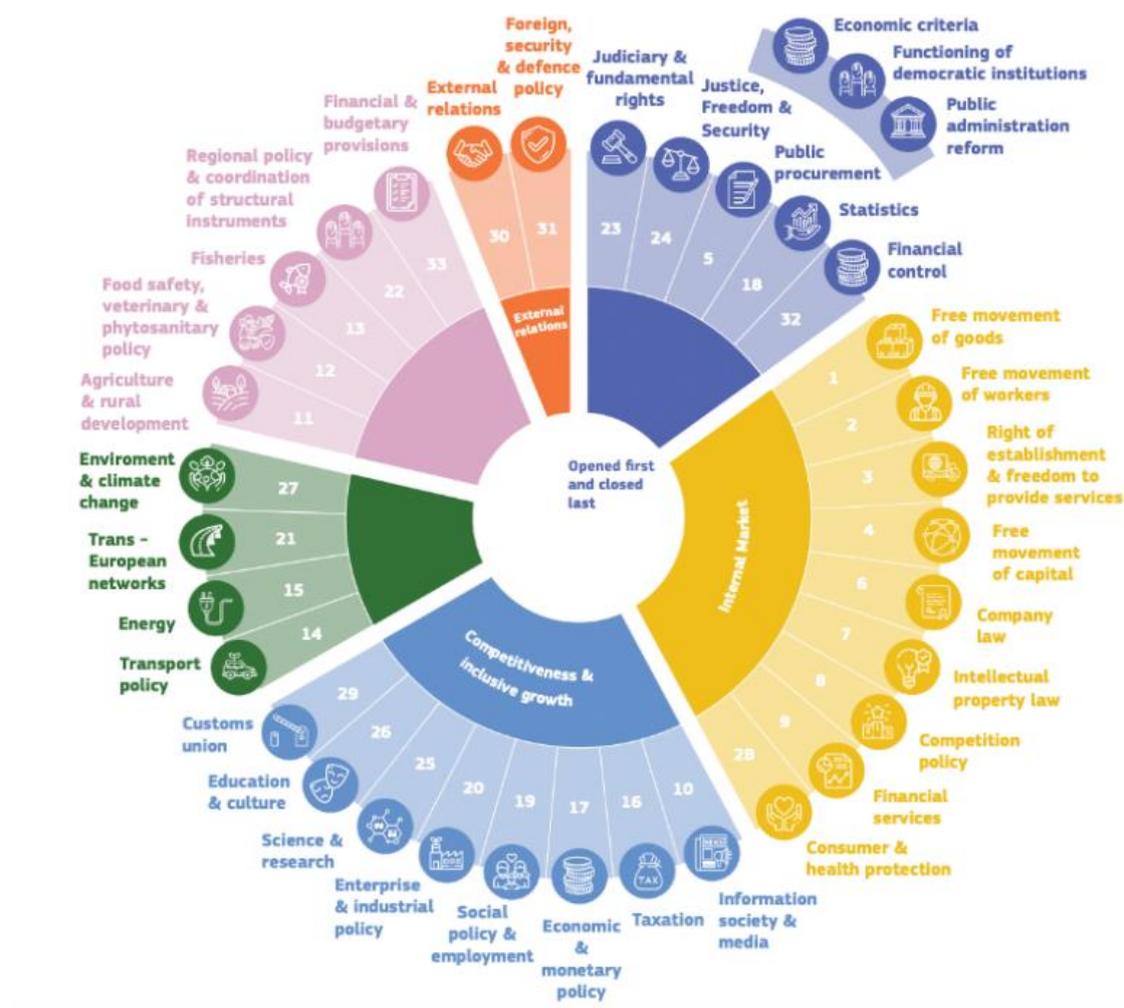
Non-state actors and civil society in general are seen as essential actors in the negotiation process, leaving the choice of involvement model and format to each country.

The EC commits to assist these actors under this methodology, among others, even when the country does not demonstrate progress and financial aid for its institutions is stopped. The new methodology should be considered as a good opportunity for business fora, not only because it promotes consultation and involvement, but also because of the way it organises the entirety of the EU standards and norms. The 33 negotiating chapters will hereon be clustered into six negotiating chapters, in line with the field and sectors that are considered interconnected.

This may foster cooperation and synergies among the business fora operating in various sectors, to enable joint contributions in the process.

Figure 2 provides more detailed information on the current clustering of the chapters.

Figure 2. Clustering the negotiating chapters according to the enlargement new methodology.



¹⁶ “Local ownership” means the feeling of belonging that the participants in the process develop, as opposed to the cases when the latter is imposed or imported without consultation and involvement.

3 Institutional framework and current opportunities

In 2018, the Albanian government approved the negotiating structures of the country, which also outlines the representation levels and the composition of different groups and delegations.

Several legal acts and structures have been approved in Albania to contribute to the legal basis that regulates the interface between the business fora and the institutions responsible for the European integration process, especially following the entry into force of the SAA.

Leaving aside the legislation and procedures that generally deal with the relationship between business fora and institutions from the viewpoint of general public consultation¹⁷, the analysis is focused mostly on the European integration process. As mentioned in the introduction of this study, in 2018, the Albanian government approved the negotiating structures of the country, which also outlines the representation levels and the composition of different groups and delegations.

The Partnership Platform for European Integration

Following the establishment of the negotiating structures, the [Partnership Platform for European Integration](#)¹⁸ (PPEI), which also aims to serve as the main body [venue] for involving business fora and civil society organisations in the negotiation process was created on 30 August 2019, by Prime Minister Order.

The purpose of the PPEI is multi-dimensional, however, its main focus is to involve non-state actors in the process, in line with the specific interests of the categories they represent. More specifically, the PPEI aims to inform different groups about the process and raise awareness about the impact the negotiations will have on them. The platform also provides specific and detailed information on all phases of negotiations, with the aim of creating opportunities to engage local expertise as well.

Consequently, it will be simpler for the involved actors to realise where their interests lie and how they may get involved.

This would enrich and improve the quality of decision-making, but also add local ownership to the process. Simultaneously, it would also add more legitimacy to the decisions made.

The broad representation of interest groups would, thus, be better guaranteed, enabling equal influence in the required contribution for the formulation of the Albanian institutions' positions vis-à-vis the European side.

The platform also recognises the role that business groups play in monitoring all planning and implementation phases of the EU financial assistance. In terms of the legal basis, PPEI complies with the existing legislation in the field of information¹⁹ and consultation²⁰ and takes these legal provisions into consideration, applying them specifically to the European integration process.

From an organisational point of view, the PPEI has a two-level structure, one of them political, while the other one rather technical.

The highest structure is the PPEI Governing Board, which is chaired by the Prime Minister and the Minister responsible for the process²¹ and consists of a limited number of representatives from various interest group areas as well. The second level of the PPEI comprises 33 discussion and consultation roundtables, which are constituted in line with the rationale of the 33 negotiating chapters and 33 Inter-institutional Working Groups.

As per their fields/chapters of competence, each ministry and each responsible institution has the task of setting up these roundtables and committing to their regular functioning. These formats have been considered in the drafting of the relevant legislation, as the main basis on which consultation and participation of the business fora will be organised

¹⁷ The research does not go into detail into the law on public consultation in general or its implementation because the report's focus is primarily on the integration process.

¹⁸ Prime Minister Order No. 113, dated 30 August 2019.

¹⁹ Law No. 119/2014 "On the right to information".

²⁰ Law No. 146/2014 "On public consultation".

²¹ Until July 2022, the main authority responsible for the process was the Minister for Europe and Foreign Affairs. With the opening of accession negotiations, the position of the Minister for Europe was created. The latter is at the same time the Chief Negotiator.

during the negotiations, especially for the 12 negotiating chapters that address the economic criteria.

The management and proper functioning of these structures will be primarily the responsibility of the Ministry of Finance and Economy, as well as the Inter-institutional Working Groups and the respective Technical Committee.²²

Additionally, these structures bear the main workload throughout the negotiation process, including aspects of business fora or other interest groups' involvement.

In addition to the PPEI, which, as mentioned, is expected to play the key role for business involvement in the process, there are several other structures and actors as well that contribute to the same goal in different ways.

The National Council for European Integration

Thus, when it comes to the role of the Parliament^{23 24} in the process of European integration and negotiations, the [National Council for European Integration](#) was also established²⁵ (NCEI), as an entity within the Parliament structure. The political dimension is much more prominent than the technical one (unlike the PPEI), among the tasks that the NCEI performs. The promotion of cooperation between political forces, state institutions, independent institutions and civil society, is one of its functions in the process of Albania's integration in the EU.

It should be noted that out of the 60 members of the NCEI, 26 are members of Parliament and another 14 are representatives from a sizable number of civil society groups. Although business representatives participate in the NCEI meetings, they have a guest status and are not voting members, even though they can take the floor and voice their opinions.

Therefore, in the context of business fora involvement, this structure focuses mainly on ensuring the continuous discussion of European integration policies, implemented by state institutions, as well as monitoring the implementation of obligations for negotiations opening with the EU. It does not address the content or technical details of the process and the relevant legislation.

²² Prime Minister Order No. 93, dated 20.05.2019.

²³ Law no. 15/2015, "On the role of the Assembly in the European integration process of the Republic of Albania".

²⁴ During the fieldwork research for the study, a working group for reviewing law no. 15/2015 had been established. 20 Law No. 146/2014 "On public consultation".

²⁵ Decision of the Assembly Bureau, no. 67, date 04.05.2016.

²⁶ Investment Council, "Public consultation as an effective tool for improving decision-making and public-private dialogue", 2022.

School of European Integration

Aiming to strengthen the capacities of the actors involved in the process, the NCEI has also undertaken the initiative of establishing [the School of European Integration](#), which has been operational for several years now.

This one-week programme is organised annually and trains interest groups, business, and civil society representatives on the key technical and political components of the membership negotiation process. The school plays a key role in this context, as it helps increase the capacities of the participants, to understand the process more in depth and engage in it.

In addition, it is a good opportunity for the socialisation and networking of the actors among themselves. The need for business and civil society involvement in the European integration process and the ways in which this is achieved, are part of the programme's curriculum as well.

The Investment Council

Another structure, related even more to business activity (in general), is the [Investment Council](#). Even though this institution does not specifically focus on the process of European integration or membership negotiations, it has an important role, worth referencing, in practicing business consultation and involvement for economic policies.

Despite the dynamism and work done by the Council towards business engagement, as well as the ongoing survey to the benefit of improving interaction, the study²⁶ published by the Council highlights the low level of quality of dialogue between institutions and the private sector.

The experience and lessons learned from the Council practices may also be useful for the PPEI or any other institutional structure that will be responsible for the business fora involvement in the process of membership negotiations.

SANECA – GIZ Project in Albania

Another experience considered as part of the analysis, is the direct support to the process by other actors, such as international partners, through assistance for effective business fora involvement in the European integration process.

The GIZ project in Albania, SANECA²⁷, which has a special focus on the economic chapters that impact Albanian businesses in a more meaningful way, is one of the most active projects in this context. It has supported the Ministry of Finance and Economy on chapters 1, 3, 20 and 28, in several ways, one of which is the assistance for the establishment of the PPEI roundtables on these chapters. This component aimed to include interest groups in the main discussions and consultations regarding various legislation acts and strategic documents that affect their activity.

The project has been involved in setting up the first roundtables, for the above-mentioned chapters. It has also offered expertise on drafting the methodology for structuring and organising the roundtables, both from the content and functionality point of view.

Therefore, in the analysis and findings presented in the following section, the gathered documentation and the interviews conducted, have served to enrich and complete the study, based on the lessons learned from the experience to date.

EuroConvention

It is worth mentioning the [EuroConvention](#), or the Convention for European Integration, implemented by the European Movement in Albania.

The activities of this initiative aim to contribute to increasing the participation of interest groups and society in overall, in decision-making in the European integration process.

This EuroConvention is structured and organised in working groups, in line with some of the main

chapters. As an attempt to structure the debate and discussions among the various parties involved or affected by the process, the convention also aims to train and increase the Albanian society capacities to understand and engage in this process.

Although this format has not had the economic chapters (aside from the recent trade issues) as its primary focus, for the purpose of this study, we have also analysed the convention experience and recorded the patterns and challenges presented by the participants in this interaction, institutional and interest groups' representatives.

The European Union Delegation to Albania

Finally, it is also noteworthy to reference the consultation with interest groups carried out by the EU itself, through the EU Delegation in Tirana or groups of experts. The meetings for some of the areas are organised on relatively regular/periodic basis²⁸, while for specific topics they are organised on a need basis.

In general, these consultations and the information and comments gathered are utilized as a secondary source of information by the EU officials, for the drafting of their periodic reports on the progress of certain sectors and reforms in the country.

What was presented above is a map of the main current structures that focus on the business involvement and other non-state actors in the European integration process. Even though there are other active actors and more work is done in this aspect, for the purpose of this study, we have considered only the above-mentioned models and looked at structuring of the process, its sustainability and contribution to it. This way, we were able to explore and gather as much information as possible, for the analysis and findings that follow.

4 Main findings

A distinct distrust between the two parties can be widely observed from the data gathered and evaluated. The actors involved doubt the seriousness and aim of the involvement practices, often perceiving them as not substantial.

In this section, we focus on the presentation of the main elements that the experts' team has extracted from the conducted analysis, following the review of all the documentation and the interviews with the actors involved. Since the methodological approach relies on the exploration of the interaction between the two parties (institutions and business fora), the analysis and findings are structured and grouped

into two sections, in line with each component.

Based on the experiences to date and the observations on how each form of participation operates, we are sharing also the main challenges encountered, the impact on the involvement quality, as well as the consequences for the overall engagement of the two parties towards working together.

²⁷ Support to Accession Negotiations in the Economic Chapters of the EU Acquis.

²⁸ Such as the meetings organised for the public administration reform.

A distinct distrust between the two parties can be widely observed from the data gathered and evaluated. The actors involved doubt the seriousness and aim of the involvement practices,

often perceiving them as not substantial. Such an issue reflects structural problems and requires a considerable and consistent commitment in order to be addressed, especially in light of the negotiation process.

Institutions

In more concrete terms, several elements that jeopardise the efficacy of involvement have been observed from the findings, when it comes to how the institutions engage, to involve the business fora in the process:

- Weak level of the organisation of the consultation process

The dialogue enabled by the institutions in the context of the European integration process, has been generally unstructured and unclear in terms of intended objectives. This conclusion relates practically to all formats that have been experimented with so far, including the PPEI's efforts to structure itself.

The lack of clarity and effective communication, as well as the relatively superficial approach to the drafting of substantive agendas, has increased business fora scepticism on its future involvement.

It appears that very little preparation is made ahead of the meetings and there is no preliminary coordination with the participants, to prepare them on the required input. Meeting formats are often too general and do not help the participants understand the topics, often turning them into a "box-checking" exercise.

Additionally, reading legal acts and initiatives for approval, without accompanying detailed and simplified explanations, makes it extremely difficult for the attending business fora to follow, understand, and contribute to them.

The lack of a permanent contact point, whom the business fora can approach for further questions and clarifications, has effectively discouraged them from contributing further or even participating in the activities organised by the existing consultation platforms on the accession negotiations.

- Lack of interaction predictability

None of the current formats that aim to involve and engage the business fora in the negotiation process, display a clearly defined interface calendar and structured and organised engagement when it comes to timelines. Therefore, there is no regular exchange between the parties, which makes it difficult to get used to being involved and consulted.

This also does not enable the business to plan individual input in time. Another key element is the

lack of sufficient time for the business fora to get acquainted, be consulted, and give its contribution to the documentation/process.

Lack of timely information on the agenda items, as well as absence of a routine of sharing ahead a detailed agenda on the legal acts to be discussed, significantly affect the level of preparedness of the business fora, as well as their opportunity for substantial contribution. Also, such a practice undermines further the above-mentioned lack of trust that the business fora have in the seriousness and credibility of the consultation process. Business consultation initiatives are often perceived as relying on the will and capacities/time of the organising staff of the institution, rather than on a pre-defined agenda with clear rules.

During our research, we were able to identify several specific cases of the business fora being notified on the consultation meetings less than a week in advance. No materials were shared ahead of the meeting, either, practically informing the business fora on the content only at the meeting. This has also led to a lack of business fora commitment, as shown in the case of consultations for the draft NPEI²⁹, which is the most important and the most complex annual document [to be prepared] for the European integration process within the institutional framework.

- Lack of follow-up and feedback on contributions

In the majority of cases, as part of the protocol, minutes of meetings are kept, recording also the feedback and comments by the business fora in the consultative meetings that aim the latter's involvement in decision-making on the European integration process. However, both for these contributions and the ones submitted in writing, there is no structured system that has been established to record, review and address them as the case may be, and also do follow-up and provide feedback to the stakeholders.

This inability to track the contribution process impacts the latter's credibility and transparency, and gradually discourages business fora from participating and contributing in the future. This

²⁹ The information collected shows that the draft NPEI was distributed without an accompanying agenda, but only with a list of legal acts, allowing only five days for comments. As a result, no comments or contributions from the business fora were recorded, even though NPEI affects almost all spheres of economic policies.

sensitive phase of the consultation process, which is also recognised by the literature as important for consolidating mutual trust, seems to have worsened the perception of the participants in such activities.

From the interviews conducted with business representatives, the importance and weight they attach to the necessity of follow-up on the contributions were clear. This would help understand the actions undertaken by the institutions in response to the feedback.

○ Quality of communication with business fora

One of the almost surprising elements in this research was the inadequate approach that institutions' representatives often adopt in their interactions/interface with the business fora.

The type of language used, the inappropriate tone, the chosen communication channels, as well as the display of lack of consideration, have been identified as non-constructive by some of the business representatives.

A review of the electronic communications showed that in some cases, a choice of a more commanding style of communication was utilised, as opposed to the style used typically when invitations for participation in meetings are sent out.

Communicating in discouraging ways and forms has had a particularly negative impact on the interest and desire of the business fora to engage effectively in the process, since they have little time available.

○ Good will and interest in consultation

As noted at the beginning of this section, general

Business fora

The famous expression "it takes two to tango" seems to be applicable also in the case of challenges encountered in the interaction between the business fora and institutions in the European integration process. Business representatives show a significant lack of information on the process, as evidenced by previous studies.³⁰ In addition, we were able to explore, analyse, and then cluster (in two categories) some important characteristics for analysis and conclusions of this study.

More specifically, the main features and dynamics that deepen the gaps in participation effectiveness are explained following:

○ Lack of knowledge and capacities for effective contribution

As it can be easily imagined and understood, the complexity and high technical level of the European integration process in general and that of the negotiations for membership in particular, make the effective participation and meaningful contribution by actors with a low level of information and technical skills very difficult.

trust in the process of consultation and participation remains a significant problem. However, during our analysis, we tried to identify the more substantial and specific elements that fuel this distrust (beyond the factors mentioned above).

First, there is a widespread perception among business fora that the institutions themselves assign low importance to this interaction. It appears that institutions' representatives are not very motivated and interested in the effective and substantive implementation of the consultation, aimed at the involvement of the business fora in the process. In most of the meetings held, a director within a ministry or in the best-case scenario a deputy minister was the most senior representative in attendance.

Here, we recorded another perception of the business fora that affects the credibility of the process - the low weight [importance] attributed to the representatives of the above-mentioned levels. Even though the deputy ministers are officially appointed as negotiators with the EU for the respective chapters, their 'classic' decision-making power is perceived as low, and therefore, the participants interpret it in some cases as a lack of real interest on the part of institutions.

An additional element that turns the institutions into a "non-facilitating" factor in this interaction process, is the high degree of dependency on the subjectivity and will of specific individuals in charge of organising and leading the meetings. Although this component could not be researched and verified to a satisfactory level from the methodological point of view, it is an issue that has been brought to attention in some of the interviews.

Weaknesses encountered in information gathering and orientation giving on the process, affect the consultation quality and involvement in the process directly. If we try to look deeper into this element, we observe several layers that help us understand the issues and the main obstacles better.

More specifically, the lack of capacity is primarily related to the lack of will to invest in this interaction. It turns out that the business fora have not clearly understood their role in this process and the

³⁰ ACIT, "Readiness of Albanian business community for the EU accession process", 2021.

importance of involvement for their sector, and in turn, for their companies. Understanding the process and its technical dimension, as well as the real implications for different industries requires time, specialised staff and, in some cases, funding.

Due to the low importance that businesses still attribute to the process, it can be said that committing resources to be involved effectively is still not part of their vision. This also results in business fora's low-quality contributions during the consultation meetings, which can also be determined from the minutes of the meetings as well as from the institutions' responses during the interviews. Not having information on the dynamics of the process and the specific approximated legal acts (as well as their impact), the content of involvement remains irrelevant, creating a vicious circle in the relationship with the institutions.

It also turns out that some of the associations and business chambers have difficulty understanding the process themselves and, therefore, are unable to explain it and involve their members. These entities emphasise in their responses a significant need for development and strengthening of expertise and capacities in this area, so that they become part of the process, serving as a connecting bridge between their members and institutions, by providing an effective contribution.

○ Lack of interest and initiative for cooperation

A second group of factors is related to the lack of interest and cooperative traits, which are also linked to the nature of distrust that characterises these relationships.

One can recall that when the Ministry of Finance and Economy announced the first call for membership applications in the PPEI roundtables for economic chapters in May 2021, only two applications were registered, and both were considered incomplete or unsuitable based on the established criteria. Even though we need to consider that initially the process applied an exclusive approach (identifying potential participants and inviting them to apply via email), the selected actors did not show any proactiveness.

This lack of initiative and interest in vital processes with an impact on the various business sectors, has affected the quality of the activities that these structures have organised so far and the activities that might follow in the future.

The lack of interest is also evident in several other dimensions. For example, the level of representation by business organisations often reflects this lack of attention to consultation. The roundtables are rarely attended by heads of associations, and it is rather their technical staff who participate most frequently. The institution representatives emphasise this in their interviews.

We observed that the attendance was not uniform, though, after checking the PPEI lists of participants. The associations' Executive Directors or Secretaries General attended several meetings, while they were replaced by their administrative employees at other sessions.

Despite participation, there is also the impression - expressed during the interviews - that the owners of the key businesses or the leaders of the business associations adopt a more pragmatic approach in following up on the agendas of interest for their sector. To this end, they establish and maintain direct contact with the heads of institutions. In addition to weakening the legitimacy of consultation and involvement practices, this dynamic also leads to a lack of incentives to participate in the relevant roundtables.

Another characteristic evidenced in the business perspective is a lack of awareness on how advocacy functions and the importance of coordination with other actors in the sector. Thus, the feedback and contributions by business representatives are often limited to very individual complaints about rather specific problems, which do not serve the purpose of consultation activities. The lack of awareness on the role that cooperation and the coordination of interests and strategies with other actors plays, affects both the efficiency of their contribution/intervention and the result and the quality of business consultation. The difficulty to find common objectives and pool resources and capacities together in an alliance for qualitative contributions, makes it more difficult to integrate the comments and suggestions of individual actors.

In summary

- The main distinguishing element when it comes to the business fora is the lack of information and awareness on the implications of the process for the economy, the sector, as well as for their individual companies.
- The "bet" they appear to be placing that the harmonised standards with the EU acquis will not be applied, could prove costly in the medium to long term.
- At the same time, even the "direct line" approach with decision makers is not sustainable and would not work with negotiations, since it does not help with facing the competitive pressure of the European market.
- What is evident from the interviews, is a marked lack of information and knowledge about the EU internal market and expectations for adjustments and harmonisation with the necessary standards. This has been confirmed by the business representatives themselves, regarding their employees, as well as by earlier research where business fora were expressly asked on this subject through surveys.³¹
- Membership negotiations will bring about a significant dynamism and volume of work, and the lack of activism at this stage of the process will mean that business concerns and priorities will not be reflected in the negotiations with the EU institutions. This has also been proven in the recent enlargement process with Croatia, where the accession date found some of the country's strategic sectors unprepared and the consequences and implications in financial terms were considerable in the short term. Informing the business and explaining these latter repercussions might encourage and incentivise early participation in the process.
- Additionally, business fora may use the process to their advantage, as through this process they will have access to detailed data on the European market and its functioning.

5 Conclusions and Recommendations

Conclusions

There are some general conclusions that can be drawn on the business fora involvement based on the analysis of this study.

First, there is clearly a great need to invest more energy and time in improving communication on this process. Both involvement format and content need to be upgraded. As evidenced by the findings, the distribution of information and the quality of communication have been important factors to the outcome of the participation effectiveness. Keeping in touch consistently and keeping business representatives informed would also increase confidence in the consultation process.

Second, there is a need to increase awareness of both parties on the importance of involvement and participation. Both sides should clearly understand the benefits of interacting with each other in a process that neither of them can successfully handle alone. Looking into concrete examples from other countries (success stories and especially failure stories) is a good way to make the scenario expected to unfold in the following years more tangible. Thus, the Croatian model for the tourism and industrial sectors may be regarded as a good

practice, due to the direct participation of the business leaders in the working group. On the other hand, the experience on chapter 13 and the fishing industry in Croatia, might be considered as a practice to avoid in the training and information sessions, outlining the detrimental effects that followed.

Third, the coordination and cooperation between the business actors themselves becomes an important point in the negotiation phase, given that comprehensive involvement is a pre-condition for the process. The alignment of interests and synergies of feedback and proposals among companies, associations, or sectors, will not only increase the opportunities for influencing policymaking, but it will also improve the quality of policies and bring about more efficient implementation. The selection of the actors invited to the consultations, adaption of the methodology used to the lessons learned to date, and the maintaining of the necessary balance between the degree of representation and concrete contributions to the process, can also have some impact on the improvement of the process.

³¹ ACIT, "[Readiness of Albanian business community for the EU accession process](#)", 2021.

Recommendations

In addition to these general conclusions and observations, based on the study analysis we have formulated some concrete and specific recommendations, considering the structural deficiencies and needs, with the aim of increasing the efficiency of the business involvement. Even though other more detailed propositions can be deducted from the findings, we believe that clustering the recommendations into a few large groups helps more to clarify the required interventions, as well as their potential impact in terms of quality of business involvement. Below are outlined the main recommendations from this study:

1. Organisational and technical capacities of institutions

The institutions involved in the negotiation process will have an increasingly busy agenda and deadlines that require a very high commitment. These developments risk making the business fora consultation even less effective or even more formal and devoid of content. Therefore, institutions should start investing strategically from now on in improving their organisational capacities, particularly in light of business involvement in the process. This should be viewed from the lens of mutual benefit, aiming to engage the business fora and provide them with the expertise, data, or any type of services that can help the process.

To strengthen organisational capacities, the process management structures should focus on several components:

First, they should design and standardise all formats and working documentation related to business consultation in the negotiation process, throughout all negotiating chapters. This would greatly facilitate their work, but also create consistency in the practices used, simultaneously educating the business fora on the expected procedures, and improving predictability.

Second, related precisely to the predictability, the responsible persons within the institutions should be trained, to structure clearly and comprehensibly the requests for contribution sent to the business fora, that is to say, what is specifically required of them.

Third, the way of presenting and reporting to the business fora should be reconceptualised, adopting a unified and simplified approach, using an easily understandable language that is unencumbered by legal references.

Fourth, institutions should improve their planning capacities with regard to consultation. Through engagement with the EC and national structures, they receive prior notification of important dates, when strategic documents are published or contributions are due. Therefore, the work towards planning consultative meetings should

be improved, creating a stable and predictable calendar. This stable periodicity would also increase the participants' activism, since they would have much more time to prepare.

Fifth, the coordinators or persons responsible for each chapter, should coordinate among themselves, to create a unified system for responding and following up on business comments and contributions. This would significantly increase confidence in the consultation process and further encourage participation. This can also be achieved through information technology, by facilitating the contribution of the interested parties, who will also be able to track the relevant feedback.

Some of the interventions suggested above require the commitment of financial resources, which can also be coordinated with the assistance of the EU or other international partners. The Albanian School of Public Administration (ASPA) can also be of help towards some of the components. In addition to in-depth training on the content of the Internal Market legislation and approximation techniques, ASPA can also design special curricula for 'soft' and technical skills, necessary to create the involvement instruments described above.

2. Guided by topic, not by chapter

One of the study's findings suggested that the business fora had shown much more interest and a greater level of involvement in meetings that are dedicated to specific issues rather than in meetings that provide general information on the process or sector.

This approach is not only confirmed by the literature and previous experiences, but it is also consistent with the nature of business and the busy schedule they have. Therefore, to be as efficient as possible in meetings, agendas should be conceived with this approach in mind. Within each chapter covered by the responsible institution that organises the consultation, specific and possibly sensitive topics should be identified, so that engagement and involvement be as satisfactory as possible. During targeted trainings organised by projects in the

country, it has been noticed that drafting an agenda targeted on a specific topic not only sparks curiosity and maintains interest, but it also contributes to generating discussions and exchanges between the parties (since they begin to see it as their joint work, even though from different angles).

This could lead to a further step, which is the organisation of *ad-hoc* working groups (business-institutions) for very specific issues that require the contribution of both parties. To use it as a socialisation and mutual trust-building instrument, business representatives can also be invited as observers in the bilateral meetings with the EC, on topics of interest to the business fora.

3. Albanian-Albanian translation

By this concept we mean the great need evidenced by the study to have the complex acts explained and broken down into simple terms and as well as “translated” into concrete implications for the business fora. This mediation function is necessary between two different parties: First, this improved communication is necessary between institutions and business associations’ representatives. As emphasised, the reading of the legal acts in itself, without any explanation of the expected impact and the actual requirements for the sector, is not easily understood and does not convey clear messages to the other party.

Therefore, the conceptualisation of a methodology for the breakdown of the most important or sensitive community acts into practical terms, would greatly help the business fora to understand but also to explain these acts to their members.

And this is precisely the second instance in which this mediation would be of help, as it would provide the business associations’ representatives with the necessary capacities to distribute this information (in even simpler language) to their members, preparing them for the measures to be taken.

The EU and other international partners can significantly help with these two processes, by providing expertise and technical assistance support. Based especially on concrete cases and experiences from the most recent member countries, it is necessary to conceive and implement regular training programmes for the business representatives who are interested in engaging directly in the negotiation process.

4. Contact points and networking

The adjustment of the way of organisation of the business associations themselves, in line with the coordination system used by the units involved in the

process, is necessary in order to ensure stability and effectiveness in the interaction between the business fora and institutions.

Just like every institution involved in the process already has a coordinator/unit dedicated to the European integration and negotiations, similarly, the business associations should gradually consolidate a position within their organisations, whose portfolio also includes monitoring and coordinating with other parties to this end. This would enable a more efficient specialisation of human resources in each organisation and would facilitate the relationship with state institutions.

Additionally, it would also provide the basis for establishing an institutional memory within the association. Also, given the work volume to be triggered by the negotiations, the questions and requests from business members will increase, therefore, having a dedicated specialised staff member will help the successful provision of services to members.

In the long term, this approach would also have other significant benefits, as it would gradually create an extended group of experts for certain chapters, who, through inclusive and networking activities, could contribute significantly to the process before and after the membership (when even more specialised human resources will be needed).

5. Role of international partners

The international partners, particularly the EU, should have an even more active and consistent role in this framework. Even though there are several projects and significant support is in place for the business fora involvement in negotiations (especially the SANECA project), the approach remains somewhat fragmented and without the full involvement of the institutions.

Coordination with other international partners could bring about more sustainability and involvement. Also, a specific focus by the international partners on the topics where their own priorities lie, would create an even better synergy both in the technical and also the political aspect (sectoral integration) of the process.

However, this certainly requires a much better coordination and, above all, a much more involved and proactive EU. However, at a bilateral level, certain member states might focus on specific chapters, where they can concentrate their efforts in the comprehensive involvement of the business fora.

For instance, if Germany's development agencies have a particular interest in agriculture and environment, they can participate in the PPEI's

roundtables for chapters 11, 12, and 27 and offer more direct additional support for their effective operation, by inviting experts to the meetings or by also proposing capacity-building programmes.

Taking the above into consideration, the list of recommendations is not exhaustive, as there are still gaps and needs for interventions that can hardly be bridged by the parties involved. In this context, the experts engaged for the purpose of this study have formulated an additional proposal, in the form of a new instrument that can be complementary to some of the interventions above and substitute some others.

At this stage of the process, it becomes necessary to establish a specialised structure that directly assists the parties when capacities and technical expertise are required.

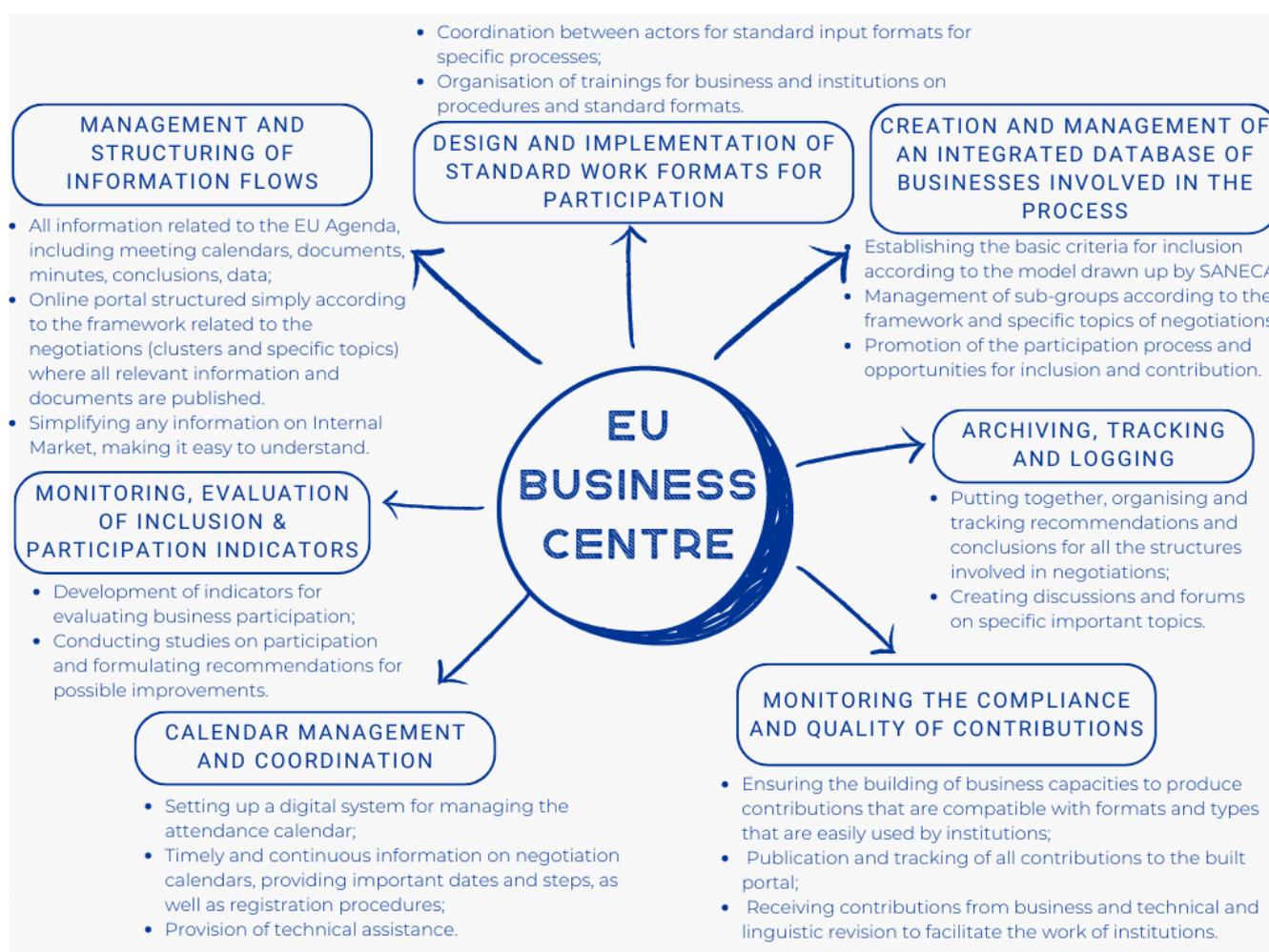
This approach is not new for other countries that have achieved [acquired] the EU membership. They have established and consolidated a specialised

centre, to provide structured assistance to the business fora and institutions, in a periodic and organised manner. In some models, this has been an independent but public structure, in others it has been a union of think-tank institutions supported by the EU.

Even in Albania, such a model would not be completely new, as we have a similar experience, albeit with civil society organisations rather than the business fora. Under the example of the [National Resource Centre for Civil Society](#)³², a Business Resource Centre for the EU Membership can be conceived and established, with the support of the EU and other international partners, using technical assistance and coordinated expertise from abroad.

More specifically, considering the shortcomings, needs, and principles listed above, the capacities of the business fora and the new dynamism brought about by the membership negotiations, following we are outlining a list of suggested functions that this new instrument could perform.

See proposal below



³² The National Resource Centre for Civil Society is a long-term project, supported by the EC, which serves as an information and services platform that contributes to strengthening the capacities of civil society organisations to be more effective, independent, transparent, and have greater influence in the country's democratisation processes.", 2021.

6

Recommendation summary

1. Recommendations for the Institutions

 Task	 Recommendation	 Outcome
Improving communication channels and quality	Maintaining continuous communication through weekly newsletters (digests), planned activities, and participation opportunities.	Increased information and participation efficiency
Consistent demonstration of political will and the relevant institutional weight	Presence of the relevant negotiator in every roundtable on the process. The presence, within reason, of the Chief Negotiator in the meetings for chapter clusters.	Increased perception of the importance, credibility, and seriousness of the consultation of the business fora
Increasing awareness on the importance of business involvement	Organising internal meetings of the working groups as per chapters, and discussing models/experiences from other countries through expert technical assistance	Benefits and work facilitation thanks to better cooperation with the business fora and provision of useful data for analytical documents
Improving the business fora representation selection procedure	Improving and adapting the methodology developed by SANECA for the first four roundtables, based on the experience with these roundtables and further standardising it for all the roundtables, using the same selection criteria and methods	Increased representation transparency and quality and increased effective contribution to the process
Increasing organisational and administrative capacities for involvement	Training and equipping the coordinating technical staff with the necessary know-how needed to organise roundtables and use the coordination mechanisms with ease	Proper functioning of the PPEI and the opportunity to obtain effectively business contribution to the process
Standardising working documentation and forms for consulting business fora	Drafting and adopting standard forms for all the PPEI roundtables (including agenda, minutes of meetings, etc.).	Facilitated work and easing of the workload and sustainability of the employed techniques, resulting in business familiarisation and education on the process.

 Task	 Recommendation	 Outcome
Training institutional coordinators for business reporting	Training and consulting with field experts on coordination mechanisms of similar platforms	Clarity on what is required from business fora, their duties and contributions expected from them
Unifying and standardising business presentation forms	Reviewing and simplifying the current practice, creating focus groups and discussing the best alternatives with the business fora	Increased business understanding and contribution potential
Increasing planning capacities and periodicity	Informing and training coordinators on the process official dates and calendar [schedule], and continuing the preliminary drafting of the anticipated consultation activities	Preliminary preparedness of business fora and increased participation in activities
Tracking and following up on business comments and contributions	Coordinating the work among institutional coordinators, to enable an online system for documenting and answering the existing comments	Increased credibility of the consultation and involvement process and incentivising more participation.
Improving the soft skills of the staff involved	Adapting a special training curriculum under ASPA, dedicated to serving the consultation process in light of negotiations	Establishment and consolidation of practices that also enable the institutional memory on business coordination process
Organising topic-specific roundtables	Drafting specific agendas, by identifying actual and sensitive issues for the actors involved. Avoiding general and negotiating chapter-level topics.	Increased meetings efficacy and interest in the process by business fora
Involving business fora in specific bilateral meetings with the EC	Organising and enabling participation of several business representatives as observers in bilateral meetings on topics of interest	Socialisation and increased business trust in the involvement process
Creating ad-hoc working groups with the business representation	Establishing technical working groups on specific and technical issues with business representatives, whenever possible, with clear objectives and tasks to prepare the Albanian party for the negotiations	Improved quality of work and produced analysis and increased mutual trust and collaboration

2. Recommendations for the Business fora

 Task	 Recommendation	 Outcome
Increasing awareness on importance of involvement	Conducting information and training programmes on the impact and consequences for business fora that evade adoption of community legislation and integration into the European market, with focus on potential costs and benefits per each sector (similar to other countries' experiences)	Increased efficiency of consultations and involvement
Increasing cooperation between the business actors and improving their coordination	Organising and aligning the interconnected sectors interests, by compiling joint proposals and presenting joint views and requests	Increased impact on negotiating positions and decision-making.
Strengthening the mediation role, in order to disseminate information to members	Participating frequently in dedicated training (representative organisations' staff) focused on the different chapters and group-chapters, to gain an understanding of the inner functioning of the common market and its consequences for the Albanian industry	Increased degree of preparedness of the business fora for the process and improved potential to benefit (or reduce loss instances)
Establishing a network of contact points for the negotiation process	Appointing a coordination-responsible for the negotiation process, establishing a network of specialised coordinators at the business level, similar to that of the institutional structures	Improved contribution and efficacy of the process participation and coordination

3. Recommendations for the international partners

 Task	 Recommendation	 Expected Outcome
Supporting business capacities increase	Designing a structured and long-term programme for business organisations, entailing contribution by experts and European business fora representatives	Increased process ownership and effective involvement
Establishing and strengthening the network of business contact points	Providing know-how and assistance to enable the development of the network of business negotiation coordinators, bringing best practices or effective models (twinning)	Sustainable structuring and consolidation of contributing capacities in the process
Increasing multi-party coordination and alignment	Possibly including in the international partners' conferences agendas, alignment among international partners on the assistance given to consultation processes for negotiations, with focus on strengthening business capacities	Increased efficacy of interventions and higher impact of outcomes of projects aimed at strengthening business fora
Adopting a sectorial/topic supporting approach	International partners may direct their assistance towards sectorial integration, targeting capacity building for areas where their priorities lie	Improved information and knowledge level for business fora, impacting at the same time their degree of preparedness
Providing strategic support for establishing a long-term centre, to assist the business fora during the negotiation process	Provide technical assistance and financial support to build a specialised centre that will create the necessary conditions to mediate and facilitate inter-parties' cooperation. This structure may adopt the Croatian or National Resource Centre for Civil Society practice	Structured managing of information and increased business capacities; a database and activities coordination for participation; standardised processes and improved contribution quality.

Bibliography

ACIT, "[Readiness of Albanian business fora for the EU accession process](#)", 2021.

Aneta Cekik (2017) *Adapting to Europe? Business interests and civil society groups in accession countries*, *West European Politics*, 40:5, 1066-1087, DOI: [10.1080/01402382.2017.1308696](https://doi.org/10.1080/01402382.2017.1308696).

Bobic, M. and Bozic, R. 2012, *Civil Society in the Process of European Integration – from Constructive dialogue to Successful Negotiations*.

Börzel, T., Buzogány, A. *Governing EU accession in transition countries: The role of non-state actors*. *Acta Polit* **45**, 158–182 (2010). <https://doi.org/10.1057/ap.2009.26>.

Dimitrova, A. and Buzogány, A. (2014), *Post-accession policy-making in Bulgaria and Romania*. *J Common Mark Stud*, 52: 139-156. <https://doi.org/10.1111/jcms.12084>.

Đokić, I. and Sumpor, M. 2013, *The Role of Croatian Civil Society Organisations in the European Union Accession Process*.

European Commission, 2014, *Guidelines for EU support to civil society in enlargement countries, 2014-2020*.

Igor Vidačak, *The effects of EU conditionality on patterns of policy engagement of civil society organisations in candidate countries*, *Southeast European and Black Sea Studies*, 10.1080/14683857.2021.1951864, **21**, 4, (571-592), (2021).

International Centre for Human Development, 2012, *The Role of Civil Society in EU Integration Processes: Real Engagement through Effective Involvement*.

Investment Council, "Public consultation as an effective tool for improving decision-making and public-private dialogue", 2022.

Ritchie, J., Spencer, L., and O'Connor, W., 2003, Carrying out qualitative analysis. In J. Ritchie and J. Lewis, ed., *Qualitative research practice: A guide for social science students and researchers*. Sage: London; Thousand Oaks.

Viera Knutelska. *The Czech Coordination System of European Affairs and Its Inclusiveness*. 2013. [halshs-00871987](https://halshs.archives-ouvertes.fr/halshs-00871987).

Yin, R. K., 2009, *Case Study Research. Design and Methods*. London: Sage Publications.

Żornaczuk, T. 2014, *Civil Society in the EU Integration of the Western Balkans*, *Polski Instytut Spraw Międzynarodowych*.



#WeAreICC