



How the Albanian Constitution Welcomes the Eu Acquis Along Integration Process

PhD. Oltja Qejvani

Lecturer of EU law, Department of Law, Faculty of Political and Legal Sciences,
University 'Aleksandër Moisiu' Durrës,
Durrës, Albania

Received: 2 October 2023 / Accepted: 10 December 2023 / Published: 23 December 2023
© 2023 Oltja Qejvani

Doi: 10.56345/ijrdv10n3s103

Abstract

The first legislative gateway that must speak the language of the EU acquis during and after membership in the Union is the Constitution. In addition to quickening the process of integration, laying the foundation for the Constitution makes it easier for the remainder of Albania's laws to be approximated as EU law requires. Our Constitution was drafted being orientated towards democratic examples and incorporates all aspects of European and international values, including the protection of human rights, the application of the rule of law, and the institutionalization of the national government. From this angle, our Constitution has the appropriate European components, thus it is easy to anticipate the spirit of EU ideals in the Albanian legal system. The focus of this research paper is envisaged in the framework of the symposium 'Albanian Constitution – 25 years Constitutional democracy', organized from Department of Law in memoriam of the first democratic Constitution in 1998. It creates a humble relation with the international (European) law, even though lining some boundaries on further implementation. In our Constitution, article 123 point 3 provides that the norms issued by an international organization prevail in case of conflict over the law of the country. So, we are no longer simply talking about supremacy over the laws of the country, but even meaning a supremacy of the Constitution itself. Despite of being in these favorable conditions, there is also a potential possibility for the Constitution to face the need of changes at the moment of accession. The scope of this research is to define the legal dimension on how our Constitution welcomes EU acquis and also to analyze potential outcomes on the Constitutional changes (or not) at the moment of accession. Latest countries joining EU faced considerable elements for change at their Constitution when joined the European Union. These practices occurring once must be truly taken into consideration in Albanian integration phase towards the Union, in order to avoid any delays or prolonged process of Constitutional change. Exploring and analyzing the current provisions of Albanian Constitution will be offered as main points to envisage the road path of welcoming EU acquis. By comparative overview of latest countries joining EU such as: Czech Republic, Romania, Bulgaria and Croatia and others when appropriate, this paper will offer also some alternatives and perspectives on how our Constitution must be ready for any potential changes.

Keywords: Albanian Constitution, EU acquis, EU integration, approximation

1. Introduction

The route of integration involves numerous unforeseen obstacles and adjustments in order to completely integrate the EU acquis into Albanian law. The first area to deal with the issues of change is the Constitution, which serves as the fundamental normative document for the nation. This article presents a compelling case for further investigation, with Constitutional modifications being viewed as one of the key viewpoints for incorporating EU acquis into the system. A potential danger of Constitutional modifications at the time of accession can be found by examining how the acquis is welcomed (or not) into the system. This is because the Constitution is not often or frequently amended.

The Czech Republic offered a special example when it joined the Union, despite being thought to have developed democracy to a very high degree. Czechs have requested information from the Constitutional Court regarding the legal framework needed to fully implement the Lisbon Treaty. This procedure, which took more than seven months, put barriers in the way of the nation's eventual EU membership.¹ Ultimately, the Constitutional Court ruled that the ambiguous language in the Constitution did not constitute an "embargo" against adopting EU law into domestic legislation. The topics discussed were more related to political debates than legal matters. Without requiring any fundamental changes, our Constitution takes advantage of all the possibilities to allow the EU *acquis* to be easily incorporated into our laws.

2. Methodology and Objectives

This research is conducted through deep analysis of Constitutional provisions on adapting international/European Union law into the country level system. Legal analysis is accompanied with exploration of other researchers in this regard, both into Albanian or other countries. Comparative cases among latest countries joining EU such as: Romania, Czech Republic, Croatia and other EU countries that have passed through similar process of 'adapting' Constitution with EU *acquis*.

The objectives of this research are to:

- Identify the welcoming approach that our Constitution has towards EU law during and after integration process.
- Recommend alternatives and awareness of potential of changes that the Constitution can face after joining the Union.

The multidisciplinary approach will be offered to this paper, with a special focus on legal matters and analysis.

3. Albanian Constitution Provisions for the EU *Acquis* Approach

When the first Constitution (after the end of Communism in Albania) was born, it was conceived as a new chapter of developing democracy in the country. It was the first time of dealing with this dimension, finding it difficult of not having a previous tradition in this regard during Communism Regime up to '90-s. The members of the Commission during that time addressed publicly that beyond international and European principles, there were no other options to be referred to and not a better option will be in that regard.

Firstly, Albanian Constitution welcomes European values in the Preamble, mentioning explicitly international and European values that are embraced worldwide in this regard '*.....with the deep conviction that justice, peace, harmony and cooperation between nations are among the highest values of humanity.....*', opening the road path to further details that will elaborate the way how Albanian state will work upon these values. General principles that lead the functioning of state of law in our country remain also a very important points that demonstrates that the Constitution is in the same line within, such as: principle of equality, creating peaceful religious communities, national identities, integration, fair trails etc. The nature how these principles are written is similar to other European Constitutions based mostly on the example of Italy, Germany, Greece etc.

Beyond these general frames, there are specific articles that demonstrate an easy possibility of how Albanian Constitution welcomes EU *acquis* and values into the overall system. In Chapter II of the Constitution of the Republic of Albania, entitled International Agreements, the place they occupy in domestic law is sanctioned, a reflection of the monist Constitutionalist model. Article 122/1 of the Constitution provides that every ratified international agreement, part of the internal legal system as it is published in the Official Gazette of the Republic of Albania. While Article 116 of the Constitution ranks these sources immediately after the basic law of the state, a fact which testifies to the importance and strength of their applicability.

Referring to Article 122 in particular, two basic principles are highlighted:

- first, the principle of direct implementation of agreements, except in cases where they are not self-enforceable and their implementation requires the issuance of a law;
- secondly, the principle of the supremacy of international agreements over the laws of the country, in case of conflict between them.²

¹ See the information provided in Lenka Rovna, 'Constitutionalizing the European Union: The Lisbon Treaty and the Czech Republic. A complicated story with an open ending', *L'Europe en Formation*, 2011/4 (n° 362), pg. 101-123. DOI : 10.3917/eufor.362.0101. URL : <https://www.cairn.info/revue-l-europe-en-formation-2011-4-page-101.htm>

² Prof. Dr. Xhezair Zaganjori, Prof. Dr. Aurela Anastasi, Dr. Eralda (Methasani) Çani, *State of law in the Constitution of Republic of Albania*; Publishin house "Adelprint"; Tiranë 2011, fq. 65, http://www.kas.de/wf/doc/kas_22897-1522-33-30.pdf

Moving from the terms of approximation to those of the applicability of community legislation, Albania is presented with the challenge of avoiding such conflicts through the process of approximation. In the event that such a dimension remains unattainable, finding the connection of a right provided for in the Stabilization Association Agreement - SAA (which is ultimately a reflection of a European legal coordinate), will find a direct application even on the laws of the country that fall contrary to it. Although qualified as a forced legal argument from doctrine, the line followed above is within the allowed framework of legal interpretation techniques, requiring the good will to help in this matter. Moving on to the SAA, which is an international agreement ratified by law specifically with law no. 9590, dated 27.07.2006, we are automatically convinced of its superiority over the laws of the country; that is, in case of conflict with an internal law, it will prevail and therefore the SAA will be applied.

Although the status of the SAA as a mechanism towards EU membership appears clear, the relationship of community law with our internal law opens the way for doctrinal debates if the EU *acquis* can/must be applied in internal legislation up to the integration phase. Regarding this aspect, the Constitution of the Republic of Albania is among the first Constitutions in Europe that sanctioned valid provisions for the integration process. Until that time, only the Constitution of Poland had provided for provisions establishing integration and delegation of powers clauses (see also below on the comparative studies).³

In our Constitution, article 123 point 3 provides that the norms issued by an international organization prevail in case of conflict over the law of the country. So, we are no longer simply talking about supremacy over the laws of the country, but over the law of the country, which means a supremacy even over the Constitution itself. Thus, from the reading of point 3 of Article 123, it is concluded that we are in front of the superiority of the SAA even over the basic law of the state, making the latter appear not only as a supra-legal act, but also a supra-Constitutional one.⁴

The need to adopt the SAA '*stricto sensu*' follows naturally if we were to consider it as any other international agreement context. However, if we take a more expansive view of it and regard it as a component of community law, then it will be required to execute the community standard in all of its forms (rules, directives, judgments, and treaties). Legislation from the Community actually only applies to member states of the EU, not to prospective members. However, the SAA's text also reflects the basic spirit and guiding ideas of this norm; hence, our nation must obliquely apply the community legislation. When a country seeks to join the EU, it is required to align its legal and institutional framework with the EU *acquis*, which refers to the main body of EU laws and regulations. This alignment process involves making changes to national legislation, policies, and institutions to ensure compatibility with EU standards. In the case of Albania, the Constitutional changes required for EU integration would likely involve amendments to various articles of the Constitution to reflect the principles, values and legal norms enshrined in the EU *acquis*. The specific provisions and amendments would depend on the areas covered by the EU laws and regulations that need to be incorporated.

4. Comparative Case Studies

The process of Constitutional change in EU member states can vary, as each country has its own Constitutional framework and procedures. Joining the European Union often requires candidate countries to make adjustments to their national Constitutions to align with EU principles and standards. However, once a country becomes an EU member, any subsequent Constitutional changes are primarily the sovereign decision of that member state. Nevertheless, the EU does have some influence over the Constitutional affairs of member states. The Lisbon Treaty obliges member states to ensure that their national Constitution is compatible with the EU legal framework. This means that any Constitutional changes that directly contradict EU law can be challenged by the European Commission or other EU institutions ahead. In addition, EU membership involves a commitment to upholding the values enshrined in the TEU, such as democracy, the rule of law, and fundamental rights. If a member state's Constitutional changes are seen to undermine these principles, it can trigger a dialogue and potential action by the EU. For example, if a member state were to introduce changes that threaten the independence of the judiciary or the functioning of democratic institutions, the EU could open an infringement procedure or initiate Article 7 proceedings, which could ultimately lead to sanctions or the suspension of voting rights within the EU Council.

³ *Ibid*, pg.67

⁴ *Erlir Puto, Suitability of foreign norms and in particular of the European Union with the Albanian internal legal and administrative system, Dissertation, Faculty of Law, University of Tirana, Tiranë, 2013, <http://www.doktoratura.unitir.edu.al/wp-content/uploads/2013/09/Doktoratura-Erlir-Puto-Fakulteti-i-Drejtësisë-Departamenti-i-te-Drejtës-Publike.pdf>, pg.195*

Overall, while the decision to make Constitutional changes lies with the member state, EU membership places certain constraints and obligations on member states with regards to their Constitutional frameworks. The EU has mechanisms in place to address any conflicts between national Constitutions and EU law, ultimately seeking to protect the principles and values upon which the EU is founded. Due to the fact that European Commission monitors continuously the way how the EU law is approached in member states, it also has indirect monitoring frames towards candidate countries that need to fulfill the recommendations reflected through progress reports.

Each EU member state retains its national sovereignty, including control over its Constitution. Constitutional changes are generally the prerogative of the member state, as long as they do not violate the fundamental principles of the EU. EU law holds supremacy over national law in areas covered by the EU's competencies. Member states must ensure that their national legal systems, including the Constitution, comply with EU law. Constitutional changes are typically carried out through national legal and political processes, which can include parliamentary approval, referendums, or other established procedures outlined in the national Constitution. EU member states are expected to uphold fundamental rights and principles outlined in the EU Charter of Fundamental Rights, and these rights may (must) be reflected in national Constitutions. In some cases, member states may consult with EU institutions or seek opinions from the European Commission regarding proposed Constitutional changes to ensure compatibility with EU law.

It's important to note that the specifics can vary among member states, and the EU's influence on Constitutional matters is generally limited to ensuring alignment with EU law. The internal Constitutional processes of each member state are respected, and decisions related to Constitutional changes remain within the sovereign authority of the member state. Several countries that joined the European Union (EU) underwent Constitutional changes as part of their accession process. It's important to note that specific details and changes can vary from country to country. Here are a few examples:

4.1 Poland: limitations on the competencies

Poland made significant Constitutional changes as part of its EU accession process in the early 2000s. These changes aimed to align the country's legal framework with EU standards, particularly in areas such as the judiciary and human rights. The Constitutional Tribunal has always recognized that the accession of Poland to the EU and the relevant transfer of competences involve surrendering sovereignty to the EU. However, the transfer is not without limits. The Constitutional judges identified, as their German colleagues before, a specific 'Constitutional identity' which determines the scope of excluding - from the right to transfer competences - the matters which are 'fundamental to the basis of the political system of a given state', the transfer of which would not be possible pursuant to Article 90 of the Constitution.⁵ The first articles of Albanian Constitution provide loudly that the independence and issues related to territorial and being 'sovereign' are an exclusive competence of Albanian state. The Polish example may not be a needed reference for Albanian case. Otherwise, if during accession the political environment will impose the changes according to Polish and German case.

4.2 Hungary: division of competencies of fundamental rights

Hungary also undertook Constitutional reforms before joining the EU in 2004. The changes addressed various aspects of the legal system, including the judiciary and the protection of fundamental rights. The Constitutional Court thus bound to these standards not only the Constitutional amendments reviewed in the case, but even new Constitutions, and presumably hence the new Fundamental Law. At the same time, it appears that the majority believed that it was not within the jurisdiction of the Constitutional Court to ensure that a Constitutional amendment (or new Constitution) satisfied these standards, meaning that there is effectively no way to enforce them. The majority did however state that the attained level of Constitutional protection of rights and its system of guarantees may not be diminished, and held that the Court had a signaling function.⁶ Our Constitution brings into the spotlight that fundamental rights are equally protected as foreseen in the Convention of European Human Rights, providing equal status of fundamental rights in national perspective to those of the Convention. This means a step ahead on having an EU approach of fundamental rights implementation and promotion, too.

⁵ See an official study analysis of the European Parliament 'National Constitutional Avenues for further EU Integration', Europa Parliament publication Brussels, 2014, pg. 244 [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET\(2014\)493046_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf)

⁶ *Ibid*, pg. 227

4.3 Romania: case of minority rights

Romania implemented Constitutional changes as part of its EU accession process in 2007. Reforms included adjustments to the judicial system and the protection of minority rights. Regarding the judicial system, Romania took significant steps to establish an independent and impartial judiciary, ensuring the rule of law. This included measures to increase transparency, efficiency, and accountability in the legal system. The reforms aimed to minimize corruption within the judiciary, as the country faced significant challenges in this area. Additionally, Romania introduced amendments to safeguard the rights of minorities. This was particularly crucial as Romania has a diverse population, including several ethnic and linguistic minority groups. The Constitutional changes aimed to protect minority rights by ensuring equal opportunities, non-discrimination, and cultural preservation. It also emphasized the importance of minority languages and education. These reforms, alongside other EU accession requirements, contributed to Romania's successful integration into the European Union in 2007. However, the country continues to work in these areas to ensure compliance with European standards.⁷

4.4 Bulgaria: case of prosecutors and judges integrity

Bulgaria made Constitutional amendments related to the judiciary and the fight against corruption in preparation for EU membership, which it achieved in 2007. Some of the key Constitutional changes included the establishment of a transparent and merit-based selection procedure for judges and prosecutors, the establishment of an independent body responsible for the management and discipline of the judiciary, and the introduction of a specialized anti-corruption unit within the judicial system. These Constitutional amendments signaled Bulgaria's commitment to reforming its judiciary and combating corruption, two key areas of concern for the EU. They were essential for Bulgaria's successful accession to the European Union in 2007. However, it is worth noting that Bulgaria has faced ongoing challenges in fully implementing these reforms and effectively addressing corruption issues.

'Article 5(1) of the Constitution states that '[t]he Constitution shall be the supreme law, and no other law shall contravene it.' This provision establishes the principle of Constitutional supremacy in Bulgaria. There is no provision in the Constitution which addresses more specifically the Constitutional supremacy over international treaties. There are no special provisions concerning the rank of EU law vis-à-vis the Bulgarian Constitution, nor is there explicit case law available which would help to draw definitive conclusions on this. By analogy with the status of international treaties in general, and in accordance with Article 5(1) of the Constitution, EU law would be subordinate to the national Constitution. The Supreme Administrative Court consistently held that European norms which have not been published in the Bulgarian language do not have any effect in the Bulgarian legal order. This was based decisively on ECJ case law on the translation backlog in the *Skoma-Lux* case'.⁸ This 'extreme' provisions are not foreseen in the Albanian case, but this case is an important one in order to act carefully in the accession phase, not staying legally limited, but opening widely the gates of EU acqius, useful to make the process easy for all the stakeholders involved.

4.5 Croatia: protection of human rights as a specific issue of the Constitution

Croatia, which joined the EU in 2013, implemented Constitutional changes to align its legal system with EU standards. These changes included reforms in the judiciary and the protection of human rights. The Constitutional changes aimed to ensure that Croatia's legal system meets the requirements set by the EU in terms of judicial independence, efficiency, and fairness. In terms of judiciary reforms, Croatia established a new judicial appointment system aimed at enhancing the independence and impartiality of judges. Previously, the appointment process was highly politicized, which led to concerns regarding the accountability and objectivity of judges.⁹ The Constitutional changes introduced a transparent and merit-based system, allowing judges to be appointed based on professional qualifications and experience. This reform

⁷ See European Commission press release *European Commission reports on progress in Romania under the Cooperation and Verification Mechanism*, Brussels, 8 June 2021, [European_Commission_reports_on_progress_in_Romania_under_the_Cooperation_and_Verification_Mechanism.pdf](https://ec.europa.eu/press/2021/06/08/european-commission-reports-on-progress-in-romania-under-the-cooperation-and-verification-mechanism), last seen in February 2024

⁸ See *National Constitutional Avenues for further EU Integration* pg. 203 [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET\(2014\)493046_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf)

⁹ *Croatia Judicial Reform: Monitoring Report*. European External Action Service, 2021. https://eeas.europa.eu/sites/default/files/croatia_judicial_reform_monitoring_report_2021_en_2.pdf

aimed to enhance public trust in the judiciary and strengthen the rule of law. Furthermore, the Constitutional changes emphasized the importance of protecting human rights in line with EU standards. Croatia committed to aligning its legislation and practices with the European Convention on Human Rights and other relevant EU human rights instruments. This included ensuring equal rights and non-discrimination, protecting freedom of expression and association, and guaranteeing fair trial rights.

The Constitutional changes also aimed to improve the efficiency and effectiveness of the judicial system. Croatia introduced measures to streamline court procedures, reduce case backlogs, and enhance the overall efficiency of the judiciary. These changes were intended to ensure timely access to justice and improve the quality of legal proceedings. Overall, Croatia's Constitutional changes were implemented to harmonize its legal system with EU standards. By aligning its judiciary and human rights protection with EU requirements, Croatia aimed to strengthen the rule of law, improve access to justice, and enhance the overall legal environment in the country.

4.6 *The Czech Republic: unique case of Constitutional approach and flexibility to EU patterns*

The Czech Constitution represents an example of the 'international organization' approach towards EU integration. This approach means that the Constitution includes a number of general clauses on international organizations, but makes no specific reference to the EU. As for the ultra vires review, the Constitutional Court has stated that it is able, in exceptional circumstances, to function as an ultima ratio and review whether any act of Union bodies exceeds the powers which the Czech Republic transferred to the European Union under Article 10a of the Constitution. Although it is not certain what kind of effects this judgment of the Constitutional Court might generate in the future, it is generally considered to be a result of an 'internal conflict' between the Czech Constitutional Court and the Czech Supreme Court and is therefore seen as an isolated episode with no major consequences for further EU integration.¹⁰ It's important to keep in mind that the accession process involves a comprehensive review of a candidate country's legal and institutional framework to ensure compatibility with EU standards. Constitutional changes are often just one aspect of broader reforms undertaken by candidate countries during the accession negotiations. For the most accurate and up-to-date information on specific Constitutional changes related to EU accession, it's recommended to consult official documents from the respective countries, EU reports on accession progress, or legal analyses provided by EU institutions.

The Constitution of every country is a fundamental legal document that regulates the political and legal organization of the country. It determines the structures, competences, and procedures of governance, as well as the rights and freedoms of citizens. Constitutions are written and form the basis of a state's legal system. Membership in the European Union (EU) does not require the exchange of existing Constitutions of member countries. EU member states retain their Constitutions but must build their legal system and institutions according to EU norms and European Treaties. The norms of the European Treaties do not seek to abolish the existing Constitutions of member countries, but they impose certain legal standards and requirements that member countries must incorporate into their national legislation. These standards include human rights, freedom of trade, harmonization of economic policies, cooperation in the field of security and defense, and the right to free movement for EU citizens.¹¹ However, changing existing Constitutions may be necessary for profound Constitutional changes in cases where these changes are necessary to fulfill the requirements of EU membership and to align the legal system with European standards. Furthermore, even after joining the EU, member countries remain sovereign and have the competence to amend and improve their Constitutions, while respecting European norms and laws.

Generally, EU membership does not affect the formation of existing Constitutions of member countries, but encourages them to align with European norms and standards. When it comes to Albania case, as seen per above examples, it can be concluded that the changes that might be necessary to be done are those related to include more EU *acquis* principles in case it will be necessary to be applied exclusively, or in some relevant cases the need of division or specification of rights and institutions that are under the exclusive competencies of Albanian state (following the case of Romania and Czech Republic). Bringing Albanian case into the above examples of other EU members recently joined EU, there are many positive attitudes among our country such as:

- Flexibility of substantive and procedural matters of international law application inside the country
- Human Rights into the European perspective appliance
- Provision of sovereignty with a smart language 'between national exclusive patterns and under international/European patterns.

¹⁰ National Constitutional Avenues for further EU Integration fq. 210 [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET\(2014\)493046_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf)

¹¹ Lisbon Treaty, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12007L%2FTXT>

5. Potential Challenges of Albanian Constitution when Joining EU

The European Union documents related to Albanian monitoring accession have not treated or recommended Constitutional changes so far. Despite of this conclusion, there are a lot of main legal challenges that are continuously repeated in the progress reports or press release of the Commission, to bring the attention of Albanian stakeholders in this process. These challenges, before being a case of different legislative acts, may/must require Constitutional reflections. These changes are not perceived as substantive ones, but are needed to be included and treated properly in the Constitution. In additional, in the author's opinion, the nature of these changes is adding extra European values to our Constitution. So far, our Constitution, does not create any obstacles for brining up these principles into our national laws. There are several potential challenges that the Albanian Constitution may face when the country joins the European Union (EU). These challenges include:¹²

1. **Harmonization of Laws:** The Albanian Constitution may need to be adjusted or amended to align with EU law and regulations. This could involve harmonizing various areas of legislation, such as human rights, judicial procedures, and economic policies, which may require significant changes to the existing Constitution.
2. **Protection of Minority Rights:** The EU places a strong emphasis on protecting the rights of minorities. Albania, with its diverse ethnic and religious groups, will need to ensure that its Constitution adequately safeguards minority rights in accordance with EU standards. This may require revisiting the current provisions related to minority representation, language rights, and cultural autonomy.
3. **Independence of the Judiciary:** The EU expects its member states to have an independent and impartial judiciary. Albania may need to strengthen its Constitutional provisions related to the appointment, tenure, and accountability of judges and prosecutors to ensure the independence and effectiveness of the judiciary. This could involve Constitutional amendments or changes in the existing judicial framework.
4. **Anti-Corruption Measures:** Corruption is a significant challenge in Albania and the EU requires its member states to have strong anti-corruption measures. The Albanian Constitution may need to be strengthened to enhance transparency, accountability, and integrity in public institutions. This could involve Constitutional reforms to establish more robust mechanisms for preventing, investigating, and prosecuting corruption.
5. **Decentralization and Local Governance:** The EU promotes regionalism and local governance, and member states are often required to devolve certain powers to local authorities. The Albanian Constitution may need to be revised to provide greater autonomy and decision-making powers to local governments. This could involve Constitutional amendments to redefine the relationship between central and local authorities and establish a more decentralized governance system.
6. **Adoption of the Euro:** As a future EU member, Albania will be required to adopt the euro as its currency. This may necessitate changes to the Constitutional provisions related to monetary policy, financial regulations, and central banking. The Constitution may need to be revised to accommodate the requirements of the eurozone and ensure a smooth transition to the new currency. Entering to Eurozone is not a condition to join EU, but this point will have direct implications in the Constitution of bringing different changes ahead.

Overall, the challenges faced by the Albanian Constitution when joining the EU will primarily revolve around aligning with EU law, protecting minority rights, ensuring judicial independence, combating corruption, promoting decentralization, and preparing for the adoption of the euro. These challenges may require significant Constitutional amendments and reforms to meet the EU's standards and requirements. As an interesting matter of analyzing and identifying the EU language and requirements ahead legal/Constitutional changes, below are presented the key figures of 2023 progress report spoken from EU institutions:

1. **Human rights:** Comparative studies and reflections on the EU's human rights standards can lead to the adoption of stronger protections for fundamental rights and freedoms in the Albanian Constitution. This could include provisions regarding non-discrimination, equality, and protection of minority rights.¹³
2. **Rule of law:** Comparative studies can shed light on best practices and mechanisms for ensuring the rule of law. Albanian Constitution may be amended or updated to strengthen the independence of the judiciary, improve access to justice, and enhance mechanisms for combating corruption.

12 European Commission, (2020). *Albania 2020 Report*. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf European Parliament, (2014) *Albania's EU Accession Process*. Retrieved from: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2014/541497/EPRS_BRI\(2014\)541497_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2014/541497/EPRS_BRI(2014)541497_EN.pdf)

13 European Commission Progress Reports on Albania, *Albania Report 2023*, pg. 18 https://neighbourhood-enlargement.ec.europa.eu/albania-report-2023_en

3. Fundamental freedoms: The EU emphasizes the protection of fundamental freedoms, such as freedom of expression and media pluralism. Comparative studies can identify areas where the Albanian Constitution needs to be revised to align with EU standards, ensuring greater press freedom and freedom of speech.
4. Decentralization: Joining the EU may require decentralization reforms to align with the principles of subsidiarity and regional autonomy. Comparative studies can inform the revision of the Albanian Constitution to transfer certain powers and responsibilities to local and regional authorities, promoting greater local democratic governance.
5. Environmental protection: The EU places significant emphasis on environmental protection and sustainable development. Comparative studies may highlight the need for stronger provisions within the Albanian Constitution to ensure environmental rights, promote sustainable practices, and safeguard natural resources.

Comparing the requests of 2014 and 2023, we see that environmental protection and decentralization can be seen as substantive issues that need proper incorporation into our Constitution and legislative system. Modelling local governance into the functioning system of Committee of Region of the Union is a real challenge that we must be aware of in the terms of decentralization.

However, it's important to note that there are also risks associated with these changes and reflections:

1. Sovereignty concerns: Some critics argue that aligning the Albanian Constitution with EU standards may undermine the country's sovereignty and limit its ability to make independent decisions.
2. Implementation challenges: Implementing Constitutional changes requires significant resources and capacities. It can be challenging to effectively implement and enforce new provisions, particularly in areas such as the rule of law and the protection of human rights.
3. Political resistance: Constitutional changes often face opposition from political actors who may feel threatened by the proposed reforms. Resistance from these actors can hinder the progress of aligning the Constitution with EU standards.
4. Cultural considerations: Albania's cultural and historical context must be taken into account when considering Constitutional changes. It's important to strike a balance between adopting EU standards and preserving Albania's unique cultural identity and heritage.

In conclusion, comparative studies, reflections, and the process of aligning the Albanian Constitution with EU standards can bring about positive changes in the areas of human rights, rule of law, fundamental freedoms, decentralization, and environmental protection. However, these changes also come with risks and challenges, such as concerns about sovereignty, implementation difficulties, political resistance, and the need to preserve Albania's cultural heritage.

6. Conclusions and Recommendations

The Albanian Constitution accepts the application of EU *acquis* both during and after the country's date of accession with a gentle and accommodating stance. Last but not least, the dimension of direct applicability covers the following: the application of European legislation in situations where domestic and community law conflict; the rectification of constitutional provisions in response to international agreements; and the nullification of internal legal acts that contravene European legislation.

The SAA, an agreement reached between an international organization like the EU and the Republic of Albania to participate in this organization, is specifically credited by the Constitutional principles for the supremacy of international agreements with national laws and with the law in general. This is stated in point 3 of article 123 of the Constitution. The European laws will be implemented in the event of a difference between our law and the Community's; this is where the SAA and the remainder of our legislation connect. If an act of internal normative law breaches European law, it will remain inapplicable; nonetheless, the specific act will be subject to the terms of invalidation.

The Albanian Constitution may need to address certain issues, like decentralization and environmental concerns, which are taken into consideration as significant interventions within the context of this study. A more expansive interpretation of the norms and doctrine of the Constitution allows for the conception of additional developments, such as the division of competencies, the European human rights viewpoint, and sovereignty, as added values patterns.

References

Albanian Constitution
Croatian Constitution
Czech Republic Constitution

Erlir Puto, Suitability of foreign norms and in particular of the European Union with the Albanian internal legal and administrative system, Dissertation, Faculty of Law, University of Tirana, Tiranë, 2013

European Commission Press Release 'Romania's progress in the areas of judicial reform and the fight against corruption.'" Accessed November 15, 2021

European Commission Progress Reports on Albania, Albania Report 2023

European Parliament 'National Constitutional Avenues for further EU Integration', Europa Parliament publication Brussels, 2014

Lenka Rovna, « Constitutionalizing the European Union: The Lisbon Treaty and the Czech Republic. A complicated story with an open ending... », *L'Europe en Formation*, 2011/4

Polish Constitution

Prof. Dr. Xhezair Zaganjori, Prof. Dr. Aurela Anastasi, Dr. Eralda (Methasani) Çani, State of law in the Constitution of Republic of Albania; Publishing house "Adelprint"; Tiranë 2011

Progress Report for Albania 2014 and 2023

Romanian Constitution

Treaty on European Union (TEU)

www.caim.info

www.consilium.europa.eu

www.doktoratura.unitir.edu.al

www.ec.europa.eu

www.eur-lex.europa.eu

www.europarl.europa.eu

www.kas.de

www.legislationonline.org

www.neighbourhood-enlargement.ec.europa.eu