EUROPEAN
COMMISSION

Brussels, 8.11.2023
COM(2023) 681 final

2023/0386 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union concerning a Decision of the EU - Albania Stabilisation and Association Council amending its Rules of Procedure

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Albanian authorities have expressed their interest to set up two Joint Consultative Committees with the European Economic and Social Committee and the Committee of the Regions of the European Union.

The European Economic and Social Committee and the Committee of the Regions of the European Union are in favour of providing an institutional framework to the policy dialogue with Albania in the context of their respective areas of competence.

The aim of the Joint Consultative Committees would be to organise dialogue and cooperation between their social partners and other civil society representatives and their regional and local authorities.

• Consistency with existing policy provisions in the policy area

Against the background of the recent start of the accession negotiations with Albania, the intensification of the policy dialogue in the context of the Stabilisation and Association Agreement will be beneficial to Albania's progress on its European integration path, notably through strengthening the relations among stakeholders at regional and local level as well as social partners and civil society.

• Consistency with other Union policies

A stronger Europe in the World:

The European Commission champions multilateralism and a rules-based global order through a more active role and stronger voice for the EU in the world. European leadership also means working closely with neighbouring countries, introducing a comprehensive strategy on Africa and reaffirming the European perspective of the countries of the Western Balkans. The Commission seeks a coordinated approach to external action - from development aid to the Common Foreign and Security Policy - that secures a stronger and more united voice for Europe in the world.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Next to Albania and all Member States, EU is also party of the Stabilisation and Association Agreement (SAA) with Albania. The conclusion of the SAA was approved on behalf of the European Community by Council and Commission Decision 2009/332/EC. Post-Lisbon, the legal bases for establishing a Union Position concerning a Decision of the EU – Albania Stabilisation and Association Council to set up other special committees (artt. 116, 117(2), 120(4) SAA) are art. 218(9) of the Treaty on the Functioning of the European Union and Article 2 Council and Commission Decision of 26 February 2009 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania respectively. Therefore, a Council decision is required.

Having regard to:

– The Treaty on the Functioning of European Union, and in particular Articles 217, 218 paragraph 9 thereof,

– Article 2 Council and Commission Decision of 26 February 2009 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania (hereinafter referred to as "Albania") of the other part

- **Subsidiarity (for non-exclusive competence)**

Regarding the European dimension of the proposal the European Commision recently adopted a communication (COM(2023) 40 final) focusing on strengthening social dialogue in the European Union. It underlines the EU's key objectives is to improve living and working conditions while social dialogue and collective bargaining are fundamental ways of doing this, contributing to higher productivity while also ensuring social fairness, a quality working environment and democracy at work. The proposed Joint Consultative Committees are intended to constitute forums for dialogue and co-operation between the social partners and other civil society organisations and the local and regional authorities in the European Union and Albania, which can make a major contribution to the development of their relations and to the integration of Europe.

As for the necessity of the Joint Consultative Committees it is envisaged that within the EU framework this dialogue and co-operation will prepare for future work with the European Economic and Social Committee and the Committee of the Regions of the European Union and for Albanian membership of the European Union; facilitate exchanging information on current issues of mutual interest, in particular up-to-date state of play concerning EU economic, social and regional policy and the accession process; encourage information exchange in practical implementation of the principle of subsidiary in all aspects of life on regional and local level; discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Stabilisation and Association Agreement and in the framework of the Pre-accession Strategy.

Finally the added value of the Joint Consultative Committees is given by the the fact that also the Stabilisation and Association Council may consult the proposed Joint Consultative Committees before taking decisions in relevant areas. Consultation of the committees will remain, however, at the discretion of the Stabilisation and Association Council).

- **Proportionality**

The principle of proportionality is laid down in Article 5(4) of the Treaty on European Union. It seeks to set actions taken by European Union institutions within specified bounds.

The main purpose of the JCCs is to monitor Albania's path towards the EU, and to adopt recommendations for the attention of Albania 's government and the EU institutions. The role of the JCCs is also to enable representatives of Albanian civil society organisations to become acquainted with the consultation process in the EU, as well as allowing EU representatives to familiarise themselves with the social structures and the economic and social impact of the reforms in Albania. The JCCs discusses a wide range of topics (non exhaustive), including cooperation between Albania and the EU in different areas such as migration, energy, small and medium-sized enterprises and vocational training.

Against the background of the recent start of the accession negotiations with Albania, the intensification of the policy dialogue in the context of the Stabilisation and Association Agreement will be beneficial to the Albania's progress on its European integration path, notably through strengthening the relations among stakeholders at regional and local level as well as social partners and civil society.

While JCCs complement with a civil society point of view the EU institutional framework related to the Stabilisation and Association Agreement between the EU and Albania the country is left with the necessary scope to implement the recommendations at the national level. This joint institutions allow civil society organisations on both sides to monitor the country's accession negotiations. It is also a platform to discuss issues of common interest and to inform the public at large on the challenges ahead during the accession period

- **Choice of the instrument**

The Stabilisation and Association Agreement provides the possibility to establish joint bodies to facilitate cooperation between the EU and the associated country. Setting up Joint Consultative Committees with the Committee of Regions and the European Economic and Social Committee is a well-established practise under the Stabilisation and Association Agreements, there are already several positive examples in the Western Balkans region.

Next to Albania and all Member States, EU is party of the Stabilisation and Association Agreement (SAA) with Albania. The conclusion of the SAA was approved on behalf of the European Community by Council and Commission Decision 2009/332/EC. Post-Lisbon the legal basis for establishing a Union Position concerning a Decision of the EU – Albania Stabilisation and Association Council to set up other special committees (artt. 116, 117(2), 120(4) SAA) is art. 218(9) of the Treaty on the Functioning of the European Union. Therefore, a Council decision is required.

The implementation of the Decision does not require facilitating supportive measures, as the sole article and annex lay out the position to be adopted by the Union within the Stabilisation and Association Council in relation to the amendments of its Rules of Procedure to set up of the Joint Consultative Committees.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

  Non applicable

- **Stakeholder consultations**

  Non applicable

- **Collection and use of expertise**

  Non applicable

- **Impact assessment**

Non applicable because:

The Stabilisation and Association Agreement provides the possibility to establish joint bodies to facilitate cooperation between the EU and the associated country. Setting up Joint Consultative Committees with the Committee of Regions and the European Economic and

Social Committee is a well-established practise under the Stabilisation and Association Agreements, there are already several positive examples in the Western Balkans region.

- **Regulatory fitness and simplification**

Non applicable because:

The amendment concerns the Rules of Procedure of a Stabilisation and Association Council without creating extra costs but enhancing cooperation with a negotiating country

- **Fundamental rights**

Non applicable

4. BUDGETARY IMPLICATIONS

The establishment of the proposed Joint Consultative Committees does not have any financial impact on the EU budget, the Albanian participants being responsible for their own expenses and the expenses on the European institutions' side being covered by the budget of the European Union

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Non applicable

- **Explanatory documents (for directives)**

Non applicable

- **Detailed explanation of the specific provisions of the proposal**

The text of the proposal for a Council decision on the position to be taken by the European Union in the Stabilisation and Association Council, as provided for by Article 2 (1) of the Council and Commission decision of 26 February 2009 on the conclusion of the aforementioned Stabilisation and Association Agreement, is attached hereto.

2023/0386 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union concerning a Decision of the EU - Albania Stabilisation and Association Council amending its Rules of Procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 217 and 218, paragraph 9 thereof,

Having regard to Council and Commission Decision of 26 February 2009 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania (hereinafter referred to as "Albania"), of the other part, and in particular Article 2, paragraph 1 thereof,

Having regard to the opening of accession negotiations between the European Union and Albania which took place on 19 July 2022,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 116 of the Stabilisation and Association Agreement establishes a Stabilisation and Association Council.

(2) Article 117 (2) of said Agreement provides that the Stabilisation and Association Council shall establish its rules of procedure.

(3) Article 120 (4) of said Agreement provides that the Stabilisation and Association Council may decide to set up other special committees or bodies that can assist it in carrying out its duties. The same provision of said Agreement further provides that the Stabilisation and Association Council shall, in its rules of procedure, determine the composition and duties of such committees or bodies and how they shall function,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the Union within the Stabilisation and Association Council established by Article 116 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Albania, of the other part, in relation to the setting up of the Joint Consultative Committee with the European Economic and Social Committee and the Joint Consultative Committee with the Committee of the Regions of the European Union and the amendment of the rules of procedure of the said Stabilisation and Association Council as provided for in Article 120 (4) of said Agreement shall be based on the draft decision of the Stabilisation and Association Council, annexed to this Decision. Minor amendments to this draft decision may be accepted without further decision of the Council.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council
The President