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# Chapters 2,5,7: Free Movement of Persons, Public Procurement, and Intellectual Property

Priorities for law harmonization and beyond

Adam Lazowski, Marv Barbullushi, Marsela Maçi

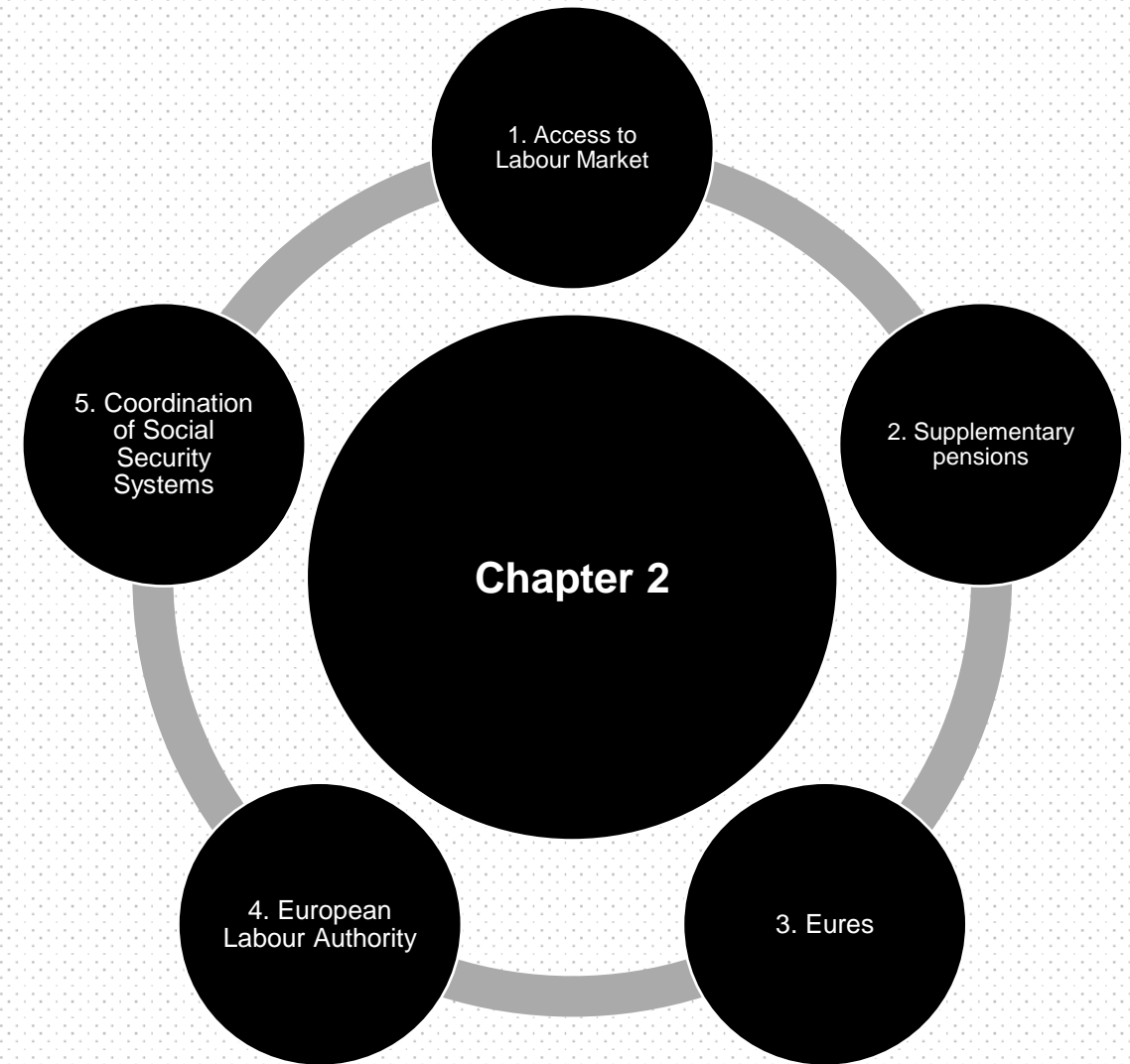
Towards EU Accession Negotiations: Preparing for Bilateral Screening

Tirana, Albania

4 November 2021

# Chapter 2: Free movement of persons

Chapter 2 consists of 5 subchapters



# Background for prioritization



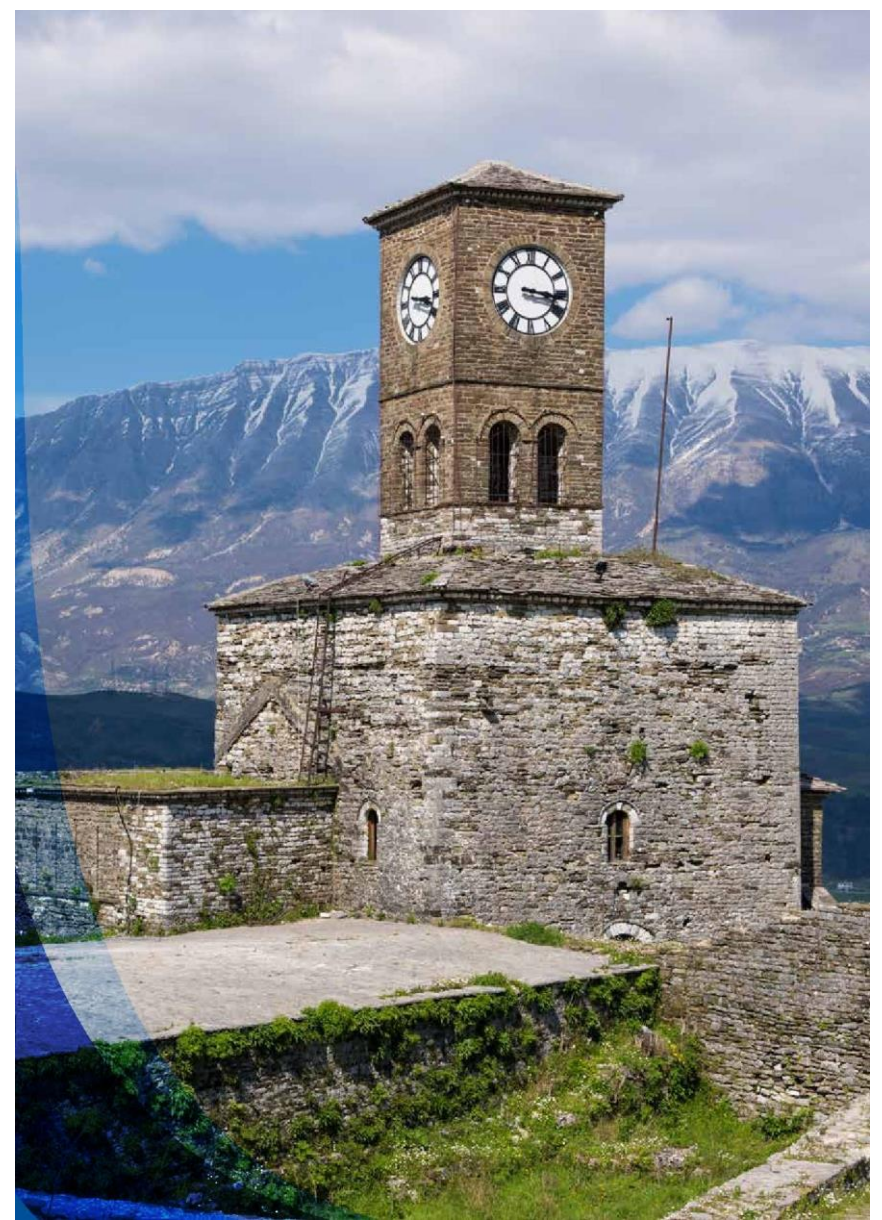
## European Commission's Report 2021

Commission Staff Working Document: 2021 Communication of EU Enlargement Policy, Report on Albania (COM(2021) 644 final, 19.10.2021)

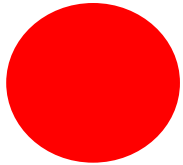


## Expert-level review & analysis

Review and analysis of Albania's legal acts, institutional information as well as materials of the Project: LGA, ToCs, and IAGA

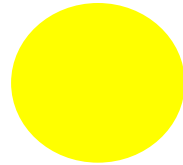


# Rationale of prioritization



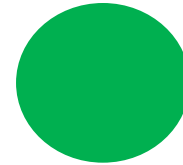
## TOP PRIORITY

Absence of Albania's national transposition of the EU FMP acquis or critical gaps in transposition and/or implementation



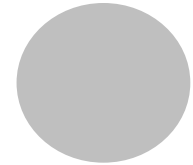
## MEDIUM PRIORITY

Partial national transposition of the EU FMP acquis or moderate flaws in transposition and/or implementation



## LOW PRIORITY

Largely transposed EU FMP acquis or no current relevance due to inextricable links between approximation and accession

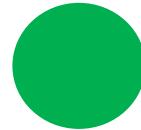


## NO PRIORITY

Fully transposed EU FMP acquis or non-relevance of the acquis due to its complete non-applicability to Albania

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# 1. Access to Labour Market



Directive 2004/38 (Citizens' Rights Directive)

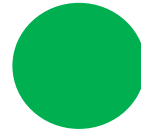
Directive 2014/54 (Measures Facilitating FMP)

Regulation 492/2011 (Rights of Workers)

- Inextricably linked to EU Membership (subject to transitional periods)
- Preparation of a roadmap for approximation
- Screening of Albanian legislation as to compliance with Article 45(4) TFEU

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## 2. Supplementary pensions



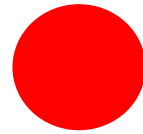
Directive 98/49 on the supplementary pension rights

Directive 2014/50 on improving the acquisition and preservation of supplementary pension rights

- Inextricably linked to EU Membership

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## 3. EURES



Development of IT infrastructure to enable connection with EURES



Regulation 2016/589 on EURES (plus implementing decisions)

- Inextricably linked to EU Membership



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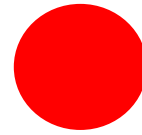
## 4. European Labour Authority



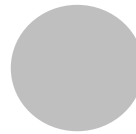
No approximation relevance

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## 5. Coordination of Social Security Systems



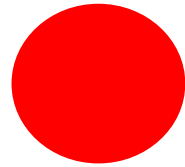
Negotiation of bilateral agreements with EU Member States on social security



Regulation 883/2004 on coordination of social security systems  
Regulation 987/2009 implementing Regulation 883/2004  
Regulation 1231/2010 extending the application of Regulations 883/2004 & 987/2009 to third country nationals

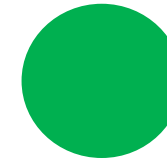
- Inextricably linked to EU Membership and directly applicable

# Summary of priorities



## TOP PRIORITIES Q4 2021 – Q3 2022

- Development of IT system to enable connection to EURES
- Negotiation of bilateral agreements on social security with EU Member States



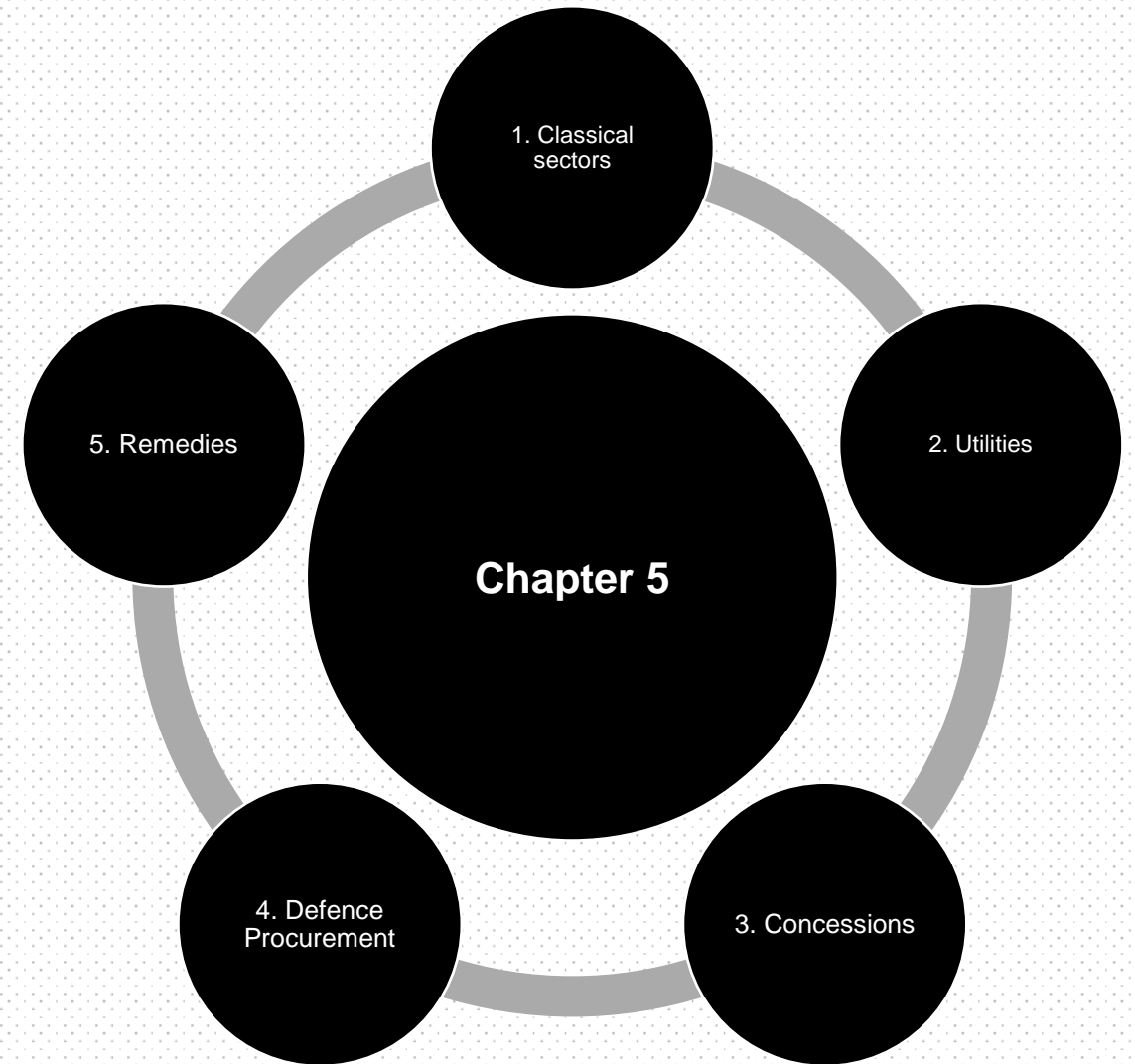
## LONG TERM PRIORITIES Q3 2023 – onwards

- Adoption of legislation fully compatible with Directive 2004/38 and Directive 2014/54
- Screening of Albanian legislation as to compliance with Article 45(4) TFEU

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# Chapter 5: Public Procurement

Chapter 5 consists of 5 subchapters



# Background for prioritization



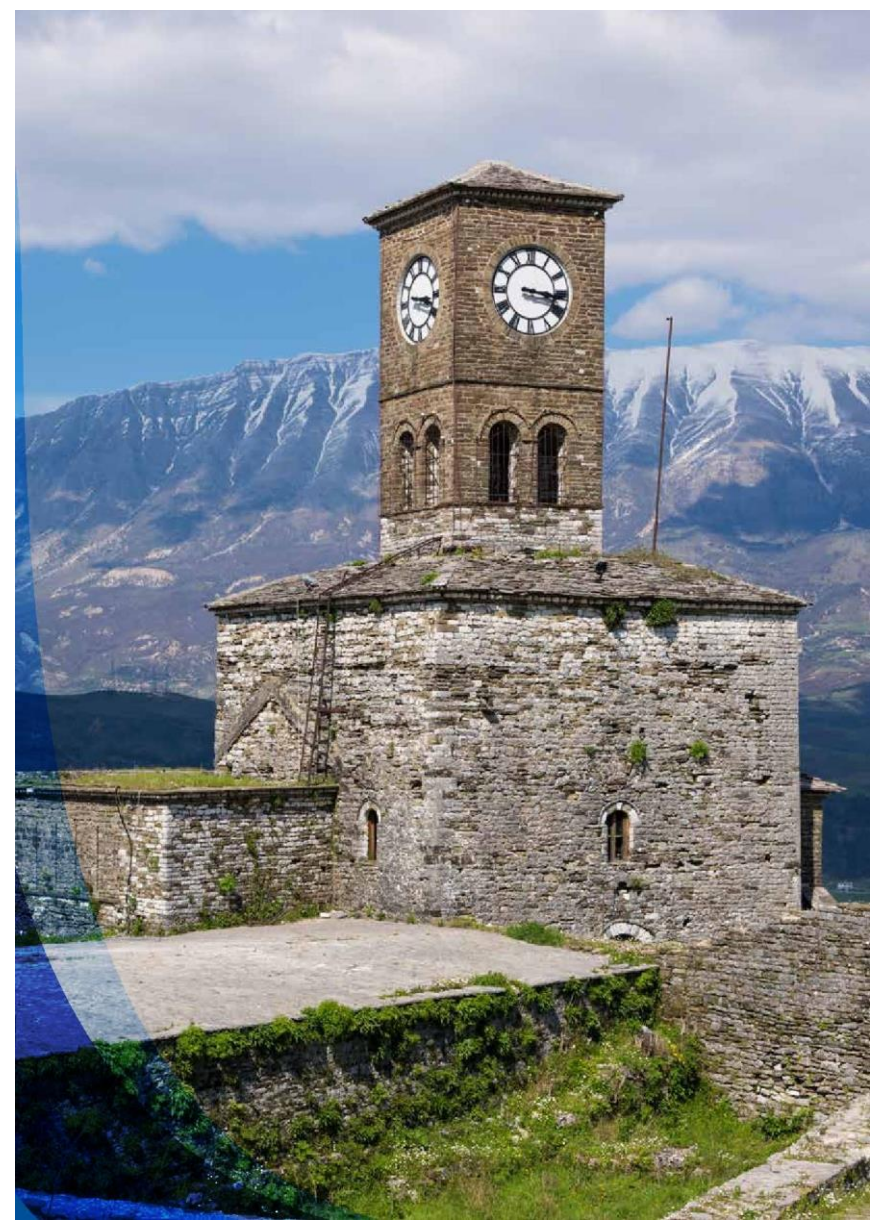
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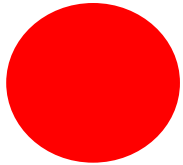


## Expert-level review & analysis

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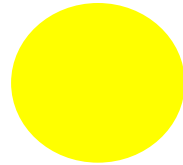


# Rationale of prioritization



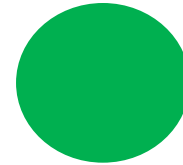
## TOP PRIORITY

Absence of Albania's national transposition of the EU procurement acquis or critical gaps in transposition and/or implementation



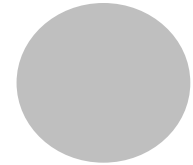
## MEDIUM PRIORITY

Partial national transposition of the EU procurement acquis or moderate flaws in transposition and/or implementation



## LOW PRIORITY

Largely transposed EU procurement acquis or no current relevance due to inextricable links between approximation and accession

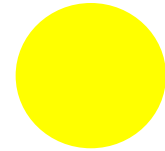


## NO PRIORITY

Fully transposed EU procurement acquis or non-relevance of the acquis due to its complete non-applicability to Albania

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# 1. Classical sectors

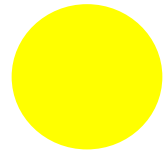


## Directive 2014/24 on classical sectors

- Very high level of approximation: priority adoption of bylaws
- Capacity enhancement & public outreach activities for contracting authorities, judiciary
- Preparation of case-law manuals (CJEU)

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## 2. Utilities



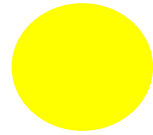
### Directive 2014/25 on utilities (water, energy, transport, and postal services)

- Adoption of bylaws
- Capacity enhancement & public outreach activities for contracting authorities, judiciary
- Preparation of case-law manuals (CJEU)



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## 3. Concessions

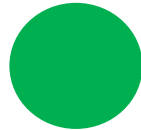


### Directive 2014/23 on concessions

- Partial approximation: new law for consideration

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## 4. Defence procurement

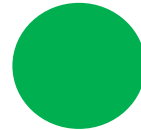


Directive 2014/23 on concessions

- Partial approximation

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## 5. Remedies

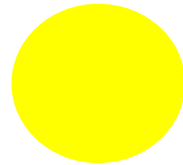


Directive 89/665 on remedies in classical sectors

Directive 92/13 on remedies in utilities sector

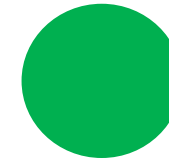
- Full approximation
- Capacity enhancement & public outreach activities for contracting authorities, judiciary
- Preparation of case-law manuals (CJEU)

# Summary of priorities



## TOP PRIORITIES Q4 2021 – Q3 2022

- Adoption of relevant bylaws to newly adopted Laws on Public Procurement and Law on Defence Procurement
  - New Law on Concessions
  - Implementing measures



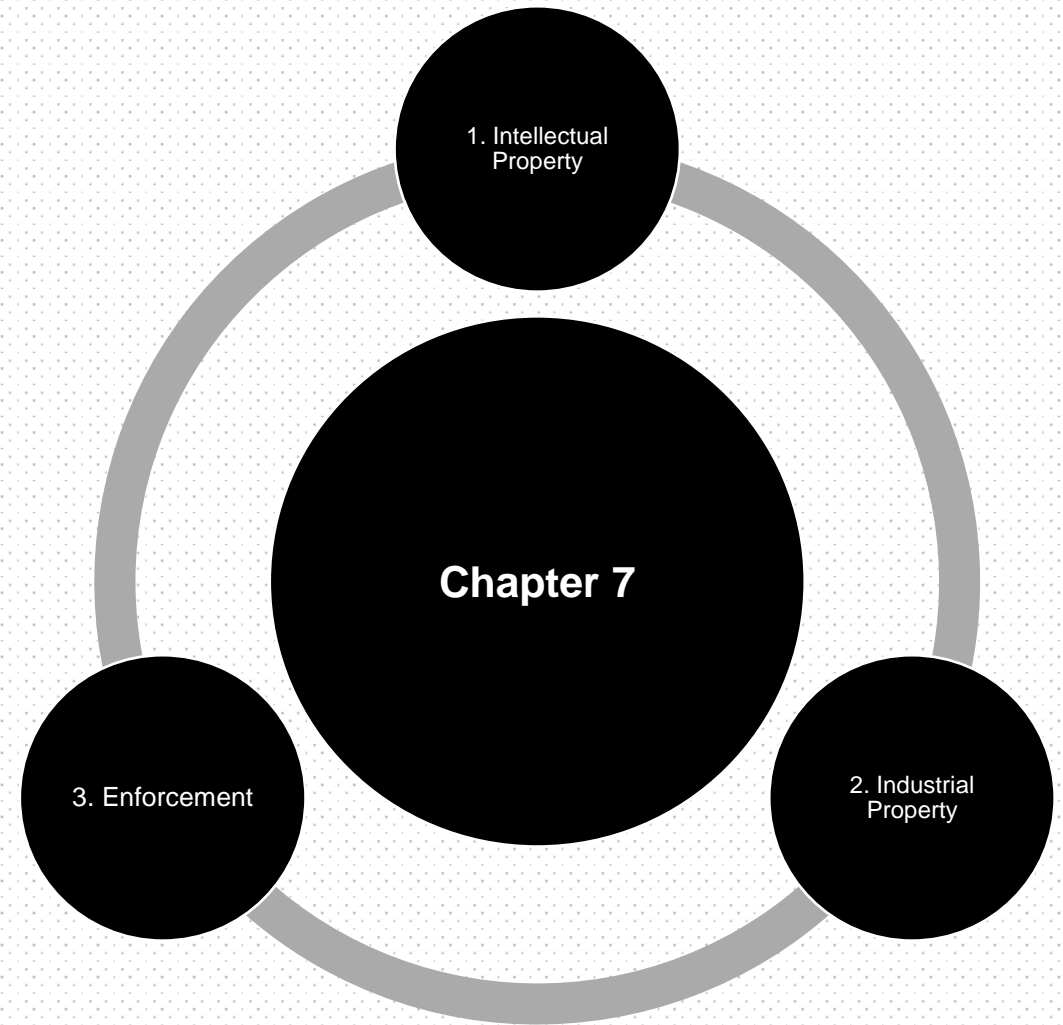
## LONG TERM PRIORITIES Q3 2023 – onwards

- Implementing measures for Defence Procurement and Remedies

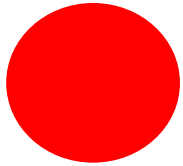
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# Chapter 7: Intellectual Property

Chapter 7 consists of 3 subchapters

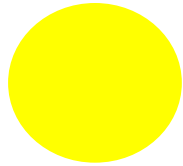


# Rationale of prioritization



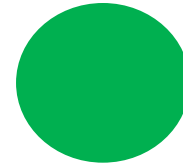
## TOP PRIORITY

Absence of Albania's national transposition of the EU IP acquis or critical gaps in transposition and/or implementation



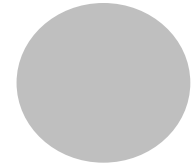
## MEDIUM PRIORITY

Partial national transposition of the EU IP acquis or moderate flaws in transposition and/or implementation



## LOW PRIORITY

Largely transposed EU IP acquis or no current relevance due to inextricable links between approximation and accession

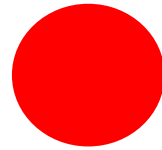


## NO PRIORITY

Fully transposed EU IP acquis or non-relevance of the acquis due to its complete non-applicability to Albania

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# 1. Intellectual Property



Directive 2012/28 on orphan works

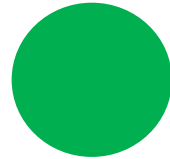
Directive 2017/1564 on permitted use of certain works

Directive 2001/29 on information society

- Draft Law to be adopted
- Strategy to be adopted
- Enforcement of adopted rules
- Capacity enhancement & public outreach activities for contracting authorities, judiciary
- Preparation of case-law manuals (CJEU)

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# 1. Intellectual Property



Directive 2019/789 on on-line transmission

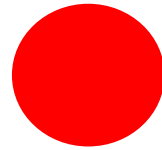
Directive 2019/790 on digital market

- Feasibility study to be developed
- Drafting of provisions giving effect to both directives



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## 2. Industrial Property



Directive 2015/2436 on trademarks

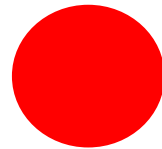
Directive 98/71 on legal protection of designs

( Regulation 2017/1001 on Union trademark & Regulation 6/2002 on Community design)

- Further approximation required
- Enforcement of approximated rules
- Capacity enhancement & public outreach activities for contracting authorities, judiciary
- Preparation of case-law manuals (CJEU)

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## 3. Enforcement



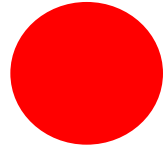
Directive 2004/48 on enforcement

Directive 98/71 on legal protection of designs

( Regulation 2017/1001 on Union trademark & Regulation 6/2002 on Community design)

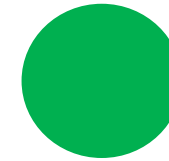
- Enforcement of approximated rules

# Summary of priorities



## TOP PRIORITIES Q4 2021 – Q3 2022

- Further approximation of Albanian legislation
  - Enforcement of adopted rules
  - Capacity enhancement activities
    - Public outreach activities



## LONG TERM PRIORITIES Q3 2023 – onwards

- Approximation with Directive 2019/789 and Directive 2019/790

Thank you for your kind attention!