

# *EU Cohesion Policy Acquis and Albania's Preparations for Meeting Chapter 22 Requirements*

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## **Abstract**

*This paper analyses the legal, policy, and institutional preparations that Albania must undertake to successfully close accession negotiations with the European Union*

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*under Chapter 22: “Regional Policy and Coordination of Structural Instruments” This chapter is crucial for gaining access to EU Cohesion Funds post-accession, which aim to reduce regional disparities and foster economic, social, and territorial cohesion. While the EU acquis in this area mainly comprises framework and implementing regulations that do not require transposition into national law, Albania must still meet key conditionalities. Failure to comply, as illustrated by the cases of Poland and Hungary, can lead to suspension of payments.*

*The paper emphasizes the importance of aligning Albania’s strategic priorities with EU funding goals, particularly given that most national strategies expire by 2030. A comprehensive national policy framework is needed to guide future programming of Cohesion Funds. The establishment of an effective institutional structure for fund coordination and management is another critical requirement. Drawing on Albania’s experience with managing EU IPA funds and the EU’s new Reform and Growth Facility, the paper highlights the current institutional challenges and offers recommendations to strengthen Albania’s readiness for Cohesion Policy implementation post-accession.*

**Keywords:** EU accession, Cohesion Policy, Chapter 22, structural instruments, institutional preparedness.

## Introduction

Chapter 22 on ‘Regional Policy and Coordination of Structural Instruments’ is part of Cluster 5 of the accession negotiations and focuses on preparations for EU Cohesion Policy.

EU Cohesion Policy was introduced in the European Union to increase convergence<sup>3</sup> between European regions by reducing socioeconomic imbalances. Under the Treaty on the Functioning of the European Union (TFEU), the EU must take measures to strengthen its economic, social and territorial cohesion to promote harmonious development (EU, 2016). Cohesion Policy is also considered a fundamental element of the single market, which was designed with an awareness of its potential differential effects on workers, companies and regions.

Moreover, Cohesion Policy is often cited as one of the most obvious manifestations of European cooperation and solidarity. At the same time, it is more important than ever to have an innovative, green, resilient and globally competitive European economy, to which all regions and their inhabitants contribute and from which they can derive benefit. Achieving this particularly requires innovative and sustainable focus on today’s major transitions, especially

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<sup>3</sup> Defined in this document as the path of a country or a region towards the GDP per capita EU average and other average values.

those with the greatest long-term impact, i.e., the digital, green and social transitions (including the labour market). Besides on sustainable investment, these transitions are conditional on critical technologies and raw materials, and policies that are just and place-based (taking into account specific characteristics and strengths of the regions concerned).

Cohesion Policy targets all regions and cities in the European Union, to support job creation, business competitiveness, economic growth, sustainable development and improve citizens' quality of life.

The objectives relating to Cohesion Policy are set out in Articles 174 to 178 of the Treaty on the Functioning of the European Union. Article 174 establishes the overall objective of strengthening the Union's economic, social and territorial cohesion, stipulating that the EU must aim to reduce regional disparities and bring least-favoured regions to a higher standard of living. Among the regions concerned, particular attention is to be paid to rural areas, those affected by industrial transition, and regions that suffer from severe and permanent natural or demographic handicap, such as northernmost regions with a very low population density, island, cross-border and mountainous regions.

To reach these goals and address the diverse development needs in all EU regions, €392 billion – almost a third of the total EU budget – has been set aside for Cohesion Policy for 2021-2027.

However, Chapter 22 is not just about EU funds. It requires the state's capacity to plan, manage, and deliver development, in partnership with the EU and its own citizens. Strong progress with this Chapter here will be critical for successful accession and for maximizing the benefits of EU membership.

Article 162 established the European Social Fund (ESF). Articles 176 and 177 established the European Regional Development Fund (ERDF) and the Cohesion Fund. TFEU Article 175 refers to the ESF and ERDF as Structural Funds. In 2021, the Regulation 2021/1056 established the Just Transition Fund (JTF) (European Parliament & Council, 2021). According to TFEU Article 177, the European Parliament and the Council shall define the tasks, priority objectives and the organisation of the Structural Funds, which may involve grouping the Funds.

Preparations for Cohesion Policy implementation are carried out by EU candidate countries under Chapter 22 of the accession negotiations focusing on "*Regional Policy and Coordination of Structural Instruments*". Chapter 22 "*Regional policy and coordination of structural instruments*"<sup>4</sup> is based on the body of EU laws (*acquis*) defining the rules for drawing up, approving, and implementing Structural Funds and Cohesion programmes. The *acquis* under this chapter

<sup>4</sup> Regional policy is the EU Policy fostering economic, social and territorial cohesion established under Articles 174 and 175 of the Treaty on the Functioning of the European Union. The term 'Regional policy' has evolved into Cohesion Policy. The term 'Cohesion Policy' is found 4 times in the ETC Regulation while in the five EU Regulations governing the Cohesion funds the term 'regional policy' is never mentioned.

consists mostly of framework and implementing regulations, which do not require transposition into national legislation. They define the rules for drawing up, approving and implementing Cohesion funded programmes reflecting each country's territorial organisation. These programmes are negotiated and agreed with the Commission, but implementation is the responsibility of the Member States. Member States must respect EU legislation in general, for example in the areas of public procurement, competition and environment, when selecting and implementing projects. However, progressing with EU legislation in the above areas is proper to other negotiation chapters. In addition, Member States must have an institutional framework in place and adequate administrative capacity to ensure programming, implementation, monitoring and evaluation in a sound and cost-effective manner from the point of view of management and financial control (European Commission).

For the 2021-2027 financial perspective, the four Cohesion Policy funds: European Regional Development Fund (ERDF), Cohesion Fund (CF), European Social Fund plus (ESF+) and Just Transition Fund (JTF) are managed under five EU Regulations:

- Common Provisions Regulation (CPR) (Regulation 2021/1060) (European Parliament & Council, 2024)
- ERDF and Cohesion Fund Regulation (Regulation 2021/1058) (European Parliament & Council, 2024)
- JTF Regulation (Regulation 2021/1056) (European Parliament and Council, 2021)
- ESF+ Regulation (Regulation 2021/1057) (European Parliament & Council, 2021)
- ETC Regulation (Regulation 2021/1059) (European Parliament & Council, 2021).

Albania is preparing for EU membership. Although the date of European Union membership cannot be formally assumed, it is surmised that Albania will not join the European Union before the 2028-2034 financial perspective. Consequently, the specific 2021-2027 *acquis* currently in place consisting of the Common Provisions, the Fund-specific Regulations and the European Territorial Cooperation Regulation, will no longer apply, exception made for the provisions related to Cohesion Policy and instruments under the EU Treaties.

Against this background, the paper establishes a conceptual framework to analyse the extent Albania meets the requirements of Chapter 22 for managing EU Cohesion Funds post-accession and makes an important contribution to the enlargement literature in two respects. First, it applies the broader debates on Cohesion Policy and conditionality to the case of Albania, which has attracted relatively limited academic attention to date. Second, it situates Albania's

preparations within the broader European debate on Cohesion Policy reform post-2027 and offers insights that are relevant not only to Albania's accession process, but also to policy makers and scholars concerned with the future of EU regional policy.

## Literature Review

In recent years, the literature on EU enlargement and Cohesion Policy has shifted noticeably, reflecting both the Union's internal difficulties and the broader geopolitical changes on the continent. Enlargement is no longer treated as a purely technical matter of transposing regulations. Instead, it is increasingly understood as a political and strategic process, linked to questions of governance, institutional resilience, and the Union's ability to manage diversity among its members and candidates.

### *Policy Framework and Conditionalities*

The coherence of national policies with EU policies is a general condition for the use of the EU Cohesion Fund by the EU Member States. The EU conditionalities are thematic, i.e. sectoral, and horizontal, i.e. they apply to all sectors eligible for the Cohesion Funds. In their Cohesion Funds programming documents submitted to the Commission for approval, EU Member States must demonstrate that the proposed measures and expenditure are consistent with the objectives set out in the relevant EU strategic documents, or they must prepare plans that are consistent with the policy and prescribed in certain EU Regulations. The European Parliament<sup>5</sup> in 2020 has made EU payments conditional on compliance with the rule of law, while the EU Financial Regulation<sup>6</sup> stipulates that all EU funding must be compatible with equality and EU environmental law.

The rule of law remains a real concern in the enlargement literature, especially when it is about Western Balkans Countries. In his journal article (Hoxhaj, 2021) argues that the EU's Rule of Law Initiative in the Western Balkans has produced limited results, with judicial independence still fragile. Similarly, in both articles (Ognjanoska, Promoting the rule of law in the EU enlargement policy: A twofold challenge, 2021), (2022)) stresses the gap between formal commitments and their enforcement, arguing that conditionality risks becoming symbolic if domestic elites resist substantive change. (Renata, 2022) takes this argument further, noting that the Union's insistence on the rule of law is being tested by authoritarian tendencies that are visible not only in the candidate countries but also in the EU itself.

<sup>5</sup> (European Union )

<sup>6</sup> (Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund)

## *Administrative Capacity and the Absorption Challenge*

A second strand of literature has concentrated on the question of administrative capacity, which has increasingly emerged as an determining factor for the effectiveness of Cohesion Policy. The enlargement isn't just a matter of making our legal systems compatible; it's also about our national administrations' capacity to urbanise, manage and absorb EU funding to make it sustainable. This is not only because, in the opinion of (Qorraj, Hajrullahu, & Qehaja, 2024), the Western Balkans administrations are still too ineffective in such a way that financial assistance is not effectively transformed in sustainable developments. A similar argument is made by (Dąbrowski & Moffat, The changing dynamics of the Western Balkans on the road to European Union membership: An update, 2024), who warn that without stronger governance systems, economic convergence with the Union will remain slow and uncertain. Other research, including (Kleszcz & Rusek, 2022), further reports that lack of innovation system weaknesses and lack of administrative know-how can continue to hold back performance, indicating that capacity challenges extend well beyond the initial phase of compliance.

The issue of capacity has also been examined more broadly in the EU context (Bachtler, Olejniczak, Smeriglio, & Śliwowski, 2016) proposed one of the first structured methodologies for assessing administrative capacity, identifying factors such as human resource quality, institutional coordination, and organisational learning as central to effective implementation. More recently, (Bachtler, Polverari, Domorenok, & Graziano, 2023) have argued that capacity is not only a prerequisite for absorption but also a determinant of the effectiveness of investments. Their analysis shows that where capacity is stronger, programmes achieve better results, both in terms of compliance with EU rules and in delivering long-term development impact.

### *Governance*

The 9th Cohesion Report<sup>7</sup> by the European Commission highlights good governance as a key factor for ensuring the sound management of EU Cohesion Funds. The governance of Cohesion Policy has sparked a wide debate among scholars ever since the 1988 reform (Molica, Renzis, & Bourdin, 2024). The policy has been extensively studied as a paradigmatic case of multilevel governance (Hooghe, Cohesion policy and European integration: Building multi-level governance, 1996); (Dąbrowski, Bachtler, & Bafoil, 2014)). Some have emphasised the novel nature of power-sharing between different tiers of government built

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<sup>7</sup> (Forging a sustainable future together : cohesion for a competitive and inclusive Europe : report of the High-Level Group on the Future of Cohesion Policy,, 2024)

into the governance of the policy (Marks, Structural policy and multilevel governance in the EC, 1993). Others have underscored the influence of multi-level governance on empowering sub-national actors (John R. Moodie, 2021), despite a marginal impact on the institutional or even constitutional setup of Member States (Piattoni & Polverari, 2016). Within this wider debate, Albania has begun to attract more scholarly attention. (Radonshiqi & Fusha, 2025) documents the influence of accession negotiations on areas such as social inclusion, while (Emir Fejzić, 2024) note the substantial administrative challenges linked to aligning with the European Green Deal, particularly in energy and environmental regulation. (Meljana Bregu, 2025) recognises reforms in public administration and the justice system but underlines that implementation is often slowed by political bargaining. International observers have also noted Albania's progress, though media reports<sup>8</sup> continue to stress that Brussels expects more consistent delivery on reforms.

### *Politicisation of enlargement and its impact on EU Cohesion Policy negotiations*

The credibility of the enlargement process has itself become a central topic in the literature. (Butnaru-Troncotă, 2025) argues that successive crises, from migration flows to Russia's war in Ukraine have heightened the politicisation of accession, complicating negotiations for countries such as Albania and North Macedonia. (Per Ekman, 2025) also points to the tension between the EU's need to deepen integration among its members and its capacity to expand further. Some contributions, such as (Lashyn, 2025), advocate for a merit-based system to restore trust in the Union's commitments. Parallel to these discussions, the Berlin Process is frequently cited as a valuable political mechanism for maintaining engagement with the Western Balkans, even when formal negotiations slow down. At the same time, enlargement is increasingly viewed in strategic terms, tied to Europe's response to global instability. (Grabbe & Lehne, Climate Politics in a Fragmented Europe, 2019) situate the debate within the fragmentation of European climate politics, while (Börzel & Risse, Grand theories of integration and the challenges of comparative regionalism, 2019), (2021)) stress the Union's limited capacity to project its democratic model abroad. Economic perspectives also bring nuance. An Thinktank report<sup>9</sup> highlights the long-term economic benefits of integrating the Western Balkans, while (Tímea Kovács, 2025) calculate the institutional impact of enlargement on decision-making in the Council of the EU, noting that smaller member states could gain influence.

Taken together, a paradox emerges from this literature. Enlargement is strategically more important than ever, but it is also politically more controversial

<sup>8</sup> AP News. (2025). EU's enlargement commissioner urges Albania to focus on reforms in membership talks.

<sup>9</sup> (Economic implications of EU enlargement for the Western Balkans, 2025)

and institutionally more challenging. For Albania, this means that progress under Chapter 22 cannot be achieved through the adoption of EU Regulations alone. Equally important is whether domestic institutions can absorb the funds effectively through proper governance and sufficient administrative capacity, whether reforms continue beyond formal commitments and whether strategic planning is aligned with the Union's evolving priorities post-2027.

## Methodology

Based on the review of the literature, four key variables are selected to guide the analysis:

### *Policy Framework*

The use of Cohesion Policy funds after accession requires the alignment of national policies with EU policies in the sectors eligible for the funds (such as employment, education, social inclusion, health, transport, digital, energy, environment and climate change, business, research, etc., to which defence has recently been added); as well as multi-sectoral policies such as territorial development. Therefore, the extent of strategic alignment of national policies with EU policies, including the time horizon (long-term for some sectors) leading to coherence of the national policy framework with the EU policy framework, is a key variable for the analysis.

### *Legal framework and Conditionalities*

The second variable proposed for analysis relates to the legal framework that must be in place, in particular with regard to the conditions imposed by the Commission on access to funding. This second variable is related to the first one above (policy framework) because in some cases the policy framework requires specific legislation to be enforced. For example, non-discrimination is a horizontal policy within sectoral policies (e.g. employment, education), but also a principle reflected in the right to accessibility for persons with disabilities. In this case, the relevant policy framework must be reflected in appropriate legislation.

### *Institutional Framework and Governance*

Institutions that are transparent and accountable, respect the rule of law and have effective governance structures have a positive impact on the functioning of governments at all levels and ultimately on economic development and the impact of public investments, including those financed under Cohesion Policy. In the context of Cohesion Policy, the term "Institutional Framework" refers in general

terms to the system consisting of the institutions entrusted by the Government with tasks related to the management of EU Cohesion Policy. “Governance” refers to the mechanisms the entrusted institutions work as a system integrating and coordinating strategic planning, budgetary frameworks and public financial management structures. This variable is strictly connected with the Administrative Capacity variable.

### *Administrative capacity*

In the context of EU Cohesion Policy, administrative capacity is interpreted by scholars as the ability of national and regional government authorities to design regional development programmes to achieve EU objectives and meet local needs, to allocate funding to eligible projects in accordance with EU rules and to account for the funds spent in financial terms (audit) and in terms of physical results (evaluation) <sup>10</sup>. However, it is also recognised that the concept of administrative capacity for EU Cohesion Policy extends to the ability of all actors involved - from public administrations to beneficiaries, that is, the Cohesion Policy ecosystem - to effectively manage and use EU funds by building the necessary human, organisational and systemic capacity. The extent the Cohesion Policy ecosystem has advanced along the administrative capacity learning curve is the fourth variable considered in the analysis.

## **The future of EU Cohesion Policy post 2027: Debate and Perspectives**

*“The challenge for Cohesion Policy reform is that while Cohesion Policy needs to accelerate absorption, it is crucial to find a balance between the ponderous, but inclusive bottom-up Cohesion Policy approach, and the agile but less democratic Recovery and Resilience Facility approach. (Schwab, 2024)”*

The new European Commission, which took office on 1<sup>st</sup> December 2024, started updating the Cohesion policy for the next decade, on the basis of the recommendations presented in February 2024 by the High-Level Reflection Group on the future of Cohesion policy after 2027 (European Commission, 2024), the analysis presented in the 9<sup>th</sup> Cohesion Report published by the Commission in March 2024 (European Commission, 2024), and the Letta (Letta, April 2024. ), and Draghi reports (European Union, 2024).

The Commission Communication ‘The Road to the next Multiannual Financial Framework (MFF)’, published on 12 February 2025 (European Commission, 2025), states that “Unlocking investment is necessary to ensure economic development

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<sup>10</sup> (Bachtler, Polverari, Domorenok, & Graziano, 2023)

across Europe, but reforms are also needed to remove obstacles to regional development, e.g. investment barriers, regulatory obstacles and weaknesses in the labour market and the business environment. We must reunite our society through education and investing in people. These challenges need to be addressed through a strengthened, modernised cohesion and growth policy, working in partnership with national, regional and local authorities. The Communication presents a new approach for a modern EU budget that includes at its core a plan for each country with key reforms and investments, and focusing on joint priorities, including promoting economic, social and territorial cohesion. A strengthened cohesion and growth policy with regions at its centre must be designed and implemented in partnership with national, regional and local authorities”. According to the above-mentioned Communication, National Plans and a Competitiveness Coordination Tool are expected to shape the policies supported under the next Multi-Annual Financial Framework in line with the Competitiveness Compass (European Commission , 2025) to regain EU competitiveness and secure sustainable prosperity.

Cohesion Policy Regulations for the period 2021-2027 are currently being redesigned for the next financial perspective. A fundamental discussion on the future direction of Cohesion Policy is underway, including a simplification of its implementation. One of the expected cornerstones of simplification is the increasingly use of Financing Not Linked to Costs and Simplified Cost Options with more emphasis being placed on the performance and results of projects financed from the budget, with EU financing being based on the fulfilment of certain conditions *ex ante* or on the achievement of results measured against pre-defined milestones or performance indicators. The use of Financing Not Linked to Costs, set out under the EU Regulation 2024/2509 (the EU Financial Regulation) (EU Parliament and Council, 2024) , has been widely tested by the EU Member States under the Recovery and Resilience Facility Regulation (European Parliament & Council , 2024), and is currently applied to the Reform and Growth Facility for the Western Balkans (European Parliament & Council, 2024), including the Reform Agenda, that is being implemented in the Republic of Serbia in the 2024-2027 period. Simplified Cost Options have been implemented under Cohesion Policy primarily under the European Social Fund Plus.

On 1 April 2025, the Commission adopted a Communication entitled “A modernised Cohesion policy: The mid-term review (European Commission, 2025) accompanied by two legislative proposals in respect of the Cohesion Policy funds regulations for the 2021-2027 programming period: i) a proposal to amend Regulations (EU) 2021/1056 and 2021/1058 concerning the Just Transition Fund (JTF) and the European Regional Development Fund (ERDF)/ Cohesion Fund (CF)<sup>2</sup> and; ii) a proposal to amend Regulation (EU) 2021/1057 concerning the European Social Fund Plus (ESF+). Under this proposal, new specific objectives

and priorities are proposed which add to previous modifications such as the RESTORE Regulation that allows Cohesion Policy funds to alleviate the social and economic consequences of such natural disasters (European Parliament & Council, 2024)<sup>11</sup>.

The proposal for ERDF and CF introduces the possibility to finance activities that contribute to the implementation of reforms under the specific objectives. Such support may also cover costs that are not directly linked to the implementation of investments. This represents a novelty for Cohesion Policy funds. However, according to the European Court of Auditors (ECA, Opinion 02/2025) “*the proposal lacks a clear definition for reforms that can be supported under ERDF/CF, nor does it specify the types of actions or expenditure that will be considered eligible*”. Without these details, the scope of support that would qualify as reforms remains unclear, potentially encompassing everything from preparatory actions to development of legislative reform packages or broader implementation actions. Furthermore, although the recitals refer to the “payment of costs”, the current proposal does not clarify the financing model to be used for reforms, such as reimbursement of actual eligible costs incurred or the financing not linked to costs model. This is particularly relevant as the costs related to the implementation of reforms are generally difficult to identify, quantify and justify. As highlighted in the ECA Reports on the Recovery and Resilience Facility (RRF), around 75% of reforms included in Member States’ RRFs had no estimated costs associated with them, even in cases with significant underlying investments and costs. This increases the risk of double funding from EU funds. The proposal increases the scope of support of the ERDF and CF – subject to the application of State Aid rules – to the productive investments in enterprises other than SMEs (i.e. large enterprises or midcaps). The extension of the scope of support to large enterprises to some extent reflects the Commission focus on competitiveness and decarbonisation.

Another important development for the new Cohesion Policy is the simplification Omnibus package on sustainable finance reporting and sustainability due diligence (European Commission, 2025), proposed by the Commission on 26 February 2025, consisting of amendments to the Corporate Sustainability

<sup>11</sup> Overview of the new specific objectives and priorities proposed ERDF/CF. New specific objectives are introduced regarding: —Defence and security: industrial capacities in the defence sector and the military mobility, —Housing: access to affordable housing and related reforms, —Energy security and energy transition: energy interconnectors and related transmission infrastructure and recharging infrastructure. One specific objective in respect of water is reformulated to include the concept of water resilience. ESF+. Two new priorities are introduced to support the development of skills in the defence industry and in the decarbonisation of production through existing specific objectives. JTF. Access to affordable housing and related reforms is added in the list of activities supported. Source: European Court of Auditors, Opinion 02/2025: Cohesion policy regulations, mid-term review 6 May 2025 <https://www.eca.europa.eu/en/publications/OP-2025-02>

Reporting Directive 2022/246417 (CSRD) (European Parliament & Council, 2022), the Corporate Sustainability Due Diligence Directive 2024/176018 (CSDDD), the Taxonomy Disclosures Delegated Act, Taxonomy Climate Delegated Act and the Taxonomy Environmental Delegated Act (European Parliament & Council, 2020). Furthermore, the Commission will adopt a proposal to amend the Carbon Border Adjustment Mechanism (CBAM) (European Parliament & Council, 2023) as part of the same omnibus simplification package. The declared aim is to square the EU's ambition towards a sustainable transition with what companies can feasibly achieve to strengthen competitiveness and economic growth by enhancing the proportionality and cost effectiveness of such frameworks. The Communication "A simpler and faster Europe" (European Commission, (2025)) sets out the vision for the implementation and simplification agenda. The ultimate goal is reducing gold-plating and administrative burden for all the institutions and persons involved.

In January 2025, the European Parliament published a briefing document on "The future of cohesion policy Current state of the debate" (European Parliament, 2025). This document reviews the position of the European Union institutions and advisory bodies' including the European Commission, European Parliament, Council of the European Union, Committee of the Regions, European Economic and Social Committee and the European Court of Auditors. The briefing document also summarises the positions of key Stakeholders, including the Council of European Municipalities and Regions (CEMR), Eurocities, the Conference of Peripheral and Maritime Regions (CPMR), the Capital Cities & Regions Network, the Demographic Change Regions Network, and others. Some of the advisory bodies recently reiterated their positions, e.g. on 15 May 2025, the Committee of the Regions stated that under Cohesion Policy post 2027, linking investments and reforms must not lead to a more centralised governance (COR, 2025).

A number of Member States published their position on Cohesion Policy after 2027, often as a result of wide national consultations. Starting with the Netherlands in October 2024, followed by Germany, France, Ireland, Poland, Romania, and Slovenia in November 2024 (Germany's Federal Ministry for Economic Affairs and Climate Change, 2024), other Member States published their positions (Sweden in December 2024, Ireland, Slovak Republic and Hungary in March 2025). Country positions also focused on specific positions on the future of the INTERREG Programmes (Germany, Poland, Romania) (<https://www.interact.eu/>). In brief, the main subjects dealt with in the above positions are:

- Strategic direction
- Use of reforms under a new Cohesion Policy
- Policy principles of partnership, multi-level governance and shared management
- Place-based policy

- Focus on the least prosperous regions
- Relaxing the thematic concentration (depending on specific territorial characteristics)
- European Territorial Cooperation
- National co-financing
- Simplify rules on Financial Instruments
- Focus on results
- Rule of law
- Compliance with the principles of the rule of law and good governance
- Simplification
- More effective coordination between state aid rules and EU legislation on EU Cohesion Policy
- Administrative capacity
- Disagreement with eventual centralisation of Cohesion Policy.

“Under the auspices of the Polish Presidency the EU Ministers responsible for Cohesion Policy, Territorial Cohesion and Urban Matters adopted their Joint Declaration on the importance of the territorial aspect and its consideration in post-2027 development policies at the Informal Ministerial Meeting in Warsaw (21 May 2025). DG Christophidou representing the Commission, welcomed the adoption of the Declaration, which underlines the structural role of cohesion policy in supporting all of the EU’s priorities, highlighting two main strands of work in coming weeks: the Commission’s mid-term review proposal and the ambitious policy agenda for cities that the Commission aims to put forward towards the end of the year (Ministry of Development Funds and Regional Policy, Republic of Poland, 2025).

The debate on Cohesion Policy post 2027 goes ahead in parallel with the discussion on the EU post-2027 long-term budget (European Parliament, 2025) and the Commission political commitment to simpler and faster implementation and simplification <sup>12</sup>.

#### 5. Overview of the requirements to close Chapter 22 of the accession negotiations

Negotiations for Albania’s accession to the European Union were opened on 19 July 2022 when the Intergovernmental Conference on Albania’s accession to the European Union took place. According to recent polls, EU membership is supported by 92 percent of Albanians (IRI, 2024 ). This overwhelming popular support represents a strong political mandate to accelerate preparations to meet the EU requirements for membership.

On 22 February 2023, the Council of Ministers approved the National Strategy for Development and European Integration 2022-2030, which is Albania’s overarching

<sup>12</sup> For more see Communication on implementation and simplification. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vmkuijwcmby9>

strategic document. It links the agenda of integration into the European Union with the sustainable economic and social development of the country, including the link with the Sustainable Development Goals. This document represents a long-term vision for the country's development and provides a thorough and stable strategic framework for the fulfilment of the commitments within the European integration process. Albania is fully aligned with the European Union's Common Foreign and Security Policy, which also reflects its strategic commitment to EU membership.

The bilateral screening process<sup>13</sup> started in July 2022 and lasted until 24 November 2023, when all screening meetings for all clusters of negotiating chapters were completed – see *Figure 1 below on clusters of negotiating chapters*. The bilateral screening meeting for Chapter 22 '*Regional Policy and Coordination of Structural Instruments*' took place on 23 and 24 October 2023.

In March 2025, the Commission has sent the Albanian authorities the Screening Report for Chapter 22, which is currently being discussed by the European Council. Inter alia, the Screening Report states that, in order to fulfil the EU requirements under Chapter 22:

- A legislative framework must be put in place allowing for multi-annual programming at national and sub-national levels and budget flexibility, enabling co-financing capacity at national and sub-national level and ensuring sound and efficient financial control and audit of interventions. Member States must also put in place procedures to ensure the respect of Union legislation, in areas relevant for cohesion policy implementation (e.g. State aid, public procurement, environmental protection, transport, gender equality, non-discrimination, sustainable development, accessibility) when selecting and implementing projects. In addition, national authorities will have to assess whether the thematic and general enabling conditions linked to selected specific objectives of the programmes are fulfilled.
- An institutional framework must be set up. This includes establishing all structures at national and sub-national levels required by the regulations as well as setting up a specific framework for financial management and control including audit with a clear definition of tasks and responsibilities of the bodies involved, in particular with regard to requirements of Title VI of the Common Provisions Regulation. The institutional framework also requires establishing an efficient mechanism for inter-ministerial coordination as well as the involvement and consultation of a wide partnership of organisations

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<sup>13</sup> The screening process is the first step in the accession negotiations. It is the analytical examination of the EU acquis conducted jointly by the European Commission and candidate countries for all the Chapters of the EU acquis. The screening process results in priorities (opening benchmarks) being identified.

in the preparation and implementation of programmes. The definition of conflict of interest from the EU's Financial Regulation should be carefully analysed and applied during the programmes' implementation.

The Screening Report does not establish opening or closing opening benchmark(s) for Albania, but presents findings and provides recommendations for meeting the requirements under the Chapter, as follows:

**Legislative Framework:** Albania is partially aligned with the relevant *acquis* concerning Cohesion Policy (Screening Report, p. 125).

**Institutional Framework:** Albania has a partial level of alignment in terms of institutional framework for implementation of Cohesion Policy. Albania's participation in IPA and territorial cooperation programmes (e.g., Interreg IPA) has contributed to the early development of implementation structures and mechanisms that can serve as a basis for future responsibilities under EU Cohesion Policy. However, specific gaps remain to be addressed regarding the definition of appropriate institutional structures and stakeholders, and the upgrading of institutional capacities in compliance with the applicable regulatory framework. Albania should guarantee an effective coordination system among the implementing institutions and partners and ensure meaningful collaborative achievements (Screening Report, p. 128).

**FIGURE 1.** Clusters of Negotiating Chapters  
(European Union, 2022) (European Commission , 2022)



## **A specific legal requirement under Chapter 22: conditionalities for accessing Cohesion funds**

Regulation 2021/1060 (Article 15 and Annexes III and IV), sets twenty enabling conditions as preconditions that must be fulfilled by Member States before receiving EU funding under certain policy objectives. Their purpose is to ensure that:

- There is a favourable regulatory and strategic environment,
- Funding is used effectively and in line with EU values and goals,
- Funded investments are sustainable and compliant with EU law.

Horizontal Enabling Conditions (HEC) apply to all Cohesion Policy objectives, Thematic Enabling Conditions (TEC) are linked to specific Cohesion Policy objectives. According to Article 6.15, “The Member State shall ensure that enabling conditions remain fulfilled and respected throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions”.

As the experience of EU Member States confirms, not all enabling conditions were fulfilled by Member States at the time the respective Programmes 2021-2027 were adopted by the Commission: a number of EU Member States self-assessed some of the enabling conditions as non-fulfilled and presented to the Commission their plans for fulfilment.

The EU Member States have presented their self-assessment of the fulfilment of relevant enabling conditions under Table 12 of each Programme. Not all criteria had been fulfilled at Programme start (European Commission , 2023). For example, in Autumn 2022, Poland itself informed the Commission that it did not fulfil the horizontal enabling condition on the EU Charter of Fundamental Rights. The Commission and Poland have engaged in extensive dialogue to address the issues identified by the Polish government. On 17 January 2024, Poland officially notified the Commission that it considers having fulfilled the horizontal enabling condition related to the Charter. After a thorough assessment, the Commission concluded that Poland has implemented the necessary measures to ensure compliance with the EU Charter of Fundamental Rights when implementing the EU Funds (European Commission , 2024).

Considering 286 adopted programmes among 27 Member States that adopted at least one programme, only 2 countries have unfulfilled horizontal enabling conditions related to the Charter of Fundamental Rights. In general, more than 98% of HECs have been fulfilled. The amount affected by unfulfilled horizontal enabling conditions in adopted programmes is almost EUR 94 billion.

At the time of the adoption of the programmes, around two thirds of thematic enabling conditions were fulfilled. The amounts affected by unfulfilled thematic enabling conditions in the adopted programmes were around EUR 84 billion (around 22.8% of the allocation for the Jobs and Growth goal). Although at this stage the new conditionalities for the 2028-2034 cycle cannot be speculated, our assumption is that conditionalities similar to the current Horizontal Enabling Conditions might be confirmed under the new regulatory framework, particularly for those enabling conditions that derive directly from the Treaty (HEC 2 on State aid, HEC 3 on compliance with the Charter of Fundamental Rights of the European Union and HEC 4 on application of the UN Convention on the Rights of Persons with Disabilities). Under Annex IV to the CPR, the following three Thematic Enabling Conditions are also related to HEC 3 and HEC 4:

- A National strategic framework for gender equality in place
- A National strategic policy framework for social inclusion and poverty reduction in place
- A National Roma Integration strategy in place

The enforcement of current and new conditionalities in the area of equality and human rights require dedicated efforts that are not exclusively in the remit of the Programme authorities. Albania is currently addressing the relevant EU requirements under Cluster 1 of the accession negotiations – fundamentals.

The enforcement of the horizontal enabling condition focusing on “Effective mechanisms to ensure compliance with the Charter of Fundamental Rights of the European Union”, set for the 2021-2027 period, is based on the following legal acts: Treaty of the European Union – Article 3, and the Treaty on the Functioning of the European Union – Articles 10 and 11, and, as regards Cohesion Policy, Regulation 2021/1060, Article 9 on Horizontal Principles and Article 15 on Enabling Conditions.

The above stipulations have been reinforced by the “Conditionality Regulation” (Regulation 2020/2092) that affirms the principle that respect for the rule of law is also key for the sound financial management of the Union budget and the effective use of the Union funding – and therefore, this new conditionality regime allows the EU to take measures – for example suspension of payments or financial corrections – to protect the budget, as it was the case for Poland and is still the case for Hungary (Zselyke Csaky, 2025). The conditionality regulation came into effect in early 2022, after the European Court of Justice (ECJ) dismissed actions brought by Hungary and Poland against it. The Regulation has been followed in 2022 by Commission Guidelines on its application<sup>14</sup>.

<sup>14</sup> Commission web page: Rule of Law conditionality Regulation explained: <https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality->

Although Chapter 22 does not focus on implementation of policies proper to other Clusters/Chapters of the accession negotiations – in the specific case, Cluster 1: Fundamentals – fulfilment of the enabling condition in reference is key to ensure that disbursement of EU funds after accession may proceed smoothly based on progress with expenditure.

In October 2024, the European Union issued its Common Position on preparations on Albania under Cluster 1: Fundamentals (European Union, 2024). In the Common Position, it is observed that “Albania has to continue to make progress in the alignment with and implementation of the EU *acquis* and relevant European standards covered by Cluster 1, and needs inter alia to further strengthens the protection of fundamental rights in practice. In particular, Albania will meet this interim benchmark once it has:

- Adopted and started implementing the data protection reform in line with the EU *acquis*, including implementation of systematic response and effective safeguards to protect privacy and personal data;
- Enhanced freedom of expression, including media freedom, inter alia through a reformed legislative and regulatory framework in line with European standards, best practices and recommendations and concrete measures to enhance safety of journalists;
- Strengthened institutional capacities, including of equality bodies, ensured legislative alignment with the EU *acquis* on non-discrimination, gender equality and combating gender based violence, and provided effective mechanisms for redress and assistance to victims ensured in majority from the state budget;
- Reinforced the child protection system, with the best interest of the child as the guiding principle, including as regards children deprived of parental care or with disabilities, notably completion of transition towards community-based care;
- Has made decisive progress towards establishing an efficient and transparent property registration and integrated management system, which offers clear and secure property titles and towards a fully digitalised service in practice at the latest according to the relevant commitments of Albania as undertaken in the Rule of Law Roadmap. Has made decisive progress towards ensuring

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regulation\_en. European Parliament and Council (2020) Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget <https://eur-lex.europa.eu/eli/reg/2020/2092/2020-12-22>. European Commission (2022), 2.3.2022 C(2022) 1382 final Communication from the Commission: Guidelines on the application of the Regulation (EU, EURATOM) 2020/2092 on a general regime of conditionality for the protection of the Union budget [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0318\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0318(02))

that all cadastral data, including ownership titles and cadastral maps, are digitalised and carefully updated to systematically remove overlapping or inaccurate data and complaints are efficiently handled, and towards the completion of the first registration of properties at the latest according to the relevant commitments of Albania as undertaken in the Rule of Law Roadmap. Reduced court case backlog on property cases and effective enforcement of court rulings;

- Adopted the bylaws related to free self-identification and the use of languages of persons belonging to minorities as foreseen in the Rule of Law Roadmap, and in line with European standards and strengthened the implementation capacity, including of the Committee on National Minorities and its resources;
- Strengthened alignment of its legislative framework with the EU *acquis* on citizenship rights”.

It can be concluded that monitoring fulfilment of some of the enabling conditions and other conditionalities related to EU funds payments needs careful consideration at high political level.

## **Progress of Albania with preparations for meeting Chapter 22 requirements**

Albania has created an appropriate institutional and legal framework for managing EU funds in the pre-accession period. It consists of institutions and structures accredited by the European Commission to manage an increasing volume of EU funds under the Instruments for Pre-Accession (IPA, which also finances the Instrument for Pre-accession for Rural Development IPARD), and the Reform Agenda under the Reform and Growth Facility for the Western Balkans. The total value of the EU financial allocation for Albania amounts to over EUR 700 million covering the period 2021-2027 and EUR 922 million under the Reform Agenda covering the period 2024-2027.

Management of the above EU funds involves a wide range of institutions, line Ministries, Public Agencies, Public Auditors, Municipalities and private-sectors organisations. The institutional pillars in the system are the State Agency of Strategic Programming and Aid Coordination (SASPAC) and the Ministry of Finance. The SASPAC Director General is the National IPA Coordinator (NIPAC) and the National Coordinator for the Reform Agenda, and bears responsibilities as National Authority for EU Programmes for Territorial Cooperation (Interreg/ Cross Border Cooperation); a Deputy Minister of Finance if the National Authorising Officer (NAO) for EU funds disbursement in Albania.

The NAO bears the overall responsibility for the financial management of IPA and IPARD Assistance in Albania and for ensuring the legality and regularity of the expenditure. The NIPAC is the main counterpart of the Commission for the overall process of coordination of programming, monitoring, evaluation and reporting of IPA assistance.

A comprehensive legal framework governs management of the EU funds in Albania. The Financing Agreement with the European Union are ratified by the Parliament and completed by Decisions of the Council of Ministers establishing the responsibilities and relationships among the authorities and structures entrusted to manage such funds. For example, for the 2021-2027 period, the following legal framework has been established for the Instrument for Pre-Accession Assistance and the Reform and Growth Facility, respectively:

- Law No. 65/2022 of 15.09.2022 “On the ratification of Financial Framework Partnership Agreement between the Republic of Albania represented by the Government of the Republic of Albania and the European Commission on the “Specific arrangements for implementation of Union Financial Assistance to the Republic of Albania under the Instrument for Pre-accession Assistance (IPA III - 2021-2027)”;
- Decision of Council of Ministers No 540 of 20.09.2023 “On designation of functions, responsibilities and relationships among the authorities and structures for the indirect management of the EU Instrument for Pre-Accession Assistance (IPA) III (2021 – 2027)”
- Decision of Council of Ministers No 206 of 07.04.2023 “On designation of functions, responsibilities and relationships among the authorities and structures for the indirect management of the EU Instrument for Pre-Accession Assistance in the policy area “Agriculture and Rural Development” (IPARD III)”;
- Law No. 18/2025 “On the ratification of the loan agreement between the Republic of Albania, as borrower, the Bank of Albania, as the borrower’s agent, and the European Union, as lender, for the ‘Reform and Growth Facility for the Western Balkans”;
- Law No 19/2025 “On the ratification of the Facility Agreement between the Republic of Albania, represented by the Council of Ministers, and the European Union, as the Commission, on the specific arrangements for the implementation of the European Union’s support to the Republic of Albania under the Reform and Growth Facility”
- Decision of Council of Ministers No. 252 of 2.05.2025 “On the determination of the functions, responsibilities, and relationships between the authorities and structures responsible for coordination and reporting, in accordance with the provisions of the Facility Agreement ratified by Law No. 19/2025.

Albania is also building a robust legal and strategic framework for ensuring eradication of fraud and corruption and sound financial management of EU funds.

Significant experience has been accumulated since 2007 with the development of the institutional and legal framework for EU funds, which provides the basis for smooth preparations for EU membership. However, the nomination of the institutions for managing Cohesion funds after accession requires political decisions which should be timely made in order to prompt swift preparations of the respective legal framework and further development of administrative capacity of the nominated institutions.

In 2025, the Albanian Parliament has approved three multi-annual Operational Programmes that will be co-financed by the European Union with EUR 130 million: the Operational Programme for Digital Economy and Society 2024-2027, the Operational Programme for Energy Efficiency 2024-2027, and the Operational Programme for Youth Employment 2024-2027. The above programmes represent the first experience of multi-annual programming of EU funds by the Government of Albania.

As regards the policy framework, significant changes can be expected in the new EU Regulations for Cohesion Policy to boost competitiveness of the European Union and increase results orientation of Cohesion Policy. Experience of the Albanian administration is particularly weak as regards management of significant economic convergence investments. EU pre-accession assistance has addressed only marginally support to the business sector, innovation, research. Consequently, public administration structures have limited experience of programming in these areas, limited knowledge of design and management of grant schemes for national programmes, scarce awareness of the associated State aid issues. Limited or no experience was gained on EU financial instruments as well as with outsourcing preparation of documentation for infrastructure investment and assess the documentation when received. As regards financial management, annual funding and long financial cycles are not preparing for managing Cohesion funding, where disbursement needs to be fast to avoid cancellation of EU budgetary commitments.

Furthermore, having in mind that important policy document that provide the overarching strategic framework for development sectoral and horizontal strategies, such as the National Strategy for Development and Integration 2022-2030 (approved under Decision of the Council of Ministers No. 88 of 2 January 2023) and the General National Spatial Plan 2015-2030 (approved under Decision of the Council of Ministers No. 881 of 14 December 2016), will expire in 2030, it is crucial that these documents are updated with a longer term perspective that covers the next multi-annual financial framework of Cohesion Policy, by ensuring coherence with the EU evolving Policy framework, particularly as regards the green, digital and social transition, and the place-based focus of these policies.

## Conclusions

Cohesion Policy is the EU's main investment policy, which aims to reduce disparities between the EU's regions and promote economic, social and territorial cohesion. Albania's preparations for managing EU Cohesion funds after accession involve a complex set of political decisions and technical preparations. To be able to use these funds, Albania needs to meet the legal, policy and institutional requirements established under Chapter 22 of the accession negotiations with the EU on "Regional Policy and Coordination of Structural Instruments".

**The current baseline.** Albania has set up a legal and institutional system for pre-accession funds (IPA, IPARD, Reform Agenda). Challenges remain in capacity to manage large-scale investment, grant design, State aid, infrastructure documentation, speed of disbursement vs. de-commitment risk. Albania must finalize legal, policy, and institutional alignment with Chapter 22 acquis to fully benefit from Cohesion Policy post-accession. Political commitment is essential to nominate Programme authorities, strengthen administrative capacity and prepare a strategic framework beyond 2030.

**Policy Framework.** The set of Cohesion Policy Regulations for the period 2021-2027 are currently being redesigned for the next financial perspective. Significant changes can be expected in the new EU Regulations for Cohesion Policy to boost competitiveness of the European Union and increase results orientation of Cohesion Policy. Consequently, another pillar of the preparations under Chapter 22 is the establishment of a robust national policy framework that may direct programming of the EU Cohesion funds towards key EU and national policy priorities. This requires early consideration since most of the strategies of Albania expire in 2030.

**Legal framework and conditionalities for access to EU funds.** The acquis in Chapter 22 consists mainly of framework and implementing regulations that do not need to be transposed into national law. They lay down the rules for the preparation, approval and implementation of programmes financed by the Cohesion funds. However, some of the specific rules laid down in the EU Treaties and in the Cohesion regulations can, in the event of non-compliance by a Member State, lead to a suspension of payments of EU funds by the Commission. For example, under Regulation 2021/1060, Albania must meet 20 enabling conditions (horizontal and thematic) to receive funds. Albania must ensure these are met before and during the use of EU funds. Consequently, Albania should prepare to fulfil the applicable conditionalities before accession, which needs careful consideration at high political level. Albania is also building a robust legal and strategic framework for ensuring eradication of fraud and corruption and sound financial management of EU funds.

***Institutional framework and Governance.*** An appropriate institutional framework for the coordination and management of the EU Cohesion funds under accession needs to be timely established. The experience with coordination of the EU IPA funds and the new EU Reform and Growth Facility (Reform Agenda) is a valuable starting point; however, the nomination of the institutions for managing EU Cohesion funds after accession requires political decisions which should be timely made in order to prompt swift preparations of the respective legal framework and further development of administrative capacity of the nominated institutions. The institutional framework will have to define clear roles for the authorities, ensure strong coordination and audit systems, and comprehensive and inclusive partnership. Albania currently shows partial alignment and must improve institutional capacity.

***Administrative capacity.*** Strengthening human resources within the Cohesion Policy ecosystem is a clear requirement in Chapter 22. A system of administrative capacity development needs to be put in place, with relevant training provided regularly and possibly mandatory for all staff. As far as public institutions are concerned, efforts could be in vain if staff are not retained. Albania has started developing a comprehensive roadmap for administrative capacity building covering the entire Cohesion Policy ecosystem. Implementation of the roadmap needs to start before accession.

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