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**'I' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	16096/24
Subject:	Accession Negotiations with Albania – Establishment of the EU Common Position = Cluster 6 : External relations

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1. Following preparations at Working Party level, with a view to preparing the next meeting of the Accession Conference with Albania, and in line with the internal arrangements for the negotiations with Albania (doc. 10380/1/2022 REV1), the Permanent Representatives' Committee is invited to approve the EU Common Position on Cluster 6: External relations, as set out in the Annex.
2. Following approval by the Permanent Representatives' Committee, the EU Common Position will be made available to Albania before the next meeting of the Accession Conference.

**CONFERENCE ON ACCESSION  
TO THE EUROPEAN UNION  
- ALBANIA -**

**DRAFT**

**EUROPEAN UNION COMMON POSITION**

**Negotiating Cluster: 6 on External Relations**

**Including chapters 30 – External relations, 31 – Foreign, security and defence policy**

This position of the European Union is based on its general position for the accession conference with Albania (AD 5/22 CONF-ALB 2), and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either Albania or the EU on a specific chapter of the negotiations will in no way prejudge the position which may be taken on other chapters;
- agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters;

as well as to the requirements set out in points 2, 3, 5, 6, 10, 14, 16, 23, 31, 38, 39, 45, 46, 47 and 48 of the Negotiating Framework.

The EU encourages Albania to continue the process of alignment with the EU *acquis* and its effective implementation and enforcement, and in general to develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Albania, in its position AD 24/24 CONF-ALB 7 accepts the EU *acquis* under Cluster 6 as in force on 4 December 2024 and that it will be ready to implement it by the date of its accession to the European Union.

## **1. Chapter 30 – External relations**

The EU notes Albania's partial alignment with the EU *acquis* in the field of the **common commercial policy**. The EU expects Albania to enhance its administrative capacity to ensure that its international agreements are brought in conformity with the EU *acquis* and that all directly applicable EU legislation in the field of EU common commercial policy is effectively applied by the date of accession. The EU notes Albania's commitment to be compatible in multilateral and bilateral contexts with the EU stances under the common commercial policy by the date of accession. The EU invites Albania to closely cooperate with the European Commission on all changes to trade policy in the pre-accession period and to align itself with the policies and positions of the EU towards third countries and within international organisations, including in all negotiations in the World Trade Organization. The EU invites Albania to conclude its accession to the Agreement on Government Procurement (GPA).

The EU underlines that it is the responsibility of Albania to ensure that upon accession all its **international agreements**, and in particular all trade related agreements or bilateral investment treaties between Albania and third countries, are in conformity with the *acquis*. The EU recalls that Albania will be required to terminate all existing bilateral agreements between Albania and third countries, and all other international agreements concluded by Albania which are incompatible with the obligations of EU membership and in particular the exclusive competence of the EU for Common Commercial Policy.

The EU welcomes Albania's commitment to denounce all its free trade agreements in their entirety by the date of accession and to ensure that all agreements on trade, investment and economic cooperation and other relevant agreements are brought into conformity with the *acquis*. Albania is invited to keep the EU informed about the content of any negotiations in this regard with third countries and to closely coordinate any such negotiations with the Commission. The EU takes note of Albania's commitment whereby any new trade-related agreement which Albania may conclude with a third country between now and the date of accession should include a provision which enables Albania to terminate the agreement, before accession, without need for compensation of any kind by the EU. The EU notes that Albania must apply the EU common custom tariff for all products and the EU trade liberalisation in services, from the day of accession.

The EU notes Albania's partial alignment on **export control of dual-use items**. The EU expects Albania to enhance its administrative capacity and staff preparation to effectively apply the EU rules in this field at the time of accession. The EU also stresses the importance for Albania to continually align its legal framework with the remaining provisions of Regulation (EU) 2021/821 on **dual-use items**. The EU takes note of Albania's ongoing efforts to join the **Wassenaar Arrangement**, which can facilitate preparations to implement the *acquis* for dual-use items, and invites Albania to complete its accession without delay. The EU also invites Albania to ensure its early accession to the Nuclear Supplier Group (NSG) and the Missile Technology Control Regime (MTCR). Additionally, Albania is invited to consider the possibility of becoming an adherent to the Australia Group (AG), as a positive step towards alignment with EU *acquis* and towards AG membership.

Albania also needs to apply the EU rules for official export credit support and ensure effective enforcement of EU trade defence measures upon accession.

The EU notes that there is no legislation governing the **screening of foreign direct investments (FDI)** in Albania and welcomes Albania's commitment to assess the alignment needs and modalities by the end of 2026. The EU underlines the importance for Albania to align with the provisions of Regulation (EU) 2019/452 on FDI screening – including any future revisions as envisaged in the Commission's Proposal for a new regulation on the screening of foreign investments of January 2024.

The EU notes that in the area of **foreign policy instruments**, Albania is not party to the **Kimberley Process**. The EU further notes that Albania will automatically become party to the Kimberley Process from the date of accession to the EU. Therefore, the EU invites Albania to continue its preparations, including legislative alignment, in order to ensure, from the date of accession, to apply the rules governing the Kimberley Process. The EU takes note that Albania is partially aligned with the EU *acquis* on **anti-torture**. The EU underlines the importance for Albania to fully align with the remaining provisions of Regulation (EU) 2019/125 on anti-torture, and recalls the need for efficient enforcement of the rules to be ensured upon accession.

The EU notes that in the field of **external action policy**, Albania is committed to the EU policy and principles guiding its international partnerships. The EU encourages Albania to establish a legal framework covering international cooperation and development policy in line with EU policies and principles, including strengthening administrative capacities and establishing a development agency.

The EU notes that in the field of **humanitarian aid policy**, Albania is committed to the EU policy and principles guiding the provision of humanitarian aid. The EU invites Albania to establish a legal framework covering humanitarian aid policy to third countries in line with EU policies and principles.

The EU notes that regarding **fight against corruption in external relations**, Albania has a legal framework in place for fighting corruption in its criminal law as well as the laws governing the prevention and detection of corruption in specific provisions. The EU invites Albania to continue the fight against corruption through effective enforcement of the anti-corruption measures, including preventive measures and awareness-raising.

## 2. Chapter 31 – Foreign, security and defence policy

The EU notes that regarding **institutions and decision-making process**, Albania is on track to prepare for the efficient and timely implementation of EU's CFSP. The EU encourages Albania to upgrade its institutional capacity in this area.

The EU underlines the importance of frequent and multi-level exchanges in the context of the EU-Albania **political dialogue**. The EU takes note of Albania's firm commitment to advancing its EU membership through a strategic and proactive foreign policy. The EU also notes that Albania has consistently aligned with CFSP positions, when invited to do so. The EU takes note of Albania's efforts to intensify its political dialogue and outreach to third partners as well as its active role in the region and in regional initiatives/formats, taking positions aligned with the EU values and foreign policy interests.

The EU notes Albania's commitment to good neighbourly relations, which the country regards as one of its leading foreign policy goals. The EU notes that good neighbourly relations and regional cooperation remain essential elements of the enlargement process, as well as of the Stabilisation and Association Process. They contribute to stability, reconciliation and a climate conducive to addressing outstanding issues.

Regarding the **common foreign and security policy**, the EU notes that Albania has a 100% rate of alignment with declarations of the High Representative on behalf of the EU and relevant Council decisions-and restrictive measures, including those against Russia and Belarus. The EU further notes that Albania has the necessary structures to implement **restrictive measures**, yet there is scope for the planned capacity-building measures. Therefore, the EU invites Albania to further strengthen its capacity for the technical implementation and enforcement of the complex EU restrictive measures.

The EU takes note of Albania's commitment to support and participate in the measures and actions implemented by the EU with the aim of **conflict prevention**. The EU invites Albania to further align its legislative and technical framework on conflict prevention with the EU *acquis*, further bridge the gap between early warning and early action and strengthen its engagement on conflict prevention with UN agencies.

As regards **non-proliferation**, the EU notes that Albania supports the EU objectives on disarmament, arms control and non-proliferation and is ready to adopt and implement the related *acquis*. The EU takes note that Albania is state party to all major international agreements concerning non-proliferation of weapons of mass destruction, as well as the Arms Trade Treaty. The EU invites Albania to further improve inter-state cooperation and information exchange regarding the latter. The EU encourages Albania to persist in its efforts to accede to the Wassenaar Arrangement without delay. The EU further notes that Albania does not own any weapons of mass destruction and does not plan to develop or support any activity that leads to their proliferation. The EU notes that Albania has been implementing its 2020 national strategy against proliferation of weapons of mass destruction and its action plan.

The EU takes note that Albania has joined the main international conventions on **small arms and light weapons (SALW)**. The EU notes that Albania provides a positive contribution to the Regional Roadmap Against Illicit Arms Trafficking and has made efforts to improve its legal system and increase the capacity of the police, border and security forces to deal with arms control. The EU invites Albania to continue this constructive engagement with the Roadmap. The EU notes that Albania has been implementing its national SALW strategy and the related action plan for 2022-2024. The EU recalls the importance of the electronic registry system to control arms and investigate illicit arms and crimes involving arms. Therefore, the EU invites Albania to continue improving the security conditions of storage and stockpiles of arms and ammunition, as well as the registration of arms.

Regarding **co-operation with international organisations** the EU notes, that Albania, as a signatory of the Rome Statute establishing the International Criminal Court (ICC), signed a bilateral immunity agreement with the United States in 2007, which grants exemptions for US government officials and employees including military personnel and contractors from the jurisdiction of the Court. This agreement is in contradiction with the Council Decision 2011/168/CFSP and the EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States regarding the Conditions to Surrender of Persons to the Court, annexed to the Council Conclusions of 30 September 2002 on the International Criminal Court. Albania needs to ensure full compliance with the EU position. The EU takes note of Albania's commitment that it will fully align with the EU *acquis*, including the Council Decision 2011/168/CFSP and the EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States regarding the Conditions to Surrender of Persons to the Court at the latest by the date of accession to the European Union.

The EU takes positive note of Albania's proactive engagement in **international human rights fora** with recent election to the UN Human Rights Council for the period 2024-2026, tenure as a non-permanent member of the UN Security Council in 2022-2023 and Chairmanship-in-Office of OSCE in 2020. The EU welcomes Albania's commitment to continue aligning its priorities in the field of human rights with the EU's Action Plan on Human Rights and Democracy (2020-2027). The EU welcomes Albania's high rate of alignment with EU statements and positions in the United Nations and the Council of Europe, and stresses the need for Albania to achieve a 100% alignment rate on these by the date of accession.

The EU notes that a Security of Information Agreement (SIA) between the EU and Albania has been in force since 2016. The EU also notes that in 2023 Albania updated its legislation on the protection of state secrets. The EU notes that Albania's existing legal framework regarding **security measures** is overall compatible with EU standards and that Albania has improved the implementation of the security of information agreement with the EU over the recent years. The EU also notes that EU security regulations continue to be developed further and that Albania will need to align itself to these rules until accession.



The EU notes Albania's new National Security Strategy takes into account both the current threat context and relevant conceptual approaches to countering **hybrid threats**, with a stronger focus on increasing situational awareness and resilience, as well as bolstering capacities to address hybrid threats. The EU invites Albania to implement actions and update the administrative approach following the adoption of the National Security Strategy, which also includes the national approach to hybrid threats, taking into account the recommendations from the hybrid risk survey. The EU encourages Albania to continue its efforts in closing space for **foreign information manipulation and interference** (FIMI), including disinformation, and take actions towards building societal resilience against FIMI and other forms of hybrid threats. The EU invites Albania to adopt a new comprehensive strategy to fight foreign information manipulation and interference, including disinformation. The EU encourages Albania to adopt a whole-of-society, inter-institutional approach in tackling hybrid threats, in particular FIMI.

The EU notes Albania's engagement on capacity development objectives through the **European Peace Facility (EPF)**. Albania benefits from two EPF assistance measures, one at regional level, adopted in 2022 aimed at strengthening the capacities of the Balkan Medical Task Force, a regional organisation to which Albania contributes, and one at bilateral level, adopted in 2024 and aimed at enhancing the operational effectiveness of the Albanian Armed Forces. The EU invites Albania to ensure the necessary administrative and financial preparedness for an efficient implementation of European Peace Facility support. The EU further invites Albania, as a future contributor to the EPF, to ensure that it is able to participate efficiently in the financial and budgetary processes and calls for contributions.

The EU welcomes the increased cooperation with Albania in security and defence related matters, including the recent adoption of an EU-Albania Security and Defence Partnership (NBI), establishing a platform for enhanced dialogue and cooperation and thereby strengthening capabilities in the area of security and defence, reflecting the growing engagement between both sides. The EU takes note of Albania's continued participation in EU crisis management missions and operations under the **Common Security and Defence Policy (CSDP)**, notably EUFOR Althea in Bosnia and Herzegovina. The EU also notes Albania's readiness for and interest in participation in further military and civilian missions in the framework of the CSDP, namely the European Union's Naval Force (EUNAVFOR) Operation ASPIDES for maritime security in the Red Sea in which Albania has offered a contribution. The EU takes note of Albania's interest to participate in **Permanent Structured Cooperation (PESCO)** projects. The EU invites Albania to continue its efforts to participate in relevant PESCO projects in the future. As a Member States-driven framework, such requests are first evaluated by members of the respective projects.

The EU notes that regarding **fight against corruption in foreign, security and defence policy**, Albania has a legal framework in place for fighting corruption in its criminal law. The EU invites Albania to continue the fight against corruption through effective enforcement of the anti-corruption measures, including preventive measures and awareness-raising.

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In view of the present state of preparations, the EU notes that, on the understanding that Albania has to continue to make progress in the alignment with and implementation of the EU *acquis* covered by the following chapters, these may only be provisionally closed once it is agreed by the EU that the following benchmarks are met:

## Chapter 30 – External relations

- Albania aligns its legal framework with the remaining provisions of Regulation (EU) 2021/821 on the export control of dual-use items, as amended, with the provisions of Regulation (EU) 2019/452 on FDI screening, as amended, and implement the remaining provisions of Regulation (EU) 2019/125 on anti-torture.
- Albania submits to the Commission an action plan with a comprehensive inventory of its international agreements with a view to bringing these agreements into conformity with the *acquis* from the day of accession.

## Chapter 31 – Foreign, security and defence policy

- Albania - as a signatory of the Rome Statute establishing the International Criminal Court (ICC) - fully aligns its position with the Council Decision 2011/168/CFSP of 21 March 2011 and the EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States regarding the Conditions to Surrender of Persons to the Court, annexed to the Council Conclusions of 30 September 2002 on the International Criminal Court.

Monitoring of progress in the alignment with and implementation of the EU *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Albania's administrative capacity, its capacity to complete legal alignment in all sectors under this cluster, as well as further progress in implementation and enforcement. Particular consideration needs to be given to the links between the present cluster and other negotiation clusters. A final assessment of the conformity of Albania's legislation with the EU *acquis* as well as of its implementation capacity can only be made at a later stage of the negotiations.

In view of all the above considerations, the Conference will have to return to this cluster at an appropriate moment.

Furthermore, the EU recalls that there may be new EU *acquis* between 4 December 2024 and the conclusion of the negotiations.

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