

Governmental services in Albania – just a click away... myth or fact?

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Abstract

This article provides an overview related to the latest reforms of the Albanian government for the digitalization of the public services sector. For this purpose, the article analyses the applicable legal framework and practice.

Keywords: (e-Albania) Electronic platform for public services, (ADISA) Agency for the Delivery of Integrated Services Albania, (EU) European Union, (NBC) National Business Centre, (AKSHI) National Agency of Information Society;

Introduction to the reforms

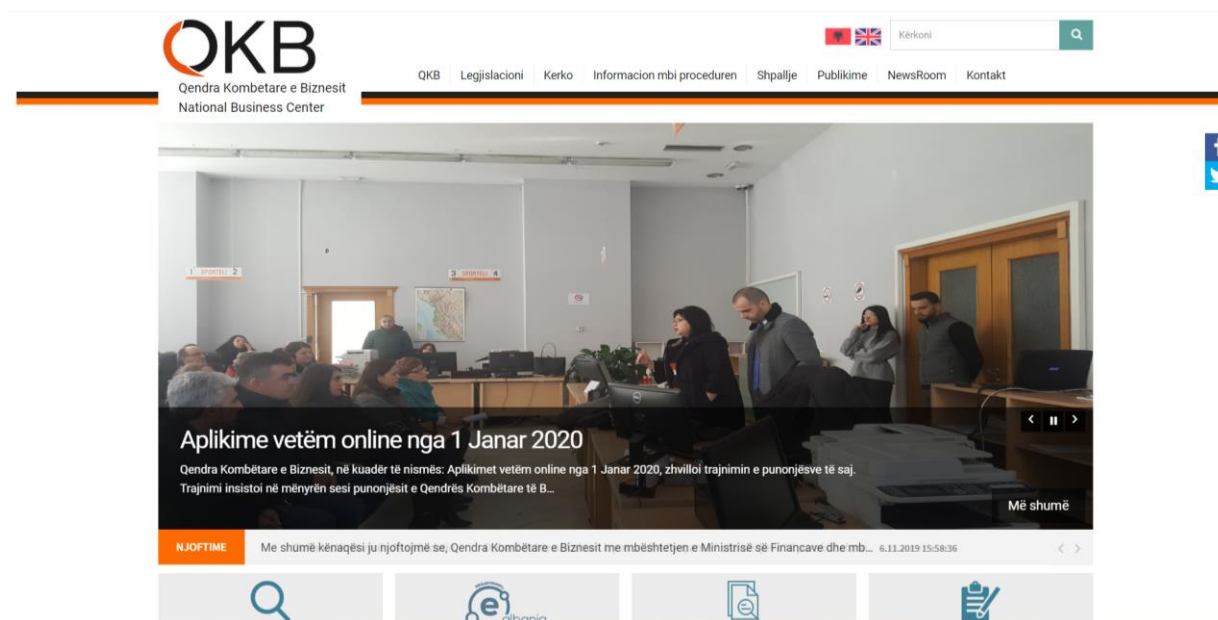
As part of the responsibilities undertaken by the Republic of Albania under the “candidate for EU member state” status, the digitalization of the public services has been one of the top 5 priorities of the government.

Steps have been taken for this purpose, by adopting a comprehensive legal framework since 2008 and after such as:

- 1- Law no. 9880, dated 25.02.2008 “On electronic signature”;
- 2- Law no. 9918, dated 19.05.2008 “On electronic communication in the Republic of Albania”;
- 3- Law no. 10273, dated 29.04.2010 “On electronic document”;
- 4- Law no. 131/2015 “On National Business Centre”
- 5- Law no. 13, dated 18.02.2016 “On the manner of providing public services at the counter in the Republic of Albania”;

The aim of the digitalization package which was summarized in the Digital Agenda of 2015-2020 approved by the Government, was to facilitate the access of the public to the administrative/governmental sector by creating the possibility to use and benefit of such services through an online platform.

The National Business Centre or the NBC has played a crucial role in this aspect, being the first institution in Albania to offer a wide range of services in one place, serving as “a one-stop-shop” entity. The National Business Centre was created in 2015 as a merge of 2 former institutions: the National Registration Centre and the National Licensing Centre (both existing since 2008), with assistance offered in counters for the public.



Through creation in 2016 of ADISA, it was officially established a second-tier system for provision of public services; with a “front-office” which would receive the applications and documents and only transfer them without review to the decision-making institution and “the back-office” which would review such application and take the final decision.

The NBC offered services dedicated mostly to business such as: registration, changes and licensing.



From my experience as a user of such services, both for personal and professional purposes, the quality of services offered by the NBC has been good, efficient and offered in a timely manner. A 24-hour rule for feedback on most of business applications (except licenses) was established and respected in an absolute-no exception way which helped to create a good expectation of the public regarding the liability and responsibility of the institution towards legal deadlines, expectation which was not good at that time.

Long and tiring queues were not avoided, but implementation of tickets machine for queue numbers was a significant difference from other institutions' existing practice.

After the creation of the online portal "*e-Albania*" which is administered by the National Agency of Information Society, in 2015, 150 other services were added to the list of on-line applications many of which proved to be very efficient also.

However up to this stage, the electronic platform only provided the possibility to apply on-line whilst to obtain the service/final document, the citizens would still need to go back to the institution and retrieve documents signed and stamped.

Therefore, the reforms continued and finally on 2019 through the portal of e-Albania it was made possible for the citizens to obtain some documents with electronic signature which would be considered as valid same as the classis "wet signature".

The government moved a step forward also by issuing a number of orders for institutions not to request any documents from citizens, which could be obtained directly through inter-institutional communication.

However, based on my experience this was not implemented correctly as for many of procedures which I have followed during that period, up until January 2020, still some institutions requested documents such as: extracts from trade register, attestations from tax system, etc.

On the other side, in some cases, I have experienced rejection of electronic-signed documents and request of classis "wet signature" documents, especially this applied by second-tier banks.

On January 2020 the situation of electronic services and electronic documents in Albania was about to take a substantial change.

Electronic-services-only order, the challenges

By Order of the Prime Minister no. 154, dated 25.11.2019, “On taking measures and adjusting the legal provisions for the application of services only online from 1.1.2020” and Order of the Minister of Finance and Economy no. 438, dated 26.12.2019 "On electronic procedures of registration, licensing and publication", from January 6 2020, many institutions stopped providing some services to the public through counters and urged them to head to the e-Albania platform. Also, some of them stopped providing documents stamped and signed originally, informing citizens to obtain them **only online**, with electronic signature.





A limited number of services has been subject to this change, with many more to come by end of June as promised by the government.

The situation has created some confusion as one can still see long queues of people in institutions and confused officials in attempt to help them with the electronic system.

Transition is difficult and this proved right away. During the first days of January, the system was over-loaded and often not responding. Both applicants and citizens were put in a difficult position especially for applications which are under strict deadlines and subject to penalty if these deadlines are not met.

Many citizens had trouble with login credentials in the e-Albania portal, other with obtaining the services, especially senior citizens.

For this reason, the physical assistance by officials in counters was still left as an option but with the condition that the electronic way has been exhausted previously.

On the other side, on my daily experience with public institutions I still face cases of electronic documents deemed not sufficiently valid, such as in a court procedures.

While applying on-line for some services such as work permit, residence permit, etc. one is under the impression that the system hasn't been build in cooperation with people who actually know the procedure and the legal basis, since often one can see that a crucial document for the process is not requested to be uploaded at all, while some documents requested are not needed for the procedure. Technical problems often arise while using the platform such as: errors which prevent you from uploading documents, system freezes and returns you to home page without any changes saved to your applications, system doesn't coordinate with the internal institution's system, etc.

Another fact to be taken in consideration is that the on-line application in many cases is essentially just the first step. As applicants, we still need to bring original documents physically or by mail to the relevant institution just as before, the difference is that now they are scanned and uploaded on-line first, so at the end of the day looks like the process of on-line application is



just a step being added to the procedure, risking to result also in prolongation of the total process duration. Still there hasn't been a clarification regarding the deadline of the procedure, whether we should start counting the days from the date of on-line application or from the date of physical delivery of the documents. I have seen different approach in different institutions related to this issue which brings us to the question whether "the legal framework should be changed as well in order to be adapted to the latest reforms?"

There is no denying that changes are being made continuously to the electronic system in terms of improvement and it is obvious that in future the electronic platform will be easier to use and benefit from, but there is not telling when this will be finalized.

Situation for foreign citizens

As an Attorney at Law who deals mostly with foreign citizens and investors in Albania, I feel the need to emphasize that the provision of many of the on-line services still is not possible for this category.

This is due to the fact that in order to obtain most of services from e-Albania, one needs to log-in first in the system. To register a user in the system and then log-in, you will need to provide the personal number (which serves also as national health-social security number) contained in an Albanian passport or Albanian ID card. Therefore, foreigners which do not have this number cannot create a user in the system.

This is particularly linked to many services which are offered on-line for businesses, not possible to be used from businesses with owners/administrators who are foreign.

There are however, services which do not require log-in in e-Albania and can be freely used by foreigners, such as embassy/consular services, work permit application, residence permit application, etc.

The government is expected to enable the registration of foreigners in the system in the future, by providing a personal number for each of them, upon a specific registration in Albanian authorities but to the moment there isn't an exact date as to when this might happen.

Conclusions and Recommendations

In conclusion, there is a great change in institutional approach towards services provided to citizens and there is no denying that the digitalization efforts of the government have presented a considerable amount of facilitation in receiving public services. However, there is much left to do in this regard.

I would recommend organization of workshops and training with the public in order to help them understand and use efficiently the electronic system as well as meetings with professionals such as lawyers and other advisors who have been and are in constant contact with the public institutions and who I truly believe could present a useful insight and input on what can be done better.

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