

ALBANIA

“Licensing Reform, progress and obstacles”

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Introduction

- Regulatory Reform agenda;
- Institutional framework;
- Instruments to implement a successful reform;
- Licensing reform within the context of the Regulatory Reform;

Institutional framework for the Regulatory Reform



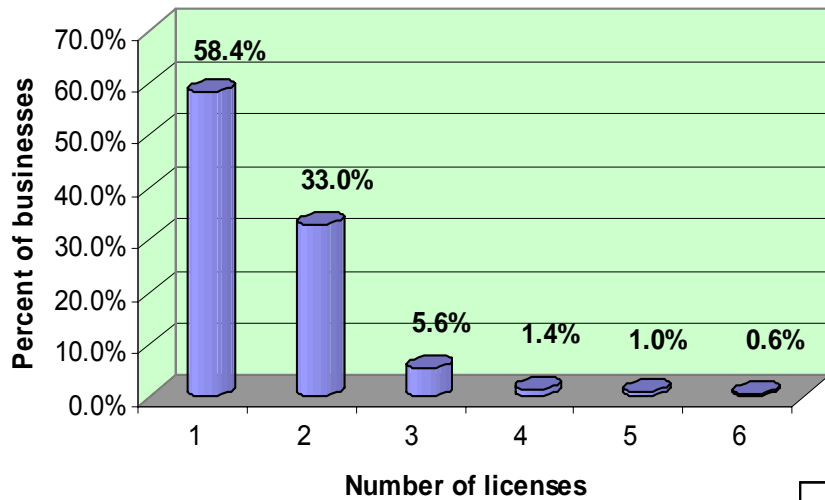
Action Plan on Regulatory Reform-Cont'

1. Develop the system to manage the regulatory reform agenda;
2. Upgrade the existing legal framework through removal of administrative barriers to business;
 - Business registration;
 - Licensing;
 - Customs and taxation;
 - Land and construction;
 - Inspection;
 - Administrative appealing;
3. Improve the quality of the new regulations;
4. Monitor and evaluate systematically the regulatory reform;

Licensing Working Group

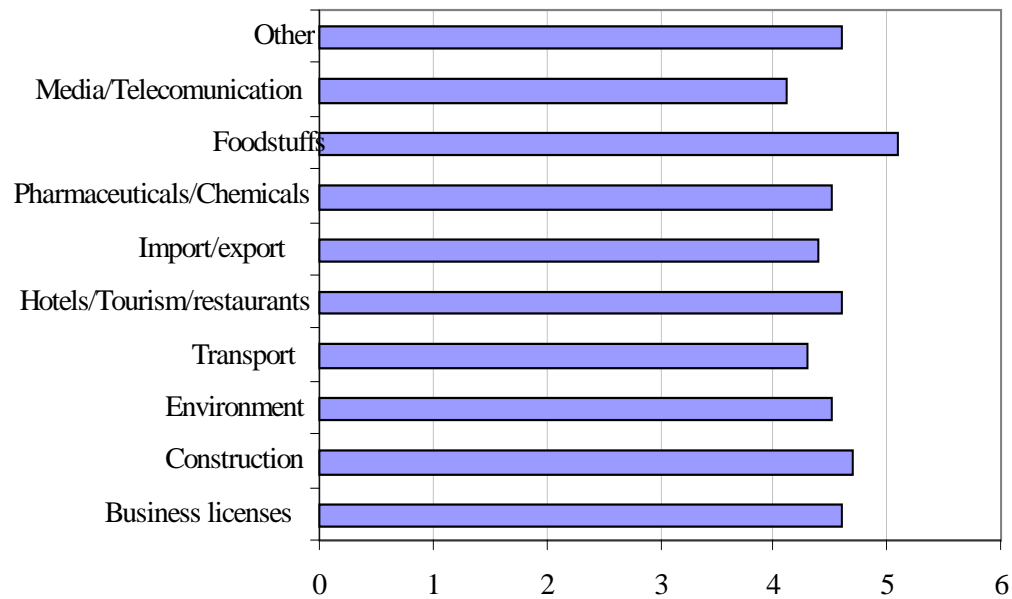
- Chaired by the Deputy Minister of Economy, Trade and Energy;
- Composed by the main ministries involved with licensing;
- Acts upon the internal regulation of the WG, approved at the first meeting;
- Meets regularly and quite often

Why a Reform on licensing

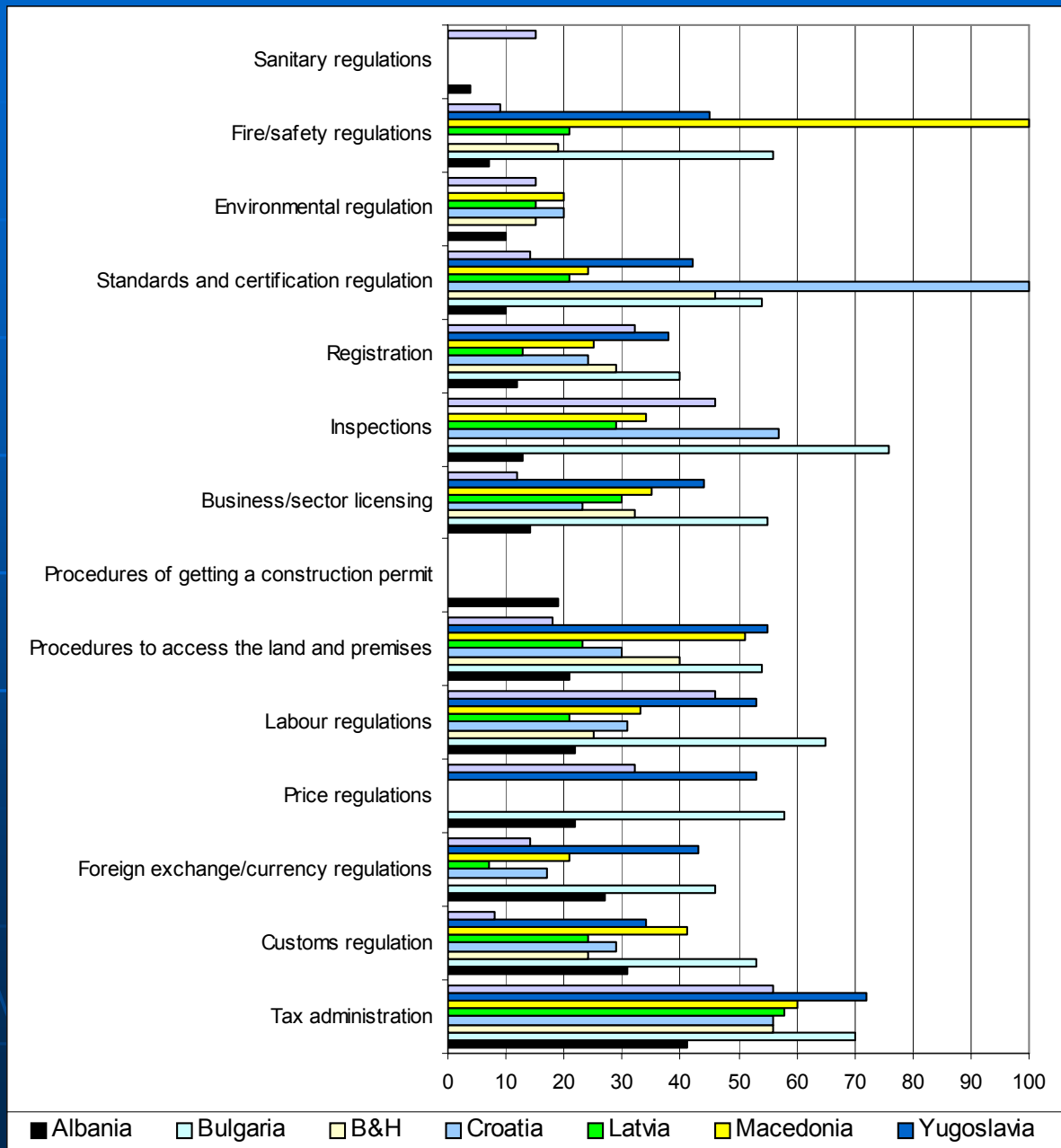


Source: GoA Self-Assessment Report

Quality of service during licensing process



Assessment of the regulatory framework as an administrative barrier in several countries in the Region



Source: FIAS

Why a Reform on licensing-con't

- Lack of a clearly defined terminology used in the licensing system;
- Issuance of professional licenses is not led by professionals but bureaucrats;
- Compliance and conformity with mandatory requirements almost never checked;
- A miscellaneous of legal acts enforcing the requirement for issuing licenses;
- Channels of information too weak;

Why a Reform on licensing-con't

- A large number of licenses;
- Duplication and repeated requirements by different institutions;
- Long procedures and bureaucracy;
- Burdensome and unnecessary requirements;
- Lack of transparency;
- Lack of predictability;

The licensing reform objectives

- Abolish all unnecessary licenses;
- Reduce the administrative burden through systematic screening;
- Limit the requirements to health safety, security and environment;
- Shorten the time frame;
- Reduce the cost;
- Establish the mechanism for the transparency;

Methodology

- Update the existing inventory of licenses, permits, authorizations, certifications etc.
- Make a full screening of each license by the Licensing Group
- Discuss carefully each license with the responsible institutions to understand the reasons of issuing a specific license;
- Discuss with the other involved institutions;
- Prepare the report of the LWG including main findings and recommendations;
- Discuss and present the report with business community;
- Approve the report by the Task Force;
- Prepare the action plan to implement the report

Screening approach

- Is the license legal?
- Is it necessary from an environmental, health and safety perspective?
- Can the target groups be reduced?
- Can the license be converted into notification?
- Can the frequency with which licences are renewed be reduced?
- Can the license be amalgamated with other licences?
- Can time-limits be established for government responses?
- Can the silence-is-consent (or denial) rule be applied?
- Can information requested in licenses be obtained from other authorities?

Screening approach

- Enforce the self-declaration as the basic concept for any requirement , if appropriate: this aims:
 1. Reduce the time to prepare the required documents;
 2. Reduce the cost;
 3. Increase the accountability of both, business and state institutions;
- Identify the value added of any requirement and abolish the requirement when this value added does not exist;
- Avoid duplication on requirements imposed by state institutions;
- Identify the relevance and the consistency of any requirement;
- Consult systematically all interested parties, business associations in particular

Screening approach

- Central Government
- Regulatory bodies
- Local Government
 - Individual license
 - License to exercise any activity
 - Import permits

Progress achieved

Introduction of Self-Declaration principle;

- Introduction of “silent consent” principle;
- Removal of unnecessary administrative burden;
- Full screening of licensing requirements on:
 1. mining,
 2. hydrocarbur,
 3. public works,
 4. transport,
 5. health system;
- Removal of 100% screening to assess compliance with legal requirements on health system

Obstacles to the process

- Incomplete inventory;
- Lack of the mechanism to select the licensing to be screened;
- Resistance to the change by bureaucrats;
- Lack of international expertise;
- Time pressure;

Remaining Needs

- Establish the mechanism to check the implementation of reports recommendations;
- Establish sustainable mechanism for consultations;
- International expertise and experience;

Thank you for your attention

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