



## Application form for TAIEX Expert Mission

**Project title: Expert Mission on Revising Public Procurement Law**

N.B.: only type-written and fully completed applications will be accepted

**Beneficiary country:**

Albania

**Beneficiary Ministry/Service:**

Ministry of Finance

**Date of submission:**

**Objective of the Expert Mission:**

To provide information on successful legal frameworks of EU member states for the improvement of Government debt contracting process in order to cover the acquisition of financial and other supporting services

### 1. Authorisation from Hierarchy (Head of EU integration department or technical dept.)

Title:

Dr.

First name:

Xhentil

Surname:

Demiraj

Function:

General Director of Debt Department

Office Tel.:

+355 42248968

Office Fax:

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E-mail:

xhdemiraj@minfin.gov.al

Date of consultation:

Supporting comments:

Project Terms of References (attached)

Signature (if applicable):

### **Please complete and return to:**

**European Commission , Institution Building unit (TAIEX)  
Rue de la Loi 200, B-1049 Brussels  
Fax: +32-2-296 76 94 E-mail: [elarg-taix@ec.europa.eu](mailto:elarg-taix@ec.europa.eu)**

<sup>1</sup> Personal data contained in this document will be processed in accordance with the privacy statement of the TAIEX instrument (See <http://taix.ec.europa.eu/privacystatement>) and in compliance with the Regulation (EC) N° 45/2001.

## 2. Expert Mission Content

### a) What will the Member State Expert(s) focus on during the visit?

Legislation       Implementation       Institutional development

### b) EU legislation concerned (please give reference to regulations, directives etc.) and chapter of the *Acquis* and details of provisions for discussion

CELEX N°/Natural number:

Directive 2004/18/EC

Type of legislation:

Directive

Screening chapter:

### c) Outline your current situation concerning the EU legislation indicated and mention any recent developments that may be relevant in this regard (e.g. give details of the stage of preparation of the legislation, outline the timetable for the adoption of the legislation)

In Albania, foreign and domestic borrowing is governed by the Law no. 9665 dated 18.12.2006 on "State borrowing, state debt and state guarantee loans in the Republic of Albania". According to article 26 of this law, in cases when Ministry of Finance obtains loans from private banks for financing public investments projects, creditor's selection is made through public procurement procedures.

Recently foreign borrowing has gained momentum due to the access the country has to borrowing on the international financial markets, based on an improvement in 2007 of the country rating by Moody's. It is also the Government strategy to reduce domestic borrowing and increase foreign borrowing for financing investment projects and fiscal deficit, as outlined in the Public Debt Strategy for 2008-2010.

When contracting complex international loans, Ministry of Finance would need financial and other supporting services (eg. legal services) in order to better assess costs, risks and to increase its negotiating capabilities. The acquisition of such services should be treated as public procurement.

Article 7 of the Law no. 9643 dated 20.11.2006 excludes from the jurisdiction of the law financial services related to purchase, sale or title transfer or other financial instruments. This provision restrains Ministry of Finance's possibility to improve the contracting skills and power and it hampers banks to offering the necessary financial services.

This situation may have negative consequences for the Ministry of Finance in contracting international loans such as:

- Delays in contracting foreign loans, as the analysis is to be handled with internal limited resources, with results on liquidity and costs;
- Increase in the transaction cost risk due to limited analytics capabilities.

In this context, there is a need to revise the public procurement law to include clear provisions on financial services.

### d) Is there any planned or currently running PHARE/CARDS/TWINNING or other project that is dealing with the issues covered by the request? Yes No

If yes, please indicate details:

**e) Draft programme for the Expert mission:**

Please list in detail the issues you would like to discuss with the Member State expert, such as implementing regulations, infrastructure, strategies, training and any other elements of relevance:

The program for the expert mission should cover the following issues:

1. Outline of specific EU guidelines with regards to the member countries Public Procurement legal Framework
2. EU countries experiences in transposing the abovementioned guidelines in their legislation
3. Best practices of legal frameworks in EU countries that have facilitated individual countries access to foreign borrowing improves, thus alleviating Government financing needs.
4. EU experience in specific provisions that reduce the transaction costs for the Government and increases transparency.

### 3. Logistical aspects

**a) Is there a Member State Administration/Organisation from which you wish to receive the expertise? (this information is mandatory for applicants from beneficiary Member States)**

Preferred Country (choice cannot always be guaranteed)

Hosting Member State Authority/Institution (if known)

**Do you know the Member State expert from whom you wish to receive expertise?**

Title:

First Name:

Surname:

Ministry or Institution:

Department:

Function:

Office address (street/number/office number)

Post code:

City:

Office Tel:

Office Fax:

E-mail:

Have you had previous contact with your selected host Institution/Organisation/Expert?  Yes  No

**b) When would you like to receive the Expert?**

Date/Year:	2009
Calendar week:	23-27
Duration (maximum 5 working days):	1 working day

**c) Language knowledge (please state the language(s) and indicate your level of competence)**

1 <sup>st</sup> language: English	<input checked="" type="checkbox"/> Very Good	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
2 <sup>nd</sup> language:	<input type="checkbox"/> Very Good	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
3 <sup>rd</sup> language:	<input type="checkbox"/> Very Good	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor

**4. List of Participants**

Data received from you is to be used for the organisation of TAIEX events only, and for no other purpose unless stated. You are entitled to have your data deleted or removed from our database at any time.

**1. Details of the applicant acting as main co-ordinator requesting the Expertise**

Title (Mr., Ms.) :	Mr.
First Name:	Xhentil
Surname:	Demiraj
Ministry or Institution:	Ministry of Finance
Department:	Debt Department
Function:	General Director
Office address (street/number/office number):	Blv. Deshmoret e Kombit
Post code:	
City:	Tirana
Office Tel:	+355 42248968
Office Fax:	+355 42248968
Email:	xhdemiraj@minfin.gov.al
<b>Will you also participate to the expert mission?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**2. Details of the person(s) participating to the Expertise**

**a)**

Title (Mr., Ms.) :	Ms.
First Name:	Milbana Treska/Tole, Member, Middle Office Director email: mtreska@minfin.gov.al

Surname:	Treska/ Tole
Ministry or Institution:	Ministry of Finance
Department:	Middle Office
Function:	Directr
Office address (street/number/office number):	Blv. Deshmoret e Kombit
Post code:	0000
City:	Tirana
Office Tel:	
Office Fax:	
E-Mail:	mtreska@minfin.gov.al

**b)**

Title (Mr., Ms.) :	Ms.
First Name:	Anilda
Surname:	Sefgjini
Ministry or Institution:	Public Procurement Agency
Department:	all
Function:	Deputy Director
Office address (street/number/office number):	
Post code:	
City:	
Office Tel:	
Office Fax:	
E-Mail:	

**c)**

Title (Mr., Ms.) :	
First Name:	
Surname:	
Ministry or Institution:	
Department:	
Function:	
Office address (street/number/office number):	
Post code:	
City:	
Office Tel:	
Office Fax:	
E-Mail:	

**d)**

Title (Mr., Ms.) :	
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First Name:	
Surname:	
Ministry or Institution:	
Department:	
Function:	
Office address (street/number/office number):	
Post code:	
City:	
Office Tel:	
Office Fax:	
E-Mail:	

**Please note: The information contained in this form will be made available on-line to the Mission and the Embassy of your country in Brussels.**

**All applications received directly from the Western Balkans' administrations will be forwarded to the EU Delegation in the country concerned, and in the case of Kosovo(UNSCR1244) to the EC-Liaison Office, for a preliminary evaluation.**