



Conference proceedings

ICSNS XVIII - 2021

**EIGHTEENTH INTERNATIONAL CONFERENCE ON:
“SOCIAL AND NATURAL SCIENCES – GLOBAL CHALLENGE 2021”**

9 November

Barcelona

Organized by

International Institute for Private- Commercial- and Competition Law (Austria)

in Partnership with

**Bielefeld University of Applied Sciences (Germany), Keiser University (USA),
Institute of History and Political Science of the University of Białystok (Poland)
and School of American Law (Greece)**





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Book of proceedings

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Shareholder rights at EU Level

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Abstract

The main purpose of the European law is to create a free common market, which comprises also the recognition of different forms of corporate organizations among Member States. Such recognition is known as the principle of the free establishment of legal entities on the basis of which various forms of corporations – especially those with joint stock and shareholders – draw rights and responsibilities for protecting shareholder rights particularly minority shareholders.

Keeping in mind the importance of this issue, this article provides a general overview and analysis of the rights of shareholders in joint stock companies listed on the stock exchange market, taking into consideration the fact that in these cases shareholders have a special protection. The article also focuses on the case-law of the European Court of Justice (ECJ) as one of the most important bodies for the development of European law, elaborating the main principles established by this court in relation to the protection of shareholder rights.

Overall, the article concludes that although Directive 2017/828 / EU codifies the rights of shareholders in JSC's listed on the stock exchange, the systematic interpretation with secondary EU legislation - e.g. Directive 78/660 / EEC, Directive 2005/56 / EC, Directive 2006/68 / EC, Directive 2007/36 / EC, Directive 2009/109 / EC - is essential. Furthermore, the article finds that the jurisprudence of the EU Court of Justice has differentiated cases of corporate "migration" vs. corporate "immigration". This distinction is important, since the European principles of Articles 49-55 TFEU apply only in cases of immigration. Also, "golden shares" may be one of the case of exclusion of the application of the principle of free establishment - that is, based on Article 52, par. 1 of the TFEU - if they are proportionate and do not affect the behavior of foreign investors. In addition, although the TFEU does not explicitly codify the theory of registration or the theory of principal place of business, it appears that the EU Court of Justice has applied the theory of registration, for the registration can easily be proven from a procedural prospective.

Overall then, the article clarifies the main principles in regard to the free establishment of legal entities, the most current developments as reflected in case law, and the main paths forward.

Keywords: Shareholder rights, TFEU, EU Level.

Introduction

Chapter II of the TFEU codifies the right of establishment. Specifically, article 49, par. 1 of the TFEU prohibits any restriction on the freedom of movement of nationals of a Member State in the territory of another Member State. Although Article 49, par. 1 of the TFEU uses the word "citizen", Article 49, par. 2 of the TFEU restricts this right to *self-employed persons*, as well as to various companies or enterprises. The definition given for "companies" or "enterprises" is broad, including any type of legal entity that has as object an economic activity and is registered in the territory of an EU member state.

Thus, any legal person which is not a non-profit organization, established under the civil or commercial laws of a Member State needs to be recognized in all Member States of the European Union. Hence, all EU member states have the obligation of equal treatment between their legal nationals and foreign legal entities, which are not a non-profit organization and that is regularly registered under the national laws of a member State (Article 55 TFEU). Although the right of establishment is one of the main principles, it is not an absolute right. Member States may restrict the right of establishment of foreign nationals on the basis of public policies aimed at protecting public security or public health. This possibility is defined in primary law; thus this exception to the rule is codified in Article 52, par. 1 of the TFEU.

Based on the above, this contribution focuses on the right of shareholders in joint stock companies listed on a European perspective, mainly on Directive 2017/878 of the European Parliament and the Council, which amended Directive 2007/36 / EC with a view to promoting the long-term commitment of shareholders. The main purpose of the article is to emphasize the fact that the rights of shareholders in the case of listed companies have a special protection, which derives from the reasons that led the European legislature in 2017 to amend Directive 2007/36 / EC. As important, a special focus is given to the importance of soft-law and *ex-ante* evaluation of legislative policies in promoting European commercial law.

In addition, this article examines the role of the EU Court of Justice (ECJ) in protecting the rights of shareholders by analyzing Article 55 TFEU, mainly focusing on whether national restrictions are in coherence with Article 52, par. 1 of the TFEU, which allows restrictions on the right of establishment in the case of protection of public security or public health. *Hence, this contribution analyzes corporate emigration cases vs. corporate immigration cases by differentiating these two cases.*

1. Protection of Shareholders in Listed Companies: from Directive 2007/36 / EC to Directive 2017/828 / EU

This section examines shareholder rights of listed companies in stock exchange market taking into account the fact that the global economy, as well as the European economy, is paying close attention to listed companies¹. The main aim of the section is not to provide detailed information regarding the rights of shareholders in listed companies, but to demonstrate the special protection of the rights of shareholders in the case of listed companies. Thus, this section reflects the latest amendments to European legislation on the rights of shareholders in listed companies, underlining the reasons for the modification of Directive 2007/36 / EC by Directive 2017/828 / EU. Specifically, directive 2017/828 / EU is based on Article 50 and Article 114 of the TFEU. More concretely, the European Parliament and Council, after consulting the Economic and Social Committee of the EU, adopted the measures for approximation of the provisions laid down by legislative acts or administrative actions, which have as their object the establishment and functioning of the internal market. This is in fact the main purpose of the EU, provided in the Treaty of Rome in 1957. Directive

¹ De La Cruz, Adriana, Alejandra Medina, and Yun Tang. "Owners of the World's Listed Companies." De La Cruz, A., A. Medina and Y. Tang (2019), "Owners of the World's Listed Companies", OECD Capital Market Series, Paris (2019).

2017/828 / EU amended Directive 2007/36 / EC of the European Parliament and Council, which set out requirements relating to the exercise of certain rights of shareholders including the rights of shareholders to vote in relation to the general meetings of the Assembly.

The financial crisis highlighted many problems of Directive 2007/36 / EC; especially the fact that shareholders empowered the executive to focus on short-term investments and thus allowing them to take excessive risks². Also, the financial crisis emphasized the fact that the level of monitoring was inadequate and focused too heavily on short-term returns, which at the end can lead to non-optimal performance of the company³. It should be noted that the economic crisis brought into light the fact that there is a perceived lack of interest of shareholders to hold the Board of Directors accountable for their decisions and actions because - usually - shareholders seem to hold their shares only for a period of short time. Taking into consideration these problems, in December 2012, the European Commission made a communication to the public – “*Action Plan: European company law and corporate governance - a modern legal framework for more engaged shareholders and sustainable JSCs*”⁴ - where it announced a number of actions in the field of JSC governance, in particular to encourage long-term shareholder engagement and increase transparency between companies and investors.

It is therefore important to analyze this action plan. It should be noted that the latest comprehensive review in this area of policies done through the 2012 Action Plan derives from the 2003 Action Plan for the Modernization of Law and Improvement of Corporate Governance in the European Union⁵ and the subsequent consultation on the future priorities for this Action Plan carried out in 2005 and 2006. Although it was only a communication and an action plan, i.e., *soft law*⁶, many of the initiatives set out in the 2003 Action Plan have been adapted into different directives. Some examples are as follows:

- The governance’s declarations are incorporated into Directive 78/660 / EEC (Fourth Council Directive 78/660 / EEC of 25 July 1978 based on Article 54 (3) (g) of the Treaty on the annual accounts of certain types of companies);
- The approval of Directive 2005/56 / EC (Directive 2005/56 / EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited

² Kashyap, Anil K. “Lessons from the financial crisis for risk management.” *Financial Crisis Inquiry Commission* 27 (2010); Acharya, Viral V., and Matthew Richardson. «Causes of the financial crisis.» *Critical review* 21.2-3 (2009): 195-210; Hellwig, Martin. “The causes of the financial crisis.” *CESifo Forum*. Vol. 9. No. 4. München: ifo Institut für Wirtschaftsforschung an der Universität München, 2008.

³ Erkens, David, Mingyi Hung, and Pedro Matos. “Corporate governance in the recent financial crisis: Evidence from financial institutions worldwide.” *SSRN Paper* 1397685 (2009); Kirkpatrick, Grant. «The corporate governance lessons from the financial crisis.» *OECD Journal: Financial Market Trends* 2009.1 (2009): 61-87.

⁴ European Commission. *Action Plan: Law on European Companies and Corporate Governance - a Modern Legal Framework for Shareholders and More Engaged Companies: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: (EEA Reference Text)* . European Union Publications Office, 2012.

⁵ Communication from the Commission to the Council and the European Parliament *Enterprise Modernizing Law and Improving Corporate Governance in the European Union - A Plan to Move Forward*, COM (2003) 284 final.

⁶ Snyder, Francis, “*Soft Law and institutional practice in the European Community*”. *The construction of Europe*. Springer, Dordrecht, 1994, 1997-225.

liability companies) which regulates cross-border mergers⁷;

- The formation of public limited liability companies and the maintenance and change of their capital has been simplified by Directive 2006/68 / EC (Directive 2006/68 / EC of the European Parliament and of the Council of 6 September 2006 amending the Council Directive 77/91 / EEC regarding the formation of public limited liability companies and the maintenance and change of their capital)⁸;
- The approval of Directive 2007/36 / EC (Directive 2007/36 / EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain shareholder rights in listed companies), which deals with the exercise of the rights of shareholders;
- The reporting methods and documentation requirements in the case of mergers and divisions of JSCs have been simplified by Directive 2009/109 / EC (Directive 2009/109 / EC of the European Parliament and of the Council of 16 September 2009, which amends Council Directives 77/91 / EEC, 78/855 / EEC and 82/891 / EEC, and Directive 2005/56 / EC regarding reporting and documentation requirements in the case of mergers and divisions).

As can be noted, the above examples demonstrate the strength of the action plan and the changing of the policies of the EU. Therefore, *the soft law*⁹ of the EU should be taken seriously and into account, since frequently it indicates the path of new policies that the EU will consider.

The main goal of these action plans has been to increase the efficiency of corporate governance. Prior to the 2017 directive, most shareholder rights were left to member states to protect and was considered as soft - law right in terms of EU accession. The economic crisis underlined the fact that this approach brought various and serious problems. Therefore, the Commission in 2011 published the Green Paper on corporate governance in financial institutions and in 2012 proposed stricter rules on corporate governance in financial institutions under the package of proposals for amending Directive 2002/87 / EC of the European Parliament and Council on the additional oversight of credit institutions, insurance undertakings, and investment firms in a financial conglomerate¹⁰. Based on the above, the 2012 action plan undertook an *ex-ante* impact assessment¹¹. Thus, Directive 2017/828 / EU was a result of the action plan of 2012, which underlined the fact of the *ex-ante* impact assessment.

The three main EU institutions - Commission, Parliament and Council of Ministers - underlined the importance of assessing the *ex-ante* impact of future legislative policies. In particular, the Commission attached to the legislative documents it proposed an integrated assessment document regarding its social, economic, and environmental effects. Therefore, since the new millennium, more than 1,000 assessments of the *ex-ante* impact of future legislative policies have been published. This increased number is due to the fact that, even according to the European Court of Auditors¹², the European Commission's *ex-ante* impact assessment has improved more and more over time and has brought positive results.

⁷ It should be noted that this Directive is no longer in force since from 2017.

⁸ It should be noted that this Directive is no longer in force since from 2012.

⁹ Snyder, Francis, nota 83.

¹⁰ It should be noted that this directive has not yet been amended.

¹¹ Voermans, W. J. M. "European parliament council commission interinstitutional agreement on better law-making." (2003).

¹² European Court of Auditors. "Impact assessments in the EU institutions: Do they support decision-making?." (2010).

Although very good progress has been made, numerous studies have highlighted the fact that the quality of assessing the *ex-ante* the impact of the European Commission's future legislative policies is lower than that in the U.S.¹³. However, a recent study has concluded that the quality of EU impact assessments reporting total costs in excess of \$ 100 million is similar to that of U.S. regulatory impact assessments of key laws¹⁴. This may be due to the fact that the American experience is longer than that of the EU. It should also be noted that the *ex-ante* influence of the European Commission's future legislative policies has a wider scope and includes different policies than those made in the US¹⁵.

Such *ex ante* analysis was applied also in the action plans under analysis in this article. To increase the efficiency of corporate governance, the action plan had three main aspects: 1. increasing transparency; 2. increasing the role of shareholders; and 3. supporting the growth of companies as well as competition between them. In terms of increasing transparency, within the EU there are two governance systems of companies: 1- the system with one level, or the "monist" system where the board of directors exercises, at the same time, management and supervisory functions; and 2- the two-tier system, or so-called "dualist" system where the board of directors and the supervisory board have different functions and are divided into two organs. These systems have company traditions in two different countries: England (the "monist" system) and Germany (the "dualist" system). Also, in addition to these models, other models, which are a combination of them, deeply rooted in the national tradition.

Without going into too much detail, some of the more pertinent instruments of the action plan for increasing transparency were as follows:

1. Giving a higher importance to non-financial risks by modifying Directive 78/660 / EEC. This was done by Directive 2013/34 / EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43 / EC of the European Parliament and of the Council European and Council and repealing Council Directives 78/660 / EEC and 83/349 / EEC.

2. Making available a report regarding the governance of companies by making available a code of corporate governance. This has already been done through the Commission Recommendation of 9 April 2014 on the quality of corporate governance reporting ("agree or explain").

3. Identification of shareholders, although important steps have been taken in Directive 2004/109 / EC of the European Parliament and of the Council of 15 December 2004 on the harmonization of transparency requirements regarding information on issuers, whose securities have been admitted to trade in a regulated market and amending

¹³ Lee, Norman, and Colin Kirkpatrick. *A pilot study of the Quality of european commission extended impact assessment*. No. 1652-2016-136006. 2004; Lussis, Benoit. "EU Extended Impact Assessment Review." *Institut pour un Développement Durable Working Paper, December, Ottignies, Belgium* (2004); Opoku, Camilla, and Andrew Jordan. «Impact assessment in the EU: a global sustainable development perspective.» *conference on the Human Dimension of Global Environmental Change, Berlin*. 2004; Vibert, Frank. "The EU's new system of regulatory impact assessment: A scorecard." European Policy Forum, 2004; Nielsen, Uffe, et al. "Getting Proportions Right." *How far should EU impact assessments go* (2006).

Renda, Andrea. "Impact Assessment in the EU: The State of the Art and the Art of the State." (2006).

¹⁴ Cecot, Caroline, et al. "An evaluation of the quality of impact assessment in the European Union with lessons for the US and the EU." *Regulation & Governance* 2.4 (2008): 405-424.

¹⁵ Hahn, Robert, and Caroline Cecot. "The economic significance of "insignificant" rules." *Regulation & Governance* 1.2 (2007): 172-182.

Directive 2001/34 / EC, where the European Commission gives shareholders the right not to be identified by guaranteeing the right to privacy.

4. Increasing transparency rules for different investors; be they bondholders or creditors of the company, thus achieving and strengthening the accountability of companies to civil society. This was achieved through the publication of Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36 / EC with a view to promote long-term commitment of shareholders.

In terms of increasing the role of shareholders, the European Commission underlined the fact that their role is fundamental, because this is the effective means to control on the Board of Directors without leaving everything to the Supervisory Board. Without going into too much detail, some of the more pertinent instruments of the action plan for increasing the role of shareholders were as follows:

1. A salary policy of the Board of Directors, which stimulates long-term values and a strong connection with the company. A salary structure, which also considers the performance and stimulates Administrators by means of a dividend-based salary percentage would motivate Administrators to do a better job. Shareholders should also be given the right to vote on the Administrators' remuneration policies.
2. Regulating the legal nature of the representative counselors, who are those who receive the information of the needs, by conducting various research and inform the shareholders by influencing their vote as well. Hence, representative advisors are also subjects who must adhere to the transparency legislation.
3. Involvement of employees in various decisions of the company. This involvement can take the form of information, consultation and participation in the Board of Directors or oversight rights.

In terms of supporting the growth of companies, as well as the competition between them, the main goal of the EU is the free market. Therefore, underlining the legal clarity, the change of the headquarters of the companies should be allowed. Without going into too much detail, some of the more pertinent instruments of the action plan for supporting the growth of the companies and the competition between them were as follows:

1.Improving the mechanism for cross-border mergers of companies; Although Directive 2005/56 / EC on cross-border mergers of limited liability companies was a major step forward for the cross-border movement of companies in the EU, Article 118 of the Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 in relation to certain aspects of company law, Chapter I, Title II – i.e. Articles 87-118 - Directive (EU) 2017/1132 shall apply to limited liability companies established in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Union, provided that at least two of them are governed by the different laws of the Member States (hereinafter referred to as 'cross-border mergers'). Thus, Directive (EU) 2017/1132 has improved one step further by modifying Directive 2005/56 / EC.

2.Allowing cross-border mergers. This has been facilitated by the Directive (EU) 2017/1132 which has moved one step further by modifying Directive 82/891 / EEC.

2. Protection of Shareholders' Rights by the EU Court of Justice

This section analyzes the most pertinent case law related to the protection of shareholder rights by the European Court of Justice, by focusing on the contradiction of the codification of European company law. *In other words, on the one hand the EU aims to create an inclusive internal market, underlining the principle of free establishment of companies and the principle of free movement of goods, on the other hand, member states are afraid of losing control over commercial law.* The lack of harmonization of European commercial law makes the role of the European Court of Justice (ECJ) crucial. This section also clarifies the application by the ECJ of the two theories of applicable law: the doctrine of registration or the doctrine of principal place of business. This is important, since under the applicable law the protection of shareholder rights will also be considered especially of minority shareholders.

The ECJ, compared to the system of national courts, has the role of an ordinary court as well as the role of a Constitutional Court. Hence, it has the role to unify the interpretation of the *acquis communautaire*, but also the role of interpretation or annulment of EU acts. It can also take other steps, such as sanctioning EU institutions or monitoring EU acts within different institutions. The Court can be addressed indirectly by national courts of member states, or in some cases directly by European citizens. It is very interesting to underline the fact that the EU Court of Justice has initiated the protection of shareholder rights based on the economic principles enshrined by the TFEU. Although the core principles are found in EU treaties, shareholder rights are protected by secondary legislation, directives, or regulations. The main purpose of the company is to protect the interests of shareholders. This is also reflected in commercial law¹⁶. The protection of shareholders has been confirmed by several important documents published by the EU. This is also emphasized by the Report of the High Level Group of Experts on Company Law, *"company law must first facilitate the management of efficient and competitive business enterprises. This will not ignore that the protection of shareholders and creditors is an integral part of any JSC law."* However, nowadays the law also aims to protect the rights of stakeholders¹⁷. Thus, the European Commission has stated that it must *"ensure the effectiveness and proportionate protection of shareholders and third parties must be at the core of any company law policy."*¹⁸ In addition, not only these *soft-laws* (communication of the European Commission) or working document (Final Report), but also other legal documents such as - Council Regulation 2157/2001 / EC on the Statute of a European Company or Directive 2004/25 / The EC on acquisitions provides for the protection of corporate securities holders - *aimed at protecting the rights of shareholders.*

The acquis communautaire of commercial law does not cover every aspect of commercial law, although the instruments used were a legal document - a directive or regulation

¹⁶ Villiers, Charlotte L. "Are trends in European company law threatening industrial democracy?." *European law review* 34.2 (2009): 175-204; Pérez Carrillo, Elena. «Corporate governance: Shareholders' interests and other stakeholders' interests.» *Corporate Ownership & Control* 4.4 (2007); Hansmann, Henry, and Reinier Kraakman, nota 41

¹⁷ Final Report of the High Level Group of US Law Experts on a Modern Regulatory Framework for US Law in Europe, 04.11.2002.

¹⁸ Communication from the Commission to the Council and the European Parliament. Modernizing Company Law and Enhancing Corporate Governance in the European Union - A Plan to Move Forward. Brussels, COM (2003) 284 final.

- and sometimes more specifically a regulation, again, EU commercial law does not cover every aspect of commercial law and is a complementary instrument of national law. However, the protection of shareholders' rights is essential and is one of the points where the *acquis communautaire* has had a continuous publication. Thus, the role of the EU Court of Justice in protecting the rights of shareholders is a role, which has a legal basis not only in primary legislation - TFEU or TEU - but also in secondary legislation mainly directives or regulations.

As pointed out by many scholars, the EU aims to protect the rights of vulnerable groups¹⁹. Thus, although this section is intended to cover the cases of the Court of Justice of the EU on shareholder rights, the cases of the Court of Justice relate to the protection of minority shareholders; as the right to request the convening of the general meeting or the right to challenge a majority decision in certain circumstances²⁰. All these rights are protected not only by the *acquis communautaire*, but also by national law²¹. Therefore, sometimes, in these cases, the EU Court of Justice is based on national law²², which also underlines the principle of equality²³.

The intervention of the Court is based on the protection of the principles of freedom of establishment of companies and the principle of free movement of goods. Usually, the law applicable to the company is the same as the law of shareholder citizenship. However, during the lifetime of the company a merger of different JSCs may occur and this may result in a change of JSC headquarters and as a result a change in the applicable law. Therefore, in these cases the intervention of the EU Court of Justice is necessary to protect the rights of minority shareholders.

To that end, in two different decisions - *Überseering BV v Nordic Construction Company Baumanagement GmbH*²⁴ and *Sevic Systems AG*²⁵ - the Court has confirmed the fact that the principle of freedom of establishment and the principle of free movement of goods can be limited to the case of merging different JSCs, if this is intended to protect the highest interests, such as the protection of minority shareholders or creditors, as well as the protection of employees or tax authorities. However, this

¹⁹ Ferreira, Nuno, and Dora Kostakopoulou, eds. *The Human Face of the European Union: Are EU Law and Policy Humane Enough?*. Cambridge University Press, 2016; Van den Putte, Lore, et al. "What social face of the new EU trade agreements? Beyond the 'soft' approach." (2015); Benohr, Iris. *EU consumer law and human rights*. Oxford University Press, 2013; De Búrca, Gráinne. "After the EU Charter of Fundamental Rights: The Court of Justice as a human rights adjudicator?." *Maastricht Journal of European and Comparative Law* 20.2 (2013): 168-184.

²⁰ Wyckaert, Marieke, and Koen Geens. "Cross-border mergers and minority protection: an open-ended harmonization." *Eur. Company L.* 5 (2008): 288.

²¹ Article 84 (Request from minority partners) and Article 139 (Meeting of the general assembly and agenda, requested by minority shareholders) Law 9901/2008 which establishes one who represents at least 5 percent of the total votes in the general assembly of the company; Also, Article 151 (Repeal of irregular decisions and compensation) of Law 9901/2008 clearly defines the case of filing a lawsuit for the abrogation of the decisions of the administrators and, as the case may be, of the board of directors or the supervisory board (Article 151, par. 1) or the protection of minority shareholders or creditors against these decisions, after the General Assembly has not acted (Article 151, par. 2).

²² Bodnár, Péter Miskolczi, ed. *Európai társasági jog*. KJK-Kerszöv, 2004.

²³ Verse, Dirk A. *Der Gleichbehandlungsgrundsatz im Recht der Kapitalgesellschaften*. Vol. 115. Mohr Siebeck, 2006. Article 14, par. 2 Law 9901/2008 states: Unless otherwise provided by this law or the statute, in the same circumstances, partners and shareholders enjoy the same rights, have the same obligations and are treated equally.

²⁴ C-208/00.

²⁵ C-411/03.

does not mean that mergers of cross-border JSCs cannot be undertaken, because this is contrary to the *acquis communautaire* (Articles 49 and 54 of the TFEU). However, in the case of *Cartesio Oktató és Szolgáltató Bt.*²⁶, the Court ruled that the transfer of the headquarters of a limited liability company from one Member State to another - from Hungary to Italy - the status of a limited liability company is not contrary to Articles 43 and 48 of the TFEU, if its purpose is to protect the public interest.

These decisions indicate that in the case of a JSC merger, the level of shareholder protection may be different in different countries. Therefore, minority shareholders are given the option to prohibit the merger²⁷. Therefore, in these cases, the Court has to strike a balance between the protection of public interests (minority shareholders) and the principle of free establishment of companies. This is essential in the case of cross-border mergers, because in these cases the shareholders have to apply the law of another state, of which they have no knowledge²⁸. Thus, the principle of free establishment of companies and the principle of free movement of goods may be limited to the case of a cross - border merger or cross-border transfer of headquarters, if this is intended to protect the interests of minority shareholders. Nevertheless, the limitation of these principles must be *proportionate*; thus, appropriate to ensure the achievement of the objectives pursued and should not go beyond what is necessary to achieve them (*Reinhard Gebhard v. Milan Bar Association and Prosecutors*)²⁹.

Article 54 of the TFEU codifies the principle of free establishment of companies, but unlike natural persons, the legal person can exist only after the registration of the legal person according to the legislation of member states. Companies, like any other legal entities, can only exist if they are registered under national law. Hence, they are fictitious persons (*Queen against Treasury and Home Revenue Commissioners, ex parte Daily Mail and General Trust Limited Liability Company*)³⁰, where it suffices to meet the conditions required by the law of the Member State (*DHM Segers v. Board of the Banking, Insurance, Wholesale Trade and. Free Professions Association*)³¹.

Consequently, applicable law may depend on the doctrine applied: the doctrine of registration or the doctrine of the principal place of business. In the case of the registration doctrine, the applicable law is that of the place of registration; whereas in the case of the principal place of business doctrine, the applicable law is that of the state in which the company has its registered office or principal economic activity³².

²⁶ C-210/06.

²⁷ Article 223 (Protection of the rights of partners and shareholders) Law 9901/2008 provides for the protection of minority shareholders in the case of a Union.

²⁸ Wyckaert, Marieke, and Koen Geens, nota 105. It should be noted that Law no. 110/2012 (On Cross-border Merger of Companies) regulates the case of cross-border merger of companies. Article 2, par. 2 underlines the application of the *lex loci rei sitae* rule in the case of the merger of an Albanian company with one of the companies within the EU. Exactly Article 2, par. 2 Law no. 110/2012 states: 2. The provisions of Articles 11 and 16 to 26 of this law are applicable only if the company resulting from the merger is an Albanian company. If the company resulting from the merger is a European company, then the issues addressed in these articles are regulated according to the laws applicable in the territory of the European country in which the European company resulting from the merger is located, but the provisions of Article 19 point 2 letters “c” and “ç” of this law find application for the appointment or election of the members of the special negotiating body, from the employees employed in Albania to the units affected by the union.

²⁹ C-55/94.

³⁰ C-81/87.

³¹ C-79/85.

³² Working Paper of the Commission Staff on Impact Assessment of the Directive on cross-border transfers of

The TFEU has no preference for either of these two doctrines, giving recognition to both the registration as well as the registered office or principal economic activity of the company (*R v HM Treasury and Internal Revenue Commissioners, former Daily Mail and General Public Company with Limited Liability*)³³.

Nevertheless, applying these different doctrines can lead to problems in transferring the headquarters of a company. The first issue was the Daily Mail case (*R v HM Treasury and Home Revenue Commissioners, former Daily Mail and General Trust Limited Liability Company*)³⁴. The Daily Mail wanted to move its headquarters from the UK to the Netherlands, retaining its legal status in the UK (corporate *emigration case*). The English tax authority allowed this against the fulfillment of certain conditions. This is not a violation of the *acquis communautaire* as the court applied the actual place of activity doctrine³⁵.

The second case, *Centros Ltd v Erhvervs- og Selskabsstyrelsen*³⁶, is the case of corporate immigration, a UK registered company, without ever being active, wanted to open a branch in Denmark. The Danish state had not accepted the request, since this could constitute an abuse of the right by this company. In other words, the partners of this company were Danish and the initial capital in the UK was lower than that required in Denmark and this company had never been active in the UK. The court concluded that there is no abuse of the right by the company. Hence, although the company does not have the requisite to be such under Danish law, Denmark is obliged to accept the legal form of this company. This issue is seen as the end of the actual place of activity doctrine³⁷.

The same was confirmed in the third and fourth cases. In the third case, *Überseering BV v. Nordic Construction Company Baumanagement GmbH*³⁸, a trading company was registered in Denmark even though it had its principal activity in Germany. Even in this case, the German state had to recognize the legal status of this company, since otherwise this was a violation of Article 54 TFEU. In the fourth case, *Kamer van Koophandel en Fabrieken voor Amsterdam v Inspire Art Public Limited Liability Company*³⁹, a UK-registered company with a subsidiary in the Netherlands, was treated in the Netherlands, although it was recognized and had its principal place of activity, in a discriminating manner since it had to meet additional conditions. Even in this case, Dutch law was considered a violation of EU law.

Clearly then, based on the analysis of these case laws, as well as other cases, one can reach the conclusion that the case of corporate emigration should be differentiated from corporate immigration. In the case of emigration, national law will apply; whereas in the case of immigration, the principle of free establishment of the company, codified in the TFEU will apply. Hence, in the case of emigration, there is no principle

registered offices, Part I, 12 December 2007 (SEC (2007) 1707) 9.

³³ C-81/87.

³⁴ C-81/87.

³⁵ Gelter, Martin. "Centros, the Freedom of Establishment for Companies, and the Court's Accidental Vision for Corporate Law." *Fernanda Nicola & Bill Davies, EU Law Stories (Cambridge University Press 2017), Fordham Law Legal Studies Research Paper 2564765* (2015).

³⁶ C-212/97.

³⁷ Gelter, Martin. "Centros, the Freedom of Establishment for Companies, and the Court's Accidental Vision for Corporate Law." *Fernanda Nicola & Bill Davies, EU Law Stories (Cambridge University Press 2017), Fordham Law Legal Studies Research Paper 2564765* (2015).

³⁸ C-208/00.

³⁹ C-167/01.

of free “movement” of companies; the opposite occurs in the case of immigration. The case of emigration is the case when the company requests the transfer without requesting the change of the applicable law - the case of Daily Mail (emigration) - and the case where the company requests the transfer to another member state with an accompanying change in relation to the national law of applicable; cases of Centros, Überseering, Inspire Art (immigration).

An interesting case, is the case of protection of “golden shares” as reflected by the case of *the Commission of the European Communities against the Federal Republic of Germany*⁴⁰. Article 4, par. 3 of German law on the transfer of shares in a limited liability company Volkswagenwerk to private hands of 1960⁴¹, allowed shareholders, who owned at least 20% of the shares to block any decision of the Assembly. The state of Lower Saxony was the owner of these golden shares. Germany argued that it was justified in stating that this provision was the result of an agreement between the unions, the employees and the state. Hence, this was not related with Article 63 TFEU (principle of free movement of capital). The Court underlined the fact that the 1960 Volkswagenwerk Act is contrary to Article 63 TFEU, because it lacks the proportionality of the protection of employees, minority shareholders or any other industrial policy. Thus, although the Volkswagenwerk Act of 1960 “does not do more than reproduce an agreement which should be classified as a private contract law, it should be emphasized that this agreement has become the subject of a law, for it has been considered as a measure national goal for the free movement of capital”⁴². This is evident from the fact that “restriction of voting rights is a well-known instrument of corporate law”⁴³ and the 1960 Volkswagenwerk Act defined a lower quorum than the general one; that of the 25% required for other companies, the 1960 Volkswagenwerk Act required only 20%. This situation “may deter direct investors from other member states” because it “gives federal and state authorities the opportunity to exert influence that exceeds their investment levels.”⁴⁴

However, it should be noted that sometimes it is justified to give golden shares to public shareholders (government, municipality or other state institutions) and they can act in the public interest by going against the economic gain of shareholders. This is accepted in commercial law⁴⁵. But in the present case, although the 20% quorum was set for all minority shareholders, the state of Lower Saxony owned this quota, giving a disproportionate power to the minority shareholders by 20% (i.e., the state of Lower Saxony), because this can affect the behavior of third-party investors⁴⁶, which then affects the European free market⁴⁷.

⁴⁰ C-112/05.

⁴¹ Gesetz über die Überführung der Anteilsrechte an der Volkswagenwerk Gesellschaft mit beschränkter Haftung in private Hand.

⁴² Paragraph 26, Case C-112/05.

⁴³ Paragraph 38, Case C-112/05.

⁴⁴ Paragraph 64, Case C-112/05.

⁴⁵ Gert-Jan, Vossestein. “Volkswagen: the State of Affairs of Golden Shares, General Company Law and European Free Movement of Capital—A discussion of Case C-112/05 Commission v Germany of 23.10. 2007–.” *European Company and Financial Law Review* 5.1 (2008): 115-134; Ferrarini, Guido. «One Share—One Vote: A European Rule?» (2006): 147-177.

⁴⁶ Ringe, Wolf-Georg. “The Volkswagen case and the European court of Justice.” *Common Market Law Review* 45 (2008).

⁴⁷ Grundmann, Stefan, and Florian Möslin. “Golden shares-state control in privatised companies: comparative law, European law and policy aspects.” *European Law and Policy Aspects (April 2003)* (2003).

Although the TFEU does not explicitly codify the theory of registration or the theory of principal place of business, it appears that the EU Court of Justice has applied the theory of registration; perhaps because it is simpler to be proved and would avoid conflicts of interest to concretely identify the principal place of business of a company. Also, the EU Court of Justice has differentiated the case of emigration from immigration by allowing the application of free establishment only in the case of immigration. Furthermore, the EU Court of Justice in various cases has protected the interests of shareholders; especially of minority shareholders. In many cases the EU Court of Justice has underlined the fact that the principle of free establishment of companies and - by analogy and interpretation - the principle of free movement of goods may have their exceptions, which should be proportionate, with the aim of protecting minority shareholders. In addition, the EU Court of Justice has held a clear position regarding the golden shares held by a government, by prohibiting them in any case. Finally, the EU Court of Justice has emphasized that it is the EU's sole competence to protect against discrimination on the basis of nationality.

3. Conclusion

This article has examined the importance and evolution of the principle of protecting shareholders in JSCs listed on the stock exchange. In that regard, the role of the European Court of Justice was particularly emphasized. The article reviewed the various attempts to have a European directive as simple as possible for the protection of shareholders' rights in JSCs listed on the stock exchange. This is important because it underscores the importance of *ex-ante* evaluation of legislative policies, including potential economic, social and environmental impacts. Also, the article showed the reasons for modifying Directive 2007/36 / EC from Directive 2017/828 / EU in order to increase the efficiency of corporate governance in the action plan in three main aspects such as increasing transparency, or increasing the role of shareholders ,and supporting the growth of companies, as well as competition between them. Although this directive codifies the rights of shareholders in JSCs listed on the stock exchange, the systematic interpretation with secondary EU legislation - e.g. Directive 78/660 / EEC, Directive 2005/56 / EC, Directive 2006/68 / EC, Directive 2007/36 / EC, Directive 2009/109 / EC - is essential.

In addition, the article concluded that the EU Court of Justice has differentiated corporate emigration cases from immigration cases. This differentiation is important because the European principles of Articles 49-55 TFEU apply only in cases of immigration. In other words, the right of establishment applies in the case of a company requesting a transfer to another Member State with an accompanying change in relation to the applicable national law. The opposite happens in the case when the company requests the transfer without requesting the change of the applicable law; in this case of emigration, the right of establishment will not apply. Furthermore, "golden shares" may be one of the case of exclusion of the application of the principle of free establishment - that is, based on Article 52, par. 1 of the TFEU - if they are proportionate and do not affect the behavior of foreign investors. Moreover, although the TFEU does not explicitly codify the theory of registration or the theory of principal place of business, it appears that the EU Court of Justice has applied the theory of registration because registration is simpler to be proven from a procedural

prospective.

Overall, the article clarified the main principles the Court has applied and elucidated some of the more pertinent debates and divisions among member states and EU institutions on the matter. Since the internationalization and borderlessness of business is set to only increase, the importance of these issues will only increase and the issues before the Court and member states will multiply. This means that both EU institutions and member states need to think ahead, be proactive, and act in ways that both enable 'an ever-closer Union' while enabling free exchange and protecting minority shareholders. Such balance is neither easy, nor forever established, which is why this article highlighted the most pertinent debates and issues animating it.

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C-55/94.

C-81/87.

C-79/85.

C-212/97.

C-167/01.

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Usage of the Natural Stones in the Skanderbeg Square (Tirana, Albania) and their Geotechnical Characteristics

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Abstract

Natural stones provide a wealth of construction materials including stones for use as aggregates or rock fill. Stone is one of our traditional building materials and even now there is a great demand for stone as building materials. Geological and geotechnical properties of natural stones (rocks) therefore are a pre requisite for optimal use of them. Knowledge about certain rock types, their age and origin, as well as exploitation methods, can give additional information on their importance and preservation. Due to its geological setting Albania is a rich country in sedimentary, magmatic and less in metamorphic rocks. Therefore, natural stones can be considered as a valuable Albanian geoheritage and moreover Skanderbeg Square an urban geoheritage. Tirana, the capital city of Albania has a strong connection with building stones used in the city not only with historical usage of local rocks but even from abroad. The main aim of this study is related to the possibility of using certain types of sedimentary rocks, as decorative stones for Skanderbeg Square (Tirana, Albania) and as common material involved in construction. Macroscopic observations carried out in the quarries and in geological outcrops, made possible the identification of some problems related with cutting, grinding and polishing natural stones as slabs. These observations were completed through laboratory study of the most representative samples taken from the field with special attention in determine under microscope possible deleterious minerals, mineralogical composition, texture, micro and macro structures. Measurements were also performed to determine some geotechnical properties such as specific density, bulk density, water absorption, compressive strength and bending resistance.

Keywords: natural stones, Skanderbeg Square, petrography, geotechnical.

Introduction

The city centers have always had an important historical, cultural and social value, and usage of natural stone as traditional building materials, as well as construction techniques (Miletic 2016). They represent important tourist attractions and are often considered part of urban geoheritage which need to be preserved for future generations (Fio Firi 2020). The Skanderbeg Square is the main plaza in the center of Tirana, Albania. The total area is about 40,000 square meters. The city plan for Tirana was initially designed by Armando Brasini in 1925 and continued by Florestano Di Fausto in a Neo-Renaissance style with articulate angular solutions and giant order fascias. Following the Italian invasion of Albania, the master plan was updated in 1939 by Gherardo Bosio. Many buildings including the Palace of Culture, the National Opera, the Ethem Bey Mosque, the Clock Tower, the City Hall, National Historical Museum etc. are situated at the square. After 2004, an urban regeneration plan drawn up by a foreign studio advocated densifying the city center by constructing several free-standing tall towers. However, in 2016, a new project which, wholly financed by state funding from Kuwait, and had three main aims. First, it sought to create a large

area exclusively for pedestrian use, eliminating the traffic and concealing parked vehicles in an underground car park. A second objective was to highlight the value of all the heritage buildings surrounding the square, and to endow them with some kind of unitary order (Public Space 2017). Finalized in 2017, the reforms eventually carried out have turned Skanderbeg Square into a public space of more than ten hectares exclusively for the pedestrian use. Rather than being flat, the esplanade is shaped like a four-sided Roman pyramid with a slope of 2.5% and a height of two meters at its tip (Figure 1). The absence of a continuous façade to delimit the circumference of the esplanade has now been compensated for with the introduction of a green strip circling the square in the form of twelve gardens with leafy trees. Having knowledge on types and usage of natural stones should be creative and include a cultural and artistic aspect, to show not only the history of a place or a city but also the fundamental geological history of the area (Prikryl 2017).



Figure 1 Images of Skanderbeg Square before and after.

This study deals with the geotechnical, macroscopic and microscopic characterization of the most representative sedimentary rocks taken in different quarries in Albanian territory and to test their use as polished slabs for Skanderbeg Square. Stylolite networks and their insoluble residues (IR) are among the major concerns and the fundamental controls on the mining and processing of sedimentary decorative stones.

Geological Setting

The geological, tectonic and geomorphological setting of Albania has conditioned its morphology and has made possible the presence of all rock types in its territory. Albania, from the tectonic point of view, is part of the folded Alpine orogenic belt that lies between Dinarides and Hellenides. During the Alpine geological evolution Albanides, an imbricated tectonic thrusting system, with considerable amplitude, has been developed in the external part, while a series of normal faults have been developed in the internal part. The experiences have shown that geotechnical properties, to a large extent, depend on the geological characteristics of material/constructional materials. Therefore, proper knowledge of geological characteristics provides an insight into mechanical behavior of rocks to design, exploitation and use them correctly.

Thus, the need arises that before any possible use of sedimentary rocks as ornamental rocks we must have coordination with specialists in the disciplines of Geology and Mining. This in the framework of the evaluation of these rocks for indicators and technical parameters of their use.

Sedimentary rocks occupy about almost 85% of the territory of Albania. Based on this assessment, conclusions should be drawn regarding their use or not in the decorative stone industry. The combination of all the results obtained gives a complete picture regarding the possibility of using the studied material and its orientation for decorative and construction purposes. Thus, the main purpose of this study is to identify the petrographic characteristics of rocks, to determine some physical and mechanical properties, to correlate these properties with the mineralogical composition. Skanderbeg square was paved with tile made from sedimentary, metamorphic and magmatic rocks, but our study is focused only on sedimentary rocks.

Materials and methods

To realize our study, several field works were carried out in different periods during 2017 (Durmishi 2017). During the field work, a macroscopic description of the rocks exposed in the outcrops or through different quarries was realized. From the observations and documentation that was carried out, it was found that the rocks present great diversity in terms of geological and petrographic characteristics. The observed features generally include: color, relative hardness, fabric, grain size, open and refilled cracks, pores, presence of macrofossils and the stylolite networks (Flugel 2004). They have been studied in the field, rock blocks and polished slabs and in hand specimen (Figure 2). As well as the continuity of layers thickness in horizontality and verticality, depending on the conditions and environments of formation and geological-tectonic processes. Samples were investigated using standard methods and equipment for basic petrographical research at the Department of Earth Sciences, Faculty of Geology and Mining, in Tirana, while determination of the geotechnical properties were carried out at Altea & Geostudio 2000. Samples from the quarries and outcrops were further microscopically analyzed from thin sections to determine microfossils, present mineral grains, texture and structure (Halili et al. 2017). The limestones classification was made according to Dunham (1962) classification scheme in order to determine depositional textures and energy of the depositional environment and subsequently modified by Embry and Klovan (1971) and Pettijohn (1975) for sandstone classification. Some of the thin sections were partly stained by Alizarine red S in order to determine carbonate component. Different levels of the studied quarries have been studied for their stylolite network geometries (Figure 2). The orientation, dipping, cross-cutting relations and filling of stylolites, extensional fractures and brittle shear zones were studied in the field (Laronne 2014). The shape of the stylolite network was measured by visual descriptions in two dimensional views and on the polished slabs and according to Buxton and Sibley (1981) and Railsback (1993). However, what is important in this study is the geometry of stylolites, as they merge and result in a rather network (Arzani 2011). The most representative and selected areas on the washed walls of the quarries and the surfaces of cut blocks and polished slabs were drawn in the notebook and photographed for further analysis of

their stylolite networks (Akhil 2015) (Figure 2).

Results and discussions

There are two basic approaches used in this study, petrographic (both macro and microscopic scale) (Figure 3 and Figure 4) and geotechnical approach. Two major groups were studied, terrigenous and carbonate sedimentary rocks. Terrigenous facies according to Pettijohn 1973 represent an quartz greywacke (Permet sandstone) while the other one represent an orthoconglomerate (Kapshtica conglomerate) (Figure 4). The carbonate rocks are grainstone (Rubik) (Figure 3), packstone/grainstone (Miraka), wackstone (Milot and Bogovë), Mudstone (Pepallash, Korçë and Berat), boundstone (Brar and Korçë), floatstone/rudstone (Devrie) and bindstone (Butrint). All of the elements present in the samples are listed in the tables below (Table 1). The stylolite networks, developed in the studied quarries don't show any special orientation except in Rubik pelagic limestone where the stylolites are perpendicular with the bedding. Their overall geometries are distinctive in different microfacies and often accompanied with veins and veinlets. However, the geometrical characteristics and morphologies of the studied stylolite networks vary sometimes within a single bed. There are also micro stylolite systems within the larger stylolite sets. Those are visible better under microscope. Those which are considered here are the main stylolite networks that are important and control the behavior of the polished rock slabs. Iron oxides and clays are the major and minor IR respectively.



Figure 2 a) Thin to medium bedded micritic limestone, Berat. b) c) Presence of stylolites forming irregular network in limestone blocks, Shpirag, Berat. d) Thick bedded grey sandstone. e) Polymict, poorly sorted conglomerate Devoll, Korçe. f) Reddish limestone, Miraka, Librazhd. g) Conglomerate-limestone conglomerate, Burrel.

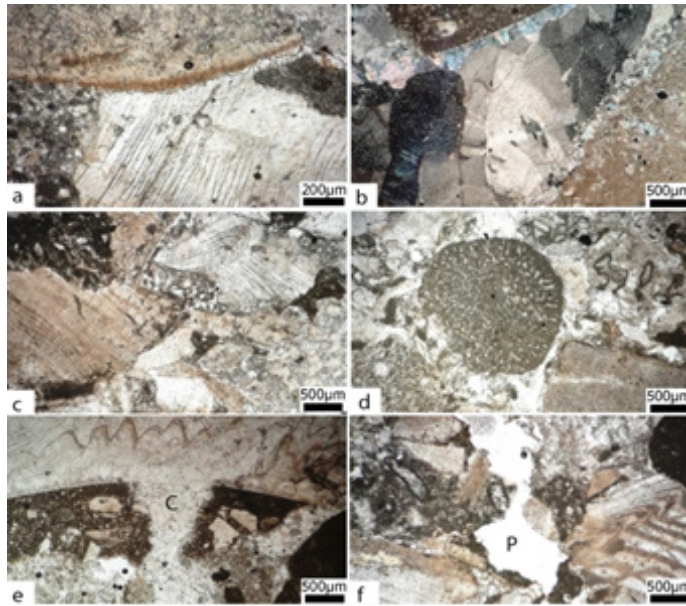


Figure 3 a) General view of grainstone (PPL), Rubik. b) Internal construction of the rudist wall, (XPL), Rubik. c) IR between rudist shells, (PPL), Rubik. d) Carbonate grain, (PPL), Rubik. e) Irregular crack filled with spar cement, (PPL), Rubik. f) Porosity space, (PPL), Rubik.

Their concentration can be found along the stylolites and it gives rise to the reddish color (Figure 4). It is important to know that with absorption of the water they add a pressure to the joint networks for disrupting the blocks and polished blocks during the mining and processing in the factory (Katsman 2010). If we want to use natural stone in a construction many factors must be considered, especially the properties and durability of the stone and the way the stone will be built-in. It is important to determine at what position the stone will be more durable and last longer, in the interior or exterior, on horizontal or vertical surfaces. Different geotechnical properties like specific density, average bulk density, average water absorption, compressive strength, bending resistance were determined in the most representative samples the. In terms of specific gravity and bulk density, the higher, better the rocks that can be used as decorative stones (ideally 2.4-2.8 gr/cm³). From the results obtained from the tests performed, the Kapshtica conglomerate has exceeded the lower limit (2,312 gr/

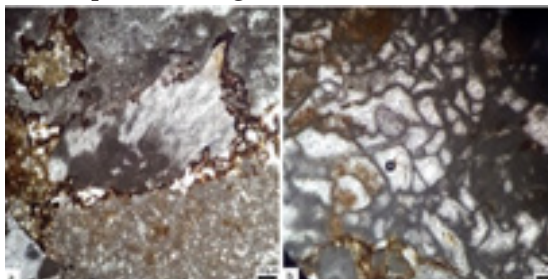


Figure 4 a) Sutured contact of different lithoclasts surrounded by dark brown insoluble residues (IR), (PPL), Kapshtica conglomerate. b) Bindstone clast, (PPL), Kapshtica conglomerate.

cm³). The high content of insoluble residues (IR) and calcite veins as well, make it more vulnerable compared to the other rocks (Table 3).

According to Tomašić et al. (2011) the ability of natural stone not to absorb water is an important technical criterion closely related to stone porosity, with huge influence on other properties and durability. Water absorption and related factors cause stone deterioration and degradation. It can especially be dangerous for stone varieties with high porosity like Lithothamnium limestones from Brari. The orientation of carbonate stone blocks in the construction process should be considered carefully, because the orientation of structural elements may either prevent or enhance water absorption. Based on the international standards water absorption for sandstones and limestones should be <10%. We have very small values so they fulfill the condition (Table 3). Compressive strength for good decorative stones should be between 60-200 N/mm² (Lleshi 2006). The measured values of the samples are between 70-101 N/mm² thus greater than 60 N/mm². Same situation is valid even for bending resistance (Table 3).

Table 1 Summary of petrographic characteristics of terrigenous sedimentary rocks.

Site	Rock type	Quartz (%)	Lithics (%)	Mica(%)	Etc. (%)	Matrix or cement (%)	Matrix or cement/ Grains	Grain size (mm)
Përmet	Sandstone	70	3	2	5 (Biotite, glauconite, chlorite, calcite, opaque minerals)	20	20/80	0.0375-0.0125
Kapshtica	Conglomerate	5	70	0	Calcite	20	20/80	up to several cm

Table 2 Summary of petrographic characteristics of carbonate sedimentary rocks.

Site	Rock type	Bioclasts (%)	Intraclasts (%)	Peloids (%)	Etc. (%)	Matrix or cement (%)	Matrix or cement/ Grains	Grain size (mm)
Rubik/ Milot	Turbiditic limestone	90	-	-	Quartz 1	Sparite 9	9/91	From 0.05 up to several mm (2-3)
Miraka	Limestone	60	-	-	Calcite vein 2	Micrite 38	40/60	2 classes: 0.5-2; 0.0125-0.25
Devrie/ Skrapar	Limestone	70	-	-	Dolomite crystals	Cement 10 Matrix 20	30/70	mm sized rudists clasts
Pepellash	Limestone	2	-	-	Mud cracks	Micrite 80	90/10	0.025-0.0625
Berat	Limestone	10	-	-	Opaque minerals	Matrix 90	90/10	0.0625-0.15
Berat	Limestone	10	-	-	Unknown grain Vein 1	Matrix 89	89/11	0.0625-0.15
Berat	Limestone	15	-	-	-	Matrix 85	85/15	0.0625-0.15
Rubik/ Milot	Pelagic limestone	2	-	-	Damar calciti	Matrix 98	98/2	0.125-0.025
Bogovë	Limestone	15	-	-	FeO FeOH	85	85/15	0.125-0.025
Brar	Red algae limestone	70	-	-	Quartz 10 Mica 1	19	19/81	mm sized algae, microfauna 0.31mm
Korcë	Limestone	85	-	-	Mica, quartz 5	10	10/90	Algae 1-5mm bioclasts
Butrint	Algae limestone	70	-	-	Dolomite crystals	30	30/70	Irregular shapes

Table 3 Summary of geotechnical parameters of all characteristics of carbonate sedimentary rocks.

Site	Rock type	Specific density (gr/cm ³)	Average bulk density (gr/cm ³)	Average water absorption (%)	Compressive strength (N/mm ²)	Bending resistance (MPa)
Rubik/Milot	Turbiditic limestone	2.61	2.564	-	-	-
Miraka	Limestone	2.63	2.647	0.6	-	10.82
Devrie/Skrapar	Limestone	2.621	2.657	-	-	8.45
Pepellash	Limestone	2.61	2.654	0.65	99.36	10.7
Berat	Limestone	2.652	2.553	1.31	70.64	-
Berat	Limestone	2.654	2.551	1.4	75.5	-
Berat	Limestone	2.61	2.651	1.21	-	-
Rubik/Milot	Pelagic limestone	2.59	-	1.33	-	11.2
Bogovë	Limestone	2.601	-	-	-	-
Brar	Red algae limestone	-	-	-	-	7.14
Korcë	Limestone	-	-	-	-	6.64
Butrint	Algae limestone	2.63	2.641	-	-	-
Permet	Sandstone	2.62	2.588	1.18	101.52	-
Kapshtice	Conglomerate	2.312	-	-	-	-
Peshkopi	Anhydrite	2.71	1.83	-	-	-

Conclusions

Tirana as the capital city of Albania has a great historical and cultural importance. To enhance all mentioned, knowledge about the natural stones which can be seen on the Skanderbeg Square but even on city streets, squares and buildings, their usage and preservation can give us information on their natural value, as well as of their exploitation and geological history of the area.

On the basis of field investigations, petrographic and systematic analysis of structural elements, the following conclusions can be given. In general, our research study carried out in different rocks gave us a positive conclusion regarding the lack of deleterious minerals, mineralogical composition, textural characteristics, micro and macro structures. From this group we can exclude lithothamnitic limestones from Brari and Kapshtica conglomerates, which are rich in insoluble residues one of the factors that help cracks creation in the rock. Based on the petrographic description in this group of samples, even Miraka limestone may show problems as it shows cracks and a complicated network of dissolution seams. The geotechnical characteristics such as specific density, average bulk density, average water absorption, compressive strength, bending resistance has emerged out favorable properties for construction purpose.

Such insights should allow a better prediction of the durability and sensitivity to weathering of such decorative stones used to pave Skanderbeg Square but even on walls and floors of buildings.

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Psychometric Properties of the 42-Item of the Depression Anxiety Stress Scales (DASS) Among Parents of ASD Children and a Control Group in Albania

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Abstract

Background: The Depressive Anxiety and Stress Scale (DASS) had been widely used to measure psychological parameters in many studies. It is suitable to be used among clinical and non-clinical populations.

Objectives: To analyse and establish the psychometric properties of Albanian version of the DASS 42-item among parents of ASD children and normal children.

Method: Data obtained from 120 parents (60 parents of ASD children and 60 parents of normal children as a control group) were analyzed. Forward and backward translations of original English DASS-42 were completed. Construct validity of the DASS-42 was established by looking at its exploratory factor analysis. Factorial validity was analyzed, and differences between diagnostic groups on the DASS subscales as well as on the total score were examined.

Results: The DASS was found to have good and internal consistency as an expert rating. Factor analysis yielded an interpretable structure with 3 factors – Depression, anxiety and stress– accounting for 52.7% of the variance. The convergent and differential validity of the scales was supported. Coefficient alphas for Depression, Anxiety, Stress subscales were between .90 and .92 and for the full Scale correlations was .96. Corrected item-total correlations and the correlations between each item and DASS subscales were within acceptable boundaries. All the correlations were significant ($p < .001$). Principal component analysis with varimax rotation did not result in a perfect simple factor structure for any of the three subscales. Few items loaded on two factors.

Conclusion: The overall results indicate that for assessing depression, anxiety, and stress of ASD parents in Albania the locally translated version of DASS is a reliable and valid instrument because it measures features that are unique to depression, anxiety and stress.

Keywords: depression, anxiety, stress, ASD, parents.

Introduction

Several studies have found that parenting a child with an intellectual disability report higher levels of child-related stress, and have been thought that the extra stress for caring for a child with a disability places parents at risk of suffering from depression. (Dunn, Burbine, Bowers and Tantleff, 2001; Olsson and Hwang, 2001; Boyd, 2002). Children and families living with ASD face many emotional and practical challenges, and of all the difficulties that can beset parents, having a child with ASD ranks among

the worst (Ives and Munro, 2003; Hewson, Icasiano, Machet and Cooper, 2003). Some psychiatric problems and anxiety traits seen in parents of ASD children have been associated with the burden of caring for their ASD child (Murphy, Bolton, Pickels, Fombonne, Piven and Rutter, 2000). Some empirical methods are available to indicate whether phenomena such as depression, anxiety, and stress are universal across cultures. If these syndromes have a universal aspect to them, it would be expected that the factor structure of the data gathered from a set of items in one language would be similar to the factor structure of the data gathered from the same set of items in the other language. If the original items had the highest loadings, this would indicate strong universality of the syndrome.

Studies suggested that the DASS does possess adequate convergent and discriminant validity. Several studies have directly tested the construct validity of the DASS (1, 3-8). All of these studies have consistently supported the validity of a three-factor structure corresponding to the dimensions of depression, anxiety, and stress; however, some studies suggest a slight degree of misspecification

The main objectives of the present study were as follows:

1. Estimate the reliability of the DASS;
2. Evaluate correlations among DASS subscales;
3. Examine the convergent and discriminant validity of the DASS;
4. Explore the factor loadings of the items of DASS subscales.

Method

Participants

In order to establish whether parents of ASD children experience higher levels of depression, anxiety and stress the study incorporated quantitative research methods in the form of questionnaires. Two groups of participants were chosen; parents of ASD children (n=60), and parents of children without ASD as control (n=60). Questionnaires aimed to examine the mental status of parents including stress, depression & anxiety, by testing the influence of several variables on them.

Instrument

The original English version of the DASS was translated into Albanian. Translation process of the DASS was according guideline stipulated in US Census Bureau Guideline where 2 forward and 2 back translations were done in parallel by 2 medical and 2 language experts. This method was done to ensure the translated version would be grammatically sounded and the terms used were correct. At the same time, meanings and contents of original DASS were well preserved. Translational validity was undertaken to ascertain whether the content of the questionnaire was appropriate and relevant to the study purpose. The semantic equivalence to the original was ascertained by back-translation. All questionnaires were completed by the same interviewer, thus, eliminating the interviewer's bias.

Participation was entirely voluntary and the participants were not paid any monetary reward.

Measure

The DASS consists of three self-report scales designed to provide relatively pure measures of the

three related negative affective states of depression, anxiety, and stress (P. F.

Lovibond & S. H. Lovibond, 1995; S. H. Lovibond & P. F. Lovibond, 1995). Each of the three scales contains 14 items, divided into subscales of 2-5 items with similar content. The depression scale assesses dysphoria, hopelessness, devaluation of life, self-deprecation, lack of interest or involvement, anhedonia, and inertia. The anxiety scale assesses autonomic arousal, skeletal muscle effects, situational anxiety, and subjective experience of anxious affect. The stress scale assesses difficulty relaxing, nervous arousal, and being easily upset or agitated, irritable or over reactive, and impatient. In the present study, DASS-42 in Albanian versions were used.

Data Analysis

The analysis was carried out on the whole sample using the software SPSS 16.0. Mean scores were calculated for both cohorts and compared. Differences between the mental health status of ASD parents and parents of normal children as a control group, were explored using independent-sample t-tests. Based on results derived from the statistical analysis, a p-value <0.05 indicated statistical significance, and a p-value >0.05 indicated statistical non-significance. Normality of distribution was tested and data of a significant nature had non-parametric tests conducted. Box plots were run for normality of data and to show graphically the differences between groups. To evaluate the internal consistency of the measure Cronbach's alphas were calculated for each of the DASS subscales and full DASS, for the first and second measurement. To examine the construct validity of the DASS-42, exploratory factor analysis was performed first. A principal component extraction was used, after which the number of factors was determined by both eigenvalues (>1) and the scree test. These criteria suggested a three-factor solution accounting 52.7 % of the variance. To further examine the construct validity a correlational (Spearman's) analysis of convergent and discriminant validity was conducted by correlating each DASS item with its own DASS subscale (with item removed) and with other DASS subscales. There are no other scales in Albanian for measuring depression, anxiety, and stress to compare with. It was hypothesized that DASS items would be highly correlated to their own DASS subscales and moderately correlated to other DASS subscales.

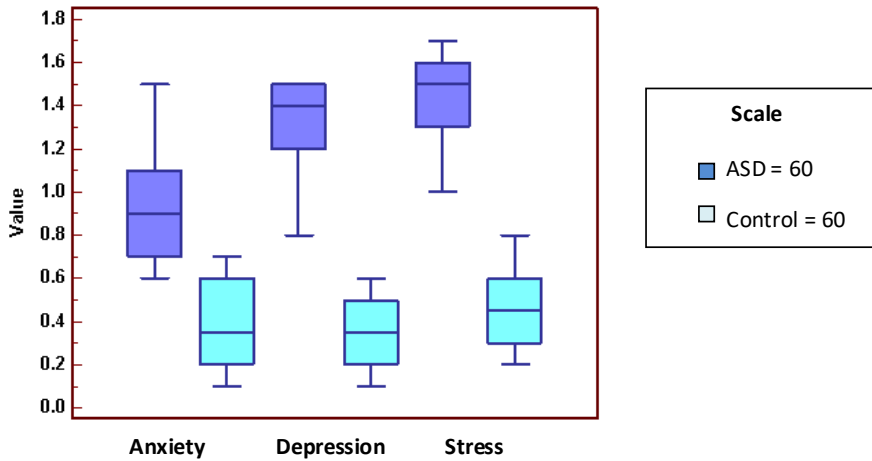
Results

ASD & Control Differences on DASS

Table 1: Comparison of Means between ASD and Control for the DASS

Scales	ASD		Control		t	p-value
	M	SD	M	SD		
Depression	18.2	12.5	4.6	7.1	-12.6	<0.01
Anxiety	13.2	12.7	4.9	6.9	-6.3	<0.01
Stress	19.5	12.9	6.5	8.4	-11.2	<0.01

Figure 1: Box Plot Representation for the Score Variation of the DASS



It is noted that the mean age and the range of ASD parents are slightly higher in comparison with control group without statistically significant difference between them.

Average age for ASD parents was 35.3 ($SD = 5.9$) with range = 25 - 52 years and for Control group mean age was 35.1 years ($SD = 5.3$) with range = 24 - 48 years.

Stress for ASD is shown to be the highest. Stress levels within controls are higher than for depression and anxiety. The independent sample t-test indicated significant difference between the means of all variables and both cohorts, according to the results in the above table 1, statistical significant difference ($p < 0.01$) does exist.

Reliability

Internal consistency reliability coefficients for DASS-42 Depression, Anxiety, Stress subscales and full scale were found to be high, with Cronbach's alphas of .92, .90, .91, and .96 respectively. (Table 2)

Table 2: Internal Consistency and Convergent Validity of DASS- 42 ($n = 120$)

Scale	Coefficient alpha	Item-total correlation	P value (2-tailed)
Depression	0.92	0.52 - 0.74	<0.01
Anxiety	0.90	0.46 - 0.72	<0.01
Stress	0.91	0.31 - 0.82	<0.01
Whole scale	0.96	0.33 - 0.79	<0.01

Reliability/stability over time

The analysis of responses between the test and the retest was conducted using Spearman non-parametric statistical test to compute the correlations between subscales of the first and second measurement. Correlation coefficients (ρ) were as

follows; Depression= .99, Anxiety= .97, Stress= .98. The high correlation between the scores of the DASS subscales at the two time points indicates the instrument is stable over time despite the relatively short time period between the two measurements.

Correlations among Subscales

A correlational (Spearman’s) analysis of convergent and discriminant validity was conducted by correlating each DASS item with its own DASS subscale and with other DASS subscales. It seems that DASS items are highly correlated to their own hypothesized DASS subscales and moderately correlated to other DASS subscales. Correlations among DASS subscales were high. Depression correlated with anxiety and stress at .74 and .87 respectively and anxiety correlated with stress at .69. All correlations were significant ($p < 0.01$ (2-tailed) except item six. The results presented in Tables 3 indicate that DASS-42 have moderate convergent and discriminant validity. Most of the items correlated with their own DASS-42 subscale ($\rho = .38$ to $.85$, $p < .001$) higher than with other DASS-42 sub-scales ($\rho = .22$ to $.76$, $p < .001$).

Factor Analysis

DASS-42: The principal component analysis revealed that the first three unrotated factors accounted for 52.7% of the item variance. Table 4 shows the factor loadings for DASS-42 items. A factor loading of 0.35 or greater was considered significant ($p < .01$, two-tailed).

Thirteen depression items loaded on the corresponding depression factor. One depression item loaded on stress factor. The range of factor loadings (after varimax rotation) was 0.533 to 0.699.

Among anxiety items, ten loaded on anxiety factor, two on stress factor, and one on depression factor only. One of the anxiety item loaded both on depression and anxiety factors, but higher on anxiety factor and one item loaded equally on depression and anxiety.

These factor loadings were 0.422 to 0.763.

Six items from stress scale loaded significantly on corresponding stress factor and five of these items loaded on depression only. The remaining three stress items loaded both on depression and stress, but two of them higher on depression. These loadings ranged from 0.357 to 0.672.

Table 3: Item Scale Correlations for DASS-42 ($n = 120$)

Scale/Item Summary	Factor		
	Depression	Anxiety	Stress
DASS-Depression			
3 Couldn't experience positive	.76	.46	.37
5 Couldn't get going	.73	.22	.36
10 Nothing to look forward	.73	.37	.60
13 Sad and depressed	.69	.54	.69
16 Lost interest in everything	.61	.41	.43
17 Not worth much as person	.62	.46	.31
21 Life not worthwhile	.56	.32	.68
24 Couldn't get enjoyment	.68	.53	.49

26 Downhearted and blue	.74	.37	.64
31 Unable to become enthusiastic	.69	.33	.73
34 Felt worthless	.77	.70	.69
37 Nothing future hopeful	.76	.70	.54
38 Life meaningless	.74	.63	.65
42 Difficult to work up initiative	.67	.52	.66
DASS-Anxiety			
2 Dryness of mouth	.56	.52	.33
4 Breathing difficulty	.60	.40	.40
7 Shakiness	.58	.59	.52
9 Situations made anxious	.61	.58	.58
15 Feeling faint	.50	.59	.27
19 Perspired noticeably	.55	.61	.33
20 Scared for no good reason	.35	.47	.62
23 Difficulty swallowing	.55	.66	.45
25 Aware of action of heart	.66	.60	.61
28 Felt close to panic	.53	.56	.61
30 Feared would be 'thrown'	.71	.69	.58
36 Terrified	.61	.72	.56
40 Worried about situations/panic	.63	.69	.54
41 Trembling	.55	.66	.54
DASS-Stress			
1 Upset by trivial things	.68	.46	.55
6 Overreact to situations	.56	.07*	.38
8 Difficult to relax	.68	.39	.67
11 Upset easily	.66	.60	.76
12 Using nervous energy	.34	.34	.56
14 Impatient when delayed	.47	.44	.52
18 Touchy	.39	.17	.62
22 Hard to wind down	.41	.44	.61
27 Irritable	.76	.41	.78
29 Hard to calm down	.66	.16	.85
32 Difficulty tolerating interruptions	.68	.61	.75
33 State of nervous tension	.57	.65	.62
35 Intolerant kept from getting on	.67	.51	.71
39 Agitated	.53	.40	.72

Note. All correlations are significant at the 0.0001 level (2-tailed) except item six(0.3).

Table 4: Structure Matrix of DASS-42 (n = 120)

Scale/Item Summary	Factor		
	1	2	3
DASS-Depression			
3 Couldn't experience positive	.698		
5 Couldn't get going	.591		
10 Nothing to look forward	.571		
13 Sad and depressed	.614		
16 Lost interest in everything	.550		
17 Not worth much as person	.533		
21 Life not worthwhile	.673		
24 Couldn't get enjoyment	.610		
31 Unable to become enthusiastic	.586		
34 Felt worthless	.647		
37 Nothing future hopeful	.699		
38 Life meaningless	.675		
42 Difficult to work up initiative	.666		
DASS-Anxiety			
4 Breathing difficulty			.640
7 Shakiness			.669
15 Feeling faint			.661
19 Perspired noticeably			.575
20 Scared for no good reason			.686
23 Difficulty swallowing			.694
28 Felt close to panic			.763
30 Feared would be 'thrown'			.628
41 Trembling			.570
DASS-Stress			
1 Upset by trivial things	.639		
6 Overreact to situations	.357		
8 Difficult to relax	.548		
14 Impatient when delayed	.486		
18 Touchy	.657		
22 Hard to wind down	.483		

Discussion

The reliabilities of the Albanian version of the DASS-42, as measured by Cronbach's alpha were 0.92 for depression, 0.90 for anxiety, and 0.91 for stress. There is no absolute criterion for the reliability of an instrument. However, as a rule of thumb, Anastasi has suggested that a should be at least 0.85 if the intention is to use an instrument for raw inferences concerning an individual.

It is the first time that this instrument is used for Albanian population as compared to western populations. Depressive and anxiety symptoms loaded quite good values in factor analysis. Prominent somatic complaints except dryness of mouth and action of heart items were noticed for anxiety. These two items loaded on stress.

The participants might be unable to get the intended meaning of a particular statement. For example, "I found it hard to wind down," and "I felt that I was using a lot of nervous energy" are not the usual expressions used by non-English speaking students. Secondly, relatively low factor loadings may be explained in terms of sample homogeneity. The participants of this study were university students who represent a homogeneous population. A more heterogeneous sample from diverse population may result in higher factor loadings.

As was expected, the results of statistical analysis shown in figure 1 confirm an elevated level of stress and depression, and to a lesser extent anxiety, for parents of children with ASD which is in line with previous findings (Hastings, 2003; Boyd; Dunn et al; Hewson et al, Olsson et al; Ives et al) that parents "of ASD children would have stress levels higher than those of the control parents", which remained within the normal limits.

With regard to the internal consistency measures of the DASS, the current results are in line with the previous research findings. The internal consistency measures of DASS were similar to past findings (S. H. Lovibond & P. F. Lovibond, 1995). Subscales correlated with each other significantly.

None of the DASS versions yielded simple factor structure. Although three-factor solution seems

likely, simple factor structure did not emerge for any of the two DASS versions. Quite a good number of items loaded on their corresponding factors, but some items loaded on other factors and a few items exhibited double factor loadings also. One possible reason may be the language of the test. The present study is providing a preliminary milestone to the future development of DASS-42 version where some changes may be needful to achieve better results.

Specifically, the DASS-D scale appears to measure features that are unique to depression (low positive affect), the DASS-A scale measures features proposed to be unique to anxiety (physical hyperarousal), and the DASS-S scale items loaded on both stress and depression. This view is supported by the observation that DASS-S scores were elevated across depressed group, whereas DASS-D scores were elevated only in depressed patients.

Conclusion

Although the sample is heterogeneous, given the relatively small size the principal component analysis with varimax rotation did not produce a perfectly simple factor

structure for the three subscales. Most of items loaded on their corresponding factors, but some items loaded on other factors and three items exhibited double factor loadings also. One possible reason may be the language of the test.

The Albanian version of the DASS as an expert rating tool showed good reliability as well as convergent validity in a sample of parents of ASD children and parents of normal children. Three interpretable and stable subscales were found through factor analysis: depression, anxiety and stress. The overall results indicate that the locally translated DASS is internally consistent and valid measure of depression, anxiety, and stress among parents of ASD children in Albania.

The present study confirms previous findings indicating that the DASS is a reliable and valid method of assessing features of depression, anxiety, and tension-stress.

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Corporate governance (CG) practice in joint stock companies in Albania

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Abstract

Corporate governance issues have gradually become important in Albania during the last decade. Such development is in line with the country's efforts to create a sound business climate, attract new investments and develop capital markets. Corporate governance in Albania is implemented recently in various joint stock companies. According to the code the CG is mandatory because the Law is first.

In this paper, we thoroughly analyse the corporate governance practices. Issues of "gaps" between banking regulation and corporate governance have recently reemerged, once the global financial crisis exposed the flaws of past decade's deregulation process in developed countries. In transition economies, these gaps are outcomes of transition challenges mostly related to the rule of law consolidation, ownership structure and professional and institutional capacities

Keywords: Corporate Governance Code, Albanian Companies , Transition Country, Harmonization, EU Law etc.

1. What is corporate governance?

Corporate governance in Albania has implemented from big companies that have their code. Such companies are bank, financial institutions, insurance companies and some construction enterprises, mobile communication companies etc.

There are some definitions of corporate governance from different authors in literature. *"Corporate governance... involves a set of relationships between a company's management, its board, its shareholders and other stakeholders. Corporate governance also provides the structure through which the objectives of the company are set, and the means of attaining those objectives and monitoring performance are determined."*

Corporate governance is also "the system by which companies are directed and controlled". It involves regulatory and market mechanisms, and the roles and relationships between a company's management, its board, its shareholders and other stakeholders, and the goals for which the corporation is governed.

2. The new Albanian company law

According to the Albanian Company Law there are four types of business organisations, referred to as "commercial companies" (alb. shoqeri tregtare) :

- a) General partnership (alb. shoqeri kolektive);
- b) Limited partnership (alb. shoqeri komandite);
- c) Limited liability company (alb. shoqeri me pergjegjesi te kufizuar);
- d) Joint-stock company (alb. shoqeri aksionere).

Then, again according to Art 3(2)(3)13, Companies must be registered under Section 22 of the Law No. 9723, dated 3.5.2007 "On the National Register Center" and the following sections, according to the respective form of the company and they (Companies) shall acquire legal personality on the date of their registration in the National Register Center and are liable with all their assets to liabilities arising from operations conducted.

3. Company organs and Corporate governance

As we all know companies are not natural persons and they cannot act as like. As a result of this they need and are dependent on natural persons to conduct their business. From the other part it is not practical that shareholders of the company conduct all the decision making process. So the question remains if the company needs a specialized management body to act on the company's behalf or this process can be done from the shareholders. Firstly, there are many decisions that have to be made in a short time, urgently, and holding a shareholder meeting would be very costly and takes a lot of time, so it would be better having a specialized management body making these decisions and reducing the costs of that meeting. Of course this would improve the efficiency of the company management. Having a specialized management body of the company would be efficient for large companies, those with many shareholders, but it is not so efficient regarding those small companies or even single member companies. Also, having this specialized management body, permits the company to be managed by a professional group of people.

4. Administration of joint-stock companies

The transformation of Albania's economy from an isolated and centralized economy to a market-based and open one called for the design and implementation of a new legal framework. The process could only be successful if due importance were

paid to building institutional and human capacities.

The Joint-Stock Companies contrary to Limited Liability Companies, offers a better and suitable organizational framework for companies that runs large businesses and have a large number of shareholders. The main characteristic of JSC is the possibility to offer its shares to the public (in contrary to this characteristic the LLC cannot offer them to the public).

Generally, the Joint-Stock company has the following characteristics :

- limited liability
- independent legal status and can enter into contracts in its own name
- equity capital, referred as "charter capital", divided into shares which are freely transferable
- may issue shares and bonds.

Joint-stock companies are the only legal entities that can issue shares. These shares²¹ may be: ordinary shares or preferred shares (such as voting preference shares, redeemable preference shares, dividend preference shares and other preference shares as determined in the charter of the company). The shareholders of a joint-

stock company are normally liable for the debts and other property obligations of the company up to the amount of capital they have contributed to the company²². Until all subscribed founding shares are fully paid up, all founding shareholders are jointly responsible for the debts and other property obligations of the company up to the value of shares not yet paid for.

Besides the one-tier system and the two-tiered system, many countries recognize a third governance structure, the **hybrid system**, which is essentially an amalgam of the two abovementioned models. According to this system, every joint-stock company must establish a Supervisory Board and a Board of Directors, with a possibility of organizing an Executive Board as well. Despite this, it cannot be found in Albanian Company Law any trace of this hybrid system.

5. Harmonization to EU law

Since the beginning of EU Company Law, there have been many directives being transposed in the national law of Member States. But there have been even some other states, not member states, such as Albania, that during the long way toward integration have decided to harmonise their national law with that of EU law. The legal status and registration of a company has been issues dealt with in all these states and even in the new Albanian Company Law. These rules can be found in the First Directive 68/151/EEC 32 that was complemented by Eleventh Directive 89/666/EEC³³ concerning disclosure requirements in respect of branches opened in a Member State by a company governed by the law of another state.

Other directives harmonizing the company law all over Member States were the Second Council Directive 77/91/EEC contains additional disclosure requirements for public limited liability companies on increasing and maintenance of subscribed capital, and the Twelfth Directive 89/667/EEC which requires to make possible the formation of a private limited liability company with only a single member, to all Member States. More or less these directives or parts of them are transposed in new Albanian Company Law trying to harmonize with EU law.

Regarding our matter of issue, on corporate governance the European Union policies were not interfering with the national laws of Member States until the directives of 2004 and 2007 (as we previously have mentioned). Nevertheless these directives didn't have an importance on the new Albanian Company Law, since there are not listed-companies in Albania.

Corporate governance codes can encourage private sector commitment to good corporate governance and aspirations towards higher standards. They can provide guidance for financial and nonfinancial disclosure, stakeholder relations and foster better engagement of minority shareholders. They also can help clarify the roles of managers and directors.

6. Corporate governance codes

The pillars of this Code of Best Practice of Corporate Governance are :

Transparency;
Accountability;
Fairness;

Originally, corporate governance codes were developed as complementary to laws and regulations in the area of corporate governance. Codes were established and allowed to be applied in a flexible manner so as not to constrain companies in their freedom to realize strategies and create value. This flexibility, which became known as a comply or explain regime, allowed companies to comply with the code requirements in various ways, and if not, to explain why they had not applied the particular requirement—the most common approach.

Transparency

The Code requires that the CEO and management meet different information and transparency needs of the owners, the board of directors, the independent auditors, the supervisory board, the stakeholders, and the public at large.

Accountability

The following agents of corporate governance board of directors, CEO and management, independent auditors and fiscal council should account for their results and activities to those bodies that elected them.

Fairness

Relations between all agents of corporate governance and the different types of owners must be based on fair treatment of all the parties involved.

Ethics

Good corporate governance is to comply with the law. In addition every company should have a statement of values and a code of ethics. The key issue of ethics is the avoidance of conflict of interests

7. Conclusion

Albania, during the long way toward integration, has decided to harmonize the national law with that of European Law, but this has been difficult, in that Albanian legislator mostly has deviated in their provisions, intentionally or not, from European Union Law. One could realize that this came from the incapability of Albanian market to absorb European Union provisions, or from the incapability of Albanian politicians walk in the right path of European Union because of the fact this could jeopardize their economic interests.

At the other part, it cannot be said that the private sector and representatives of the companies, have become aware of the importance of corporate governance. The shareholders interest on comprehensive corporate governance principles and practices is still low. That is result of the lack of needed corporate governance cultures among their boards and management, but also of the presence of the informal sector, non registered businesses that have consequences in terms of tax evasion, labor market distortions and unfair competition.

There is no adequate efficiency and capacities of judicial system dealing with corporate

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The identification of some difficulties and errors in solving trigonometric problems in high schools of Albania

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Abstract

Trigonometry plays a crucial role in curriculum of Mathematics. However, there are many difficulties in which students are faced during learning process and solving problems of this section. This goal of this paper is the clarification of the mistakes and mistakes that albanian students of tenth grade are encountered in solving typical problems in trigonometric chapter. The aim is achieved by testing 82 tenth grade students focusing on their knowledge (reducing trigonometric expressions, solving trigonometric equations, drawing trigonometric functions' graphic, solving problems using trigonometry) given in albanian mathematical curricula. The identification of errors is based mainly on Newman analyzing. Within this frame of reference, we are concentrated to identify comprehension's errors, transformation's errors and process skill's errors. Some didactic strategies are given as recommendations in order to avoid the identified errors faced in this scrutiny.

Keywords: curricula, trigonometry, Newman analyzing, didactic strategy, mistake.

1. Introduction and preliminaries

Mathematics is a subject which interacts with other areas such as informatics, economics, chemistry, ect. Learning its concepts and solving its problems has posed many difficulties in procedural and conceptual aspects (Hiebert, J. & Lefevre, P., 1986). According to Bloom's modified taxonomy (Anderson, L. W. & Krathwohl, D.R., et al (2001)) there are six types of thinking skills which lead to Higher Order Thinking Skills (HOTS, G S Pratama and H Retnawati 2018). Nowadays, teaching and learning are intended to HOTS in order that students be able to solve not only basic manual and algorithmic problems but also logical and creative ones. However, many authors have diagnosed that students have various level of logical thinking and reasoning in mathematics. (Benbow, C. P., & Stanley, J. C. (1983)), (Barabara B. (2007)). Students are faced to several obstacles during the learning of a chapter in mathematics. To overcome these difficulties it is essential to point out the errors made by students during the solutions of mathematical problems. The clarification of the

students' errors can be carried out in various ways by diagnostic interviews with teachers and students (Huang and Cheng, 2010) or by Newman errors' analyzing (M. Rohmah, S. Sutiarmo (2018), Seng (2020)). Trigonometry is a discipline of Mathematics in which most of high school's students encounter difficulties. Recently, this point has been object of study for many authors (J. Arhin, E. K.Hokor (2021)), F. S. Mensah (2017), D Fahrudin et.al (2018)). They have pointed out that students made mistakes mainly to evaluate the period of cos, sin, tan, cot; to determine values of trigonometric functions; to draw trigonometric functions' graphs, etc.

Inspired by the above mentioned papers, in this paper we analyze difficulties and errors made by students in Albanian high schools. The highlights of this study are: 1) the obstacles that have students in learning the chapter of trigonometry; 2) the detections and classification of errors made by students during the trigonometric problems' solution.

Below, we presents the Newman errors' analyzing scheme based on Newman (1977). It contains five steps.

1. Reading – analyzing if the student has read the problem or the exercise correctly;
2. Comprehension – finding out whether the student has understood the question;
3. Transformation – the evaluation of the method that the student have thought to solve the problem;
4. Process Skill – analyzing the process of mathematical thinking used during the solution of the task;
5. Encoding – checking the answer of the question of the problem.

2. Theoretical framework

Trigonometry in high school's textbooks

Trigonometry is an important chapter in mathematical curricula. In Albania, students encounter the trigonometric concepts in 11-th and 12-th grade respectively, in upper secondary education. Firstly, they are faced with trigonometric functions (cosine function, sine function) and their graphs in Chapter 6 "Graphs 2" of the mathematical textbook (Steve, 2021) in 11-th grade.

The concepts sine of an angle, cosine of an angle, tangent and cotangent of an angle are placed in Chapter 7 "Pythagorean Theorem, Trigonometry and Vectors" (Steve et.al, 2021). They are defined in the trigonometric triangle and there are given sine and cosine theorems.

The trigonometric notions are extended in 12-th grade where are given radian, the other trigonometric functions and their inverse functions, trigonometric identities. They are treated in Chapter 3 "Trigonometry" (Jefferson et.al, 2017).

3. Methodology

The methodology used in this researched paper is mixed. There are applied tests to students and interviews with teachers as instruments to reach the goal of this study. The test created for students to examine the trigonometric knowledge has five exercises and problems in which each of them are different from each other.

The participation of 12-th grade students to this study was optional. The number of

students was 84, from which 53 students were girls and 31 were boys. The duration of test was 30 minutes during the lesson.

Furthermore, there are done questionnaires with ten math teachers to achieve accurate results for this research with the intention to confirm the obtained results from tests with the students.

In addition, the identities of students who took part in the test were anonymous.

4. A case study

Analysis and test results

In this section, we present and analyze the exercises of the test.

Exercise 1: Evaluate the following expression

The student have to use in this exercise the basic trigonometric formula, reduction and factorization and binomial formula.

The results of answers given by students are given in the following diagram pie.

Fig.1

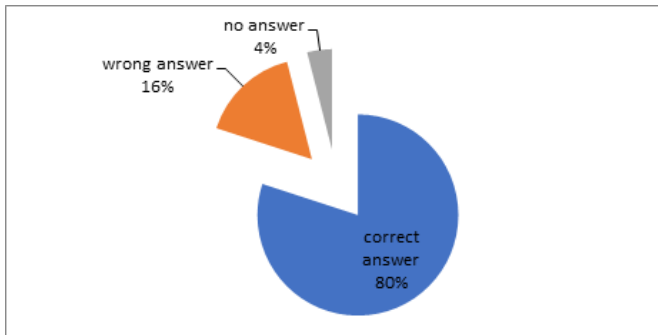


Figure 1 shows that 16% of students have given wrong answers. Students made mistakes in application of basic trigonometric formula and factorization during the

$$\begin{aligned}
 (1 + \cos x)^2 + (1 - \cos x)^2 + 2 \sin^2 x &= \\
 (1 + 2 \cos x + \cos^2 x) + (1 - 2 \cos x + \cos^2 x) + 2 \sin^2 x &= \\
 1 + 2 \cos x + \cos^2 x + 1 - 2 \cos x + \cos^2 x + 2 \sin^2 x &= \\
 2 + 2 \cos^2 x + 2 \sin^2 x &
 \end{aligned}$$

The student did not know to factorize

Fig. 2

solution.

$$\begin{aligned}(1+\cos x)^2 + (1-\cos x)^2 + 2 \sin^2 x &= \\(1+\cos^2 x) + (1-\cos^2 x) + 2 \sin^2 x &= \\1+\cos^2 x + 1-\cos^2 x + 2 \sin^2 x &= \\2+2 \sin^2 x = 2(1+\sin^2 x) &= 2 \cos^2 x\end{aligned}$$

Fig. 3

Wrong Binomial formula

Error in basic trigonometric formula

Below are given two incorrect answers written by students.

The classification of errors based on Newman's scheme in percentage is: 77% of mistakes are in Process skill and 23% in Encoding.

Exercise 2. Solve the equation:
 $3 \cos^2 x - 2 \sin^2 x = 0$.

The solution of trigonometric equations is one of the most important exercises in the Trigonometric chapter. The student should know to carry out from the basic trigonometric formula, to replace with a new variable, to solve a quadratic equation, to choose the correct roots of equation in the given segment. The results of answers are given in the following diagram pie.

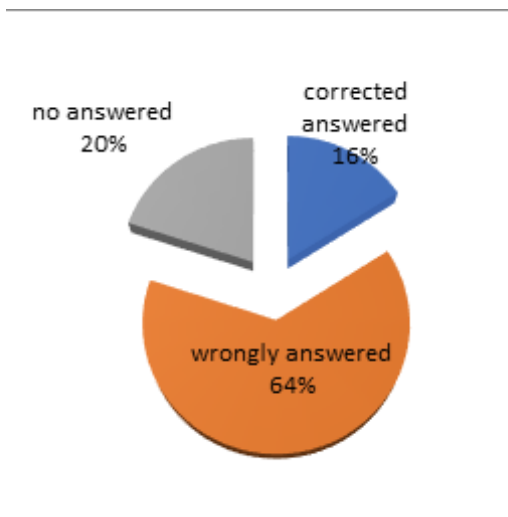


Fig.4

We note that this exercise is difficult for students. Approximately 84% of students have not answered or have answered wrongly.

The errors of made by the students of inaccurately answered group are:

The students transform the trigonometric equation related to , but they do not know to replace it with a new variable. Furthermore, they solve the obtained quadratic equation but do not take the correct roots.

Below are demonstrated three wrong solutions made by students.

$$\begin{aligned}
 3 \cos x &= 2 \sin^2 x \\
 3 \cos x &= 2(1 - \cos^2 x) \\
 3 \cos x &= 2 - 2 \cos^2 x \\
 2 \cos^2 x + 3 \cos x - 2 &= 0
 \end{aligned}$$

Do not know to replace $\cos x$ with a new variable

Fig. 5

$$\begin{aligned}
 3 \cos x &= 2 \sin^2 x \\
 2 \sin^2 x - 3 \cos x &= 0 \\
 2(1 + \cos^2 x) - 3 \cos x &= 0 \\
 2 - 2 \cos^2 x - 3 \cos x &= 0 \\
 2 \cos^2 x + 3 \cos x - 2 &= 0 & z = \cos x \\
 2z^2 + 3z - 2 &= 0 & a=2 \quad b=3 \quad c=-2 \\
 \Delta &= 3^2 - 4 \cdot 2 \cdot (-2) \\
 \Delta &= 9 + 16 = 25 \\
 z_1 &= \frac{-b + \sqrt{\Delta}}{2a} = \frac{-3 + \sqrt{25}}{2 \cdot 2} = \frac{-3 + 5}{4} = \frac{2}{4} = \frac{1}{2} \\
 z_2 &= \frac{-b - \sqrt{\Delta}}{2a} = \frac{-3 - \sqrt{25}}{2 \cdot 2} = \frac{-3 - 5}{4} = \frac{-8}{4} = -2
 \end{aligned}$$

Do not find the variable x

Fig. 6

$$\begin{aligned}
 3 \cos x &= 2 \sin^2 x \\
 3 \cos x &= 2(1 - \cos^2 x) \\
 3 \cos x &= 2 - 2 \cos^2 x \\
 2 \cos^2 x + 3 \cos x - 2 &= 0
 \end{aligned}$$

$x = 30^\circ$

$$\begin{aligned}
 2 \cos^2 30^\circ + 3 \cos 30^\circ - 2 &= 0 \\
 2 \left(\frac{\sqrt{3}}{2}\right)^2 + 3 \frac{\sqrt{3}}{2} - 2 &\neq 0
 \end{aligned}$$

\times

$x = 60^\circ$

Prova: $2 \cos^2 60^\circ + 3 \cos 60^\circ - 2 = 0$

$$\begin{aligned}
 2 \cdot \left(\frac{1}{2}\right)^2 + 3 \cdot \left(\frac{1}{2}\right) - 2 &= 0 \\
 \frac{1}{2} + \frac{3}{2} - 2 &= 0 \\
 \frac{1+3}{2} - 2 &= 0 \\
 \frac{4}{2} - 2 &= 0 \\
 2 - 2 &= 0
 \end{aligned}$$

\checkmark

Solved by cases

Fig. 7

According to the analysis of tests the errors made by students in this exercise are classified to 27% in Transformations, 48% in Process skill, 25% in Encoding.

Exercise 3. Reduce the expression .

This is an exercise of medium level of difficulty. The student have to know and identities.

The pie chart shows the results of tests.

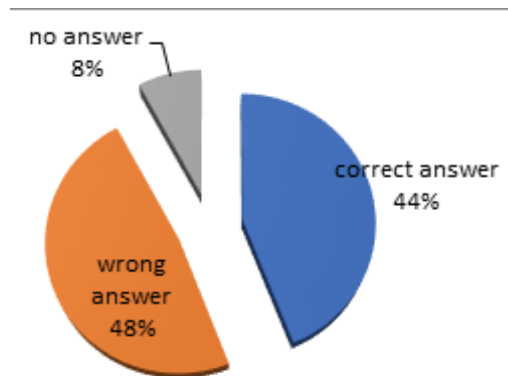


Fig.8

48% of students have asked wrongly. They have operated incorrectly with fractions or expressed inaccurately and.

Below are given some concrete mistakes of students.

38% of students makes errors in Transformation, 42 in Process skill, 20% in Encoding.

$$\begin{aligned} \frac{1}{1-\tan x} + \frac{1}{1-\cot x} &= \frac{1}{1-\frac{\sin x}{\cos x}} + \frac{1}{1-\frac{\cos x}{\sin x}} \\ &= \frac{1-\cos x}{\sin x} + \frac{1-\sin x}{\cos x} = 2 - \left(\frac{\cos x + \sin x}{\sin x \cos x} \right) \\ &= 2 - \left(\frac{\cos^2 x + \sin^2 x}{\sin x \cos x} \right) = 2 - \left(\frac{1}{\sin x \cos x} \right) \end{aligned}$$

Errors in calculation with fractions

Fig.9

$$\begin{aligned} \frac{1}{1-\tan x} + \frac{1}{1-\cot x} &= \frac{1-\cot x + 1-\tan x}{(1-\tan x)(1-\cot x)} = \\ \frac{2-\tan x - (1-\tan x)}{1-(1-\tan x)-\tan x+1} &= \frac{2+1-\tan x+\tan x}{1-1+1+\tan x-\tan x} \\ &= \frac{1}{1} = 1 \end{aligned}$$

Posing $\cot x = 1 - \tan x$

Fig.10

Exercise 4. Draw the graph of function for . Find the intersection point of graph with abscissa axe.

This is a high level exercise. The student have to know sketching a graph, finding the intersection point of two graphs.

The results of students' answers are given below.

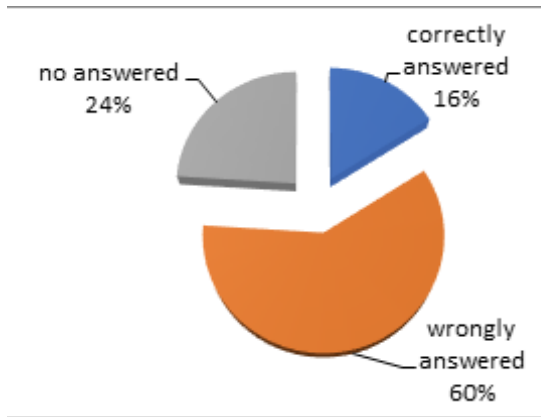
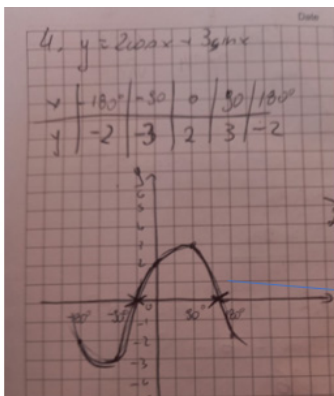
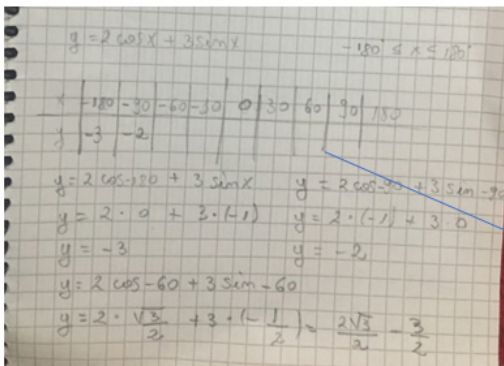


Fig.11



The graph is drawn wrongly.

Fig.12



The student does not know the correspondent values of $\cos x$ and $\sin x$

Fig.13

60% of students have answered inaccurately. Some of them drew the graphs of and in the same system. During the test they asked “how can we draw the graph”, “ what values does the angle take”, “we do not know the values of angles”. Below are shown two wrong solutions of students.

Summarizing the results of test, 56% students make errors in Transformation, 24% in Process skill and 20% in Encoding.

Exercise 5. Megg cycles from point A to point B, 86 km on bearing of 294° . After 2 days she start cycling from point B to point C, 120 km on bearing of 198° . Find the distance between point A to point C and the bearing of A from C.

To solve this problem the students should know how to visualize the problem, to find bearings through theorem of cosine. The obtained answers are given in the following diagram.

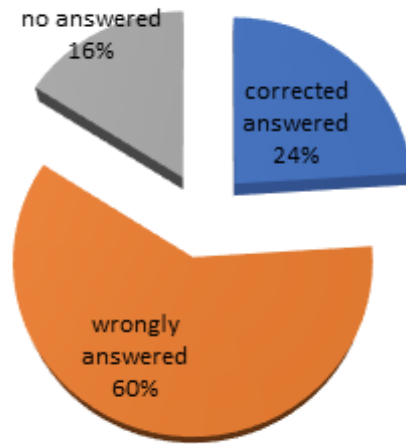


Fig. 14

60% of students have solved this problem incorrectly. A part of them do not understand the question. The interpretation of a problem through a figure was a complex procedure for the students. As a results they have difficulties to find the right solution. Some of them do not give the final answer.

As an illustration, a solution of a student is given.

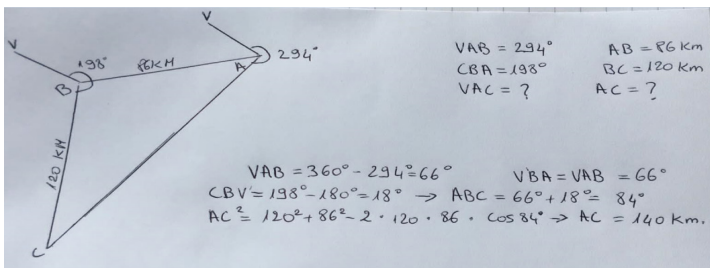


Fig. 15

The mistakes of students in this problem are classified as follows 17% in Reading, 23% in comprehension, 16% in Transformation, 24% in Process Skill, 20% in Encoding.

5. Conclusions and Recommendations

In this paper are given some errors derived by some difficulties that have students in the chapter of Trigonometry. They have absence of prelemimineries knowledge. A part of them apply wrongly the formulas. The lack of words to explain the solution's steps or to give the answer is present to the most of tests. A few number of students read and understand the exercise inaccurately. Some arithmetic mistakes are made by students. Converting the problem into trigonometric knowledge is a very difficult process for them. We observe that the students give partial solution of exercises. The logic thinking's difficulties are noticed to the most of students. They find the visaulization of the problem a very complex procedure.

Summarizing the results given in the paper, most of the students make errors in Transformation, Process Skill and Encoding. A small part of mistakes are in Reading and Comprehension.

The following recommendations are given in order to help students in learning process and to avoid the errors in the Trigonometry's chapter.

- The students have to know firstly cosine, sine, tangent, and cotangent of an angle before trigonometric functions.
- The treatment of cosine, sine, tangent, and cotangent should be carry out not only with trigonometric triangle but also with trigonometric circle.
- The integration of coherent teaching methods.
- The implementation of Cabri II+ for the graphs of trigonometric functions.

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Sustainable and health tourism models in a local content development - Thermal tourism at Llixha of Elbasan, Albania

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Abstract

Since Johannesburg 2002, the world now is becoming more and more conscious to development. Governments are focussing and planning for the future development under a global perspective too. We are not alone and development can't involve only one country in a separated way. Our developments and decisions to prosper our economies are directly connected to other nations' actions. The weight of the foreign direct investments in the national economy is increasing and conjoint international or regional action in regional or larger projects looks for another perspective to development. When it comes to tourism development, the regional market approach, especially in small markets like the Balkan countries, becomes a necessity. "A world without borders" ... this does not mean any more just borders as a classic perception, but rather economic, political, cultural, legal, technology and moreover peoples movement mentality borders. Finally, the people worldwide are understanding that whole world is our future unique country, and we need to take care of our living resources. This and more was the meaning of the Johannesburg Declaration of 2002, sustainable development based on three main pillars, economic, socio-political and ecological development, getting use of our resources without compromising our future consumption. The article analyses and argues why sustainable tourism development and what does it mean in terms of local development, suggesting and recommending ways and paths to foster this kind of tourism, but always in regional or larger market standards' context. It emphasizes the strong role of the professional and higher education in tourism sciences, in order to guarantee a long term development of tourism and its sustainable models.

Keywords: Sustainable tourism, Local development, education, international standards.

1. Tourism in the world

Statistics about economic development indicate a great and effective increase of tourism in the global and local economy. These developments and trends have stimulated entire regions worldwide to increase the number of tourist destinations and foster the investments for the development of tourism, both in financial assets and local, national and regional development policies and even wider cooperation. Nowadays, this has made of modern tourism a key factor in economic and social progress in all space levels. Obviously, it is now the leader industry worldwide related the increase in incomes from exports, in creating new jobs, as well as in the development and perfection of infrastructure. Including in tourism the passenger transport product as well, the total income generated by inbound international

tourism exceeds \$1.465.7 trillion on 2019 with a total number of arrivals exceeding 1.5 billion visitors with a 4% growth compared to 2018¹. It still was far from the splendid year 2017 with an average growth worldwide of 7% on 2016. While 2020 largely impacted from the pandemics had a negative growth of less than 73%².

Exports from tourism already account for approximately 30% of world exports for commercial services sector and 6% of the general export of goods and services on 2019. Globally, as an export category, tourism ranks fourth after fuels, chemical industry and food industry. For many developing countries or countries that compete based on the efficiency enhancers or factors, tourism is one of the main sources of income in foreign currency and in most cases takes first place in the list of exports, creating both employment and development opportunities.

Based on the data related to the development of the world economy from reports and various sources, in particular on World Tourism Barometer, tourism's contribution to global GDP is estimated at 5%³. The contribution of tourism to employment is about 6-7% of the number of available jobs in the world. For the group of countries in which Albania is part, tourism's contribution to GDP is estimated by 2-10%, considering the place given to tourism as an industry in their development strategies - the main columns where their development is based on. On 2011, despite the difficult international economic situation and the global financial crisis, the tourism industry revenue grew by 3.9% to 2010, while the number of international tourists' arrivals increased by 4.6%. It continued with an average growth of 5.5% on 2012-2016, with 7% of increase on 2017 and with 5% on 2019. Due to strong restrictions in movements which are still in power nowadays because of the covid-19 pandemics international tourist arrivals dropped to 85% during January-May 2021 compared to the same period on the good year 2019. the decline was round 147 million international arrivals compared to 2020 and round 460 million compared to 2019. While Albania recorded round 1.2 million visitors in June 2021 compared to round 491 thousand persons on the first quarter 2021 and compared to 203 thousand on 2020⁴. This deviations show for strong impact of the pandemics on the tourism sector and its difficulties to survive and resist to these negative developments. Increasing vaccination during the first half 2021 reflected also in the high scoring of the first semester 2021. On August 2021 the international arrivals recorded 2.2 million, approximately 2.6 times more the same period 2020. The total arrivals during the 8 month period Jan-Aug were 4.4 million, or round 2.5 times more 2020. This shows for a promising growth of the tourism industry contribution this year, 2021, getting closer to 2019, promising for a contribution of round 4% to the total annual GDP of Albania⁵.

Meanwhile, the distribution of international tourist arrivals during 2019 still shows for a higher concentration of the arrivals on the summer months, but much smoother than on previous years. What indicates for a fundamental change, is the tendency to decrease of this weight year by year for the last sixteen years, which tells also for much more wide distribution of the international inbound touristic movements during all the year round and toward non-mass tourism destinations such as, cities, cultural

¹ UNWTO World Tourism Barometer and Statistical Annex, January 2020.

² UNWTO World Tourism Barometer and Statistical Annex , July 2021.

³ Counted for less than 3% on 2020.

⁴ Albania Visitor Arrivals, Quarterly Release, CEIC, <https://www.ceicdata.com/en/indicator/albania/visitor-arrivals>, online platform, June 2021.

⁵ Movement of Citizens in Albania, Press Release, INSTAT, August 2021.

and historic sites, nature, sports, health, educational tourism, missionary etc.

2. Health tourism as part of sustainable tourism

The sustainable tourism represent not a very large part of the international tourist demand considering the destinations and the time or season of the movement to the destinations. It approximately counts for less than 30% of the total tourist arrivals. It includes from saphari and nature tourism to city tourism, from cultural interest, to sports, education and other, from mission, conference and business to health care and welfare destinations. Increase in living standards, incomes and improve standards requirements for accommodation and clean spaces, has increased the demand for sustainable tourism too. This segment of tourism demand, classified as a segment of ecological, cultural and social tourism, or as sustainable tourism, has been continuously increasing, not only as a single meaning tourism demand, sustainable one, but also during all kind of tourism arrivals and all year long. we can classify it as ecotourism, nature tourism, sustainable tourism, ecologically sound tourism, or green tourism or eco-tour, and recently widely active tourism in sustainable destinations. Sustainable tourism is the tourism model that meets the needs of the present tourists without compromising the ability and capacity of nature in general or of the environment to meet the demand of future tourists to fulfil their needs⁶.

Sustainable tourism is defined by the UN Environment Program and UN World Tourism Organization as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities.”

Additionally, they say that sustainable tourism “refers to the environmental, economic, and socio-cultural aspects of tourism development, and a suitable balance must be established between these three dimensions to guarantee its long-term sustainability”⁷

Tourist destinations are constantly under pressure due to the demand highly focused on cleanliness, preservation and virginity of environments where the destinations and touristic facilities within those are located. The design of models based on the unspoilt areas presumes the model to be developed eco-friendly and the local touristic destination to be managed in a sustainable way, as well as the tourist infrastructure to fit properly with the eco-friendly designed and preserved landscape. Such models, commonly called as eco-tourism are based on four fundamental elements:

1. Natural environment, as the main attraction to be offered, preserved in its virginity, quality implicated as intact, unspoilt and unpolluted. Cultural environment possibly that completes the third base element of sustainability belonging to social aspect when speaking of sustainable environment in general.
2. Sustainable use of ecological and cultural environment, in order not to compromise the future tourism development under the principle of sustainability.
3. Education and interpretation of sustainable tourism resources, preventing the excessive use of the sources by the visitors.
4. Predicted and granted benefits for the host community.

⁶ Selective marketing for selective tourist demand for unspoilt tourist areas, PHD thesis Ilir Bejtja, UAMD, 2015.

⁷ *Making Tourism More Sustainable – A Guide for Policy Makers*, UNEP & UNWTO, 2005, 11-12.

Under the context of these four elements guaranteeing the existence of the model of eco-tourism, tourism is based on people and places where different groups of other people classified as tourists move to, people who visit these destinations or pass through, furthermore including people who make travelling possible, as well as the people accompanying the tourist travel⁸. Therefore, tourism comprise travellers, host communities and governments, both central and local government, central government considering the rules and laws guaranteeing the implementation of the eco-tourism model in its all details and requirements, and local government to guarantee the entire process at the local level in terms of hospitality and local direct security on the environment and travellers.

Based on the need for consumption and guaranteeing of local welfare, arises the contrast among the local host community to use its patrimony and local sources in order to develop and provide for common living and tourist demand by the other side, often unlimited in its trends for consumption as perceived as a prepaid cost and service. Under this trade-off, ecotourism model aims to make natural reserves economically self-sustaining and self-maintaining to provide alternative income for the people of that host community, who should offer these sources in change of economic value added to the visitors and guarantee for future development of their selves and their tourist sources in a sustainable model. This takes a special importance when considering resources defined as protected, and disseminating in the community the idea of "intact nature" as a fundamental moral value, as long as this value is the basic source of material welfare of the communities.

Tourism development under the ecological model would give to it a strong ethical shape and transform it into the required model from WTO and the European Commission, "ethical ecotourism". Under this definition, two are the main base lines of this model, protection and preservation of the environment in tourist destinations, and the economic and social benefits for local communities by meeting their economic objectives, as well as objectives related to the development of the travel and tourism industry, the satisfaction and meeting of the modern tourist demand for tourist product quality and unpolluted preserved areas⁹.

From these analyses we subtract certain definitions comprising the sustainability criteria and standard like "responsible travel", "conservation of nature" and "benefits for locals", but everything within a determined natural landscape or natural environment. An appropriate form of defining this model of tourism is "Active eco-friendly tourism" - active tourism which shares similar goals and objectives to ecotourism, which is not determined by the destination or location, but rather from "the way of visiting"¹⁰ - tourist attitude and activities carried out during the visit. This approach is most followed one as more comprehensive model when it comes to definitions of preserved, cleaned, unspoilt environment. Active tourism requires active physical and intellectual participation in the process of touristic production and consumption regardless of tourist destination. So, if ecotourism is possible as a concept and process only in the "undisturbed" areas of the virgin nature (natural jungles, Sahara, Amazonas, Tibet, Alaska, European Alps, Himalayas or Andes, etc.¹¹), active tourism is equally possible both, in "undisturbed" natural areas, as well as

⁸ Tourism, culture and sustainable development, Mike Robinson and David Picard, UNESCO 2006.

⁹ TIES (The International Ecotourism Society) definition, 1991.

¹⁰ Active Tourism, Annual Report, 2002.

¹¹ Active Tourism, Annual Report, 2002.

among urban jungles such as cities or massive beaches. Active tourism is not limited by the presence of trees, houses, roads or presence of much population in the area. These are very important parts of what tourists consume in the destination and share with locals during their touristic activities. Local architecture, archaeological ruins sites, urban characteristics and products of local civilization are all subject of tourist visits for the model of Active Tourism. Active tourism is a new travelling philosophy that combines adventure, ecotourism and cultural aspects in a discovering tourist trip¹², simultaneously, as mystery and attractions discovering, as well entertaining. Active tourism aims to combine in one experience or tourist package the re-creativity, education and benefit the tourist area or visit destination. It has a low ecological impact, socially compatible and total high quality. It also means “responsive” fun of today’s modern tourist, so rules or tourist legislation to regulate so compelling tourist relations with the environment.

If we define it more complex, “active tourism is responsive travel in foreign countries and destinations that requires active physical and mental involvement by tourists and the host community, while respecting the maximum demand for sustainability, protection of biodiversity and conservation of storage of culture”. It is realized through involvement of some important elements as: re-creativity and education on the people element of the marketing mix for tourism and services, respect and consciousness, action, exercise and active inclusion in the companies and structures of the tourism industry of local experts and competent persons from academic world as tourist guides at the destinations and landscapes where tourist activities take place. This makes possible to answer better and more precisely to the modern tourist demand for unspoilt areas and spaces not only in the ecotourism models, but in every destination where tourism is developed as well.

2.1. Health tourism

Under the model of active eco-friendly tourism we can consider also in the same branch of tourism industry the health and wellness tourism. We classify in health tourism that category of visitor movements out of home residence, which aims both vacations and health care or medical treatment. It can be shortly and strictly defined as that kind of travel out of the place or the country of residence to another destination or country for medical or health treatment purpose. And, the person travelling for health treatment purposes is called “health tourist”¹³. Health tourism implies travel for treatment in hospitals, as well as other forms of medical and health treatment as spa and thermal water tourism, or other kinds of treatment under the control of medical system services. We can this way reassume this kind of tourism share between the following links:

1. Medical Tourism, including hospital services on health
2. Thermal Tourism, getting use of thermal waters, mud and other thermal treatment for physical rehabilitation and other disabilities.
3. Tourism for elderly and disabled people, physiotherapeutic treatment centers, long term accommodation for elderly etc.
4. Medical experiment and knowledge share among professionals of the medical sector including conferences, congresses, workshop centers by simulation and patient

¹² Active Tourism, Annual Report 2002.

¹³ Ministry of Health of Turkey, Health Services general Directorate, Health Tourism Handbook, pp. 65, 2012.

demonstration healing.

Main reasons, other than travelling to tourist and attractive destinations, regarding the development of health tourism are often impossible to be offered from health system services. But those still are capable medical professional service centres to cure or heal several disabilities and diseases in their very much cure residential and curative areas and structures, offering also vacations while in treatment, costs and quality health care in their place of residence, often guaranteeing to the patients/visitors avoiding giving information to others on their health state, medical treatment provided in areas rich in landscape, natural resources, sports, cultural heritage etc, a necessity for chronic physiotherapeutic treatment altered in different places and destinations, as well as education in form of professional and education expeditions for the professionals of medical service too. Considering this vast set of reasons to travel for medical or health treatment, it has seen a very rapid growth and development recently as a type of tourism.

Talking about thermal tourism, it is one of the largest forms and models of curative and health tourism. There are a large number of people preferring the health treatment getting use of the curative characteristics of thermal waters, mud stones or sands, being oriented and believing more on the success with homeopathic forms of treatment. In this framework, a very important element is the close relation between curative health thermal tourism and cultural and natural tourism. This explains also the strong development of this kind of tourism near lakesides, or cultural heritage sites, or natural parks and reserves¹⁴. We can this way consider or classify it more as wellness tourism, rather than simply health and curative tourism. Not confusing necessarily wellness with health¹⁵, we strongly talk about tourism and tourists while considering thermal visitor arrivals at thermal destinations. As Smith and Puczko (2009) stated, since so far, health and wellness practices have been strongly embedded in regional and local traditions and cultures¹⁶, with available natural resources also determining the forms of wellness that were developed. It is strongly arguable that there are a lot of motivations by tourists to visit health/spa facilities at particular holiday destinations consuming in the same time other natural and cultural tourist resources in the area. In Albania we find some very important thermal water resources which can be found in the fountains of Dobrova near the city of Peshkopia, in Bilaj near Fushe-Kruja, in Elbasan, Bënjë in the district of Përmet and in Vronomero near Leskoviku in the district of Kolonja. Llixha of Elbasan is the most structured and equipped destination of thermal waters and mud. The thermal tourism is diversely called “thermalism” and its visitors are called “thermalists”¹⁷ or thermal and spa tourists according to the ten paradigms on thermal tourism (Ramos, A. 2005).

¹⁴ Gabor Michalko and Tamara Ratz, Hungarian spa destinations in tourism oriented property market, *Hungarian Geographical Bulletin*, 59(2), pp 134, 2010.

¹⁵ Niko Koncul, Wellness a New Mode of Tourism in the World of Turmoil, 5th International Scientific Conference “Entrepreneurship and Macroeconomic Management: Reflections on the World in Turmoil”, Pula Croatia, pp 5, 2011.

¹⁶ Smith, M and Puczko, L, 2009, *Health and Wellness Tourism*, Oxford, Elsevier.

¹⁷ Ramos, A. 2005 at *Termalismo em Portugal. Dos factores de obstrução à revitalização pela dimensão turística*, cited for Adilia Ramos and Rossana Santos, *The Quality and Innovation in Thermal Tourism Destinations*, XVI International Tourism and Leisure Symposium, ESADE, Baecelona on 23 of May 2007.

2.2. Llixha of Elbasan state of nature

Llixha of Elbasan is located 12 km in the south of the city of Elbasan in a green landscape with plenty of oak forest, green valleys, smooth green hills used for agricultural purposes, with plenty of rills and founts of water, both thermal and natural. The thermal water founts of the Llixha of Elbasan being closed to the ancient Via Egnatia are well-known and used since ancient times for health and wellness treatment. We can still find archaeological ruins of the roman stone baths used since that time, Roman Empire times, when this region is mentioned for its thermal waters used for medical treatment. Referring to historical archives we find several names and toponyms related to this thermal founts as "Fount of Scabies", "Fount of Bones", "Walnut tree of whooping cough", "Stone of Destiny" etc. In the modern times the first scientific research on these thermal waters were undertaken by the Czech engineer Dr. Breno Winter on 1922, analyzing and measuring the chemical composition of the thermal founts finding that there are a lot of curative characteristics embedded in this waters, by which a lot of diseases and disabilities can be treated and healed, mainly rheumatic, blood, renal, arthritis, respiratory, skin problems etc.

The first hotel/hospital built there was on 1932 by the Family Nosi from Elbasan, with a strong tradition in health care and use of natural resources on this purpose. The hotel, unique in the thermal water territory had 63 rooms and 133 beds with common WC placed at the end of the corridors of each floor. Later on there were built two other hotels increasing the accommodation capacity of the area in 500 beds, improving also the health/spa treatment infrastructure within the hotel structures. It has been strictly seen for a long time as pure health service, hospitals, used by medical recommendation, since when the last 20 years of the last century other wellness activities were involved in the health treatment package. Today it counts for more than 2500 beds in more than 100 hotels and guest houses¹⁸.

Nowadays, the number of beds is doubled and other small hotels and guest houses are used for accommodation, while the health treatment is still centralized at the three or four main hotels of the area. The number and quality of the services offered is poor, as well as the tourist and local infrastructure. Except for the sector of accommodation and transport, the other sectors of travel organization, destination organization and attraction are almost absent or weakly organized. There are few amenities on board, lacking considerably their quality. The visitors are domestic and from Kosovo and North Macedonia, price oriented, and more than 80% elderly. The prices are of an average 150-180 Euro/person per ten days full board. The health control on board is included in the price, while the visitors sitting in the guest houses and small hotels pay tuition of 70-100 Euro/ person per ten days for their spa and medical treatment. The area has seen a considerable development in the past 10 Years with new hospitalisation and accommodation structures constructed wider than the traditional center of Llixha of Elbasan, involving most of the villages of the commune of Tregan. Infrastructure is improved and hosting capacities are increased in several times compared to 15 years ago. Environment is better preserved and maintained with more accessible attractions and organization on entertainment and leisure, especially related to the services and rest areas. Meanwhile, public organization at local self-government in order to host tourists is weakly organized undertaking spontaneous actions to "improve" local tourist strictures like tourist info centres, postal service, or

¹⁸ Local self-government unreliable sources, Municipality of Elbasan, Tax Department, 2021.

public transport to the city of Elbasan and the other surrounding urban centres like Belsh and Cerrik. Infrastructure and hygiene care and monitoring system are still in not adequate standards compared to the regional standards of this kind of tourism. Basic signalling system for tourism is provided and security and order guaranteed. The local public administration is weakly prepared for tourism development of the area. The number of tourists during the year is on average 35-50 thousand per year, mostly travelling on the periods April-May and October-November.

3. Situation of demand and supply in Llixha of Elbasan

In order to gather and analyze the answers regarding increasing performance of the “thermalism” in the area we interviewed four groups of people, being represented by different samples of persons per each group. This serves to congruate the answers considering the different approach the groups have related to “thermalism”. The first group represented local and regional tourist tour operators and agencies, with a sample of 10 questionnaires, the second represented Local Self-government PA, a sample of 30 questionnaires designed for Municipality of Elbasan and the administrative unit of Tregan employees, the third represented medical staff, all 15 questionnaires, both regional and local, and the fourth represented the accommodation sector, a sample of 40 questionnaires. Only 87 out 95 contacted persons were interviewed. Once analysing the first answers, we chosen a sample of restructured interviews in order to judge on their perceptions and attitudes related to tourist development based in more relevant point of view on tourism, representing this way the offer/supply side of the market for “thermalism”. We used SPSS to process the data collected and to find the tendency of the local tourism offer approach towards a better performance. We also defined a sample of 150 questionnaires for the tourists, shared between Hotel Accommodation 100 and Guest Houses 50. Only 144 of the tourists were interviewed. The result of the interviewed samples was significant in participation and representative. They all answered more than 20 questions representing different factors related to thermal tourism performance in the area. The total of interviewed people between demand and offer representatives, as well as auxiliary system of the tourism industry was 231. We settled down and run a multiple linear regression considering a set of factors related to the total quality management of “thermalism” at Llixha of Elbasan. Once testing their significance, using AIC backward induction method, we eliminated the insignificant factors concluding at the final multiple linear regression as follow:

1. Quality of hotel services
2. Medical care and control, both centralized and on board
3. Local infrastructure
4. Organization at the destination, public and non-public
5. Marketing organization for travel and tourism
6. Attractions at the destination and Infrastructure for entertainment and leisure
7. Total cost of “thermalism” service
8. Hotel capacity
9. Seasonality

The determination coefficient was 0.58 (R^2) ($r = 0.587$) evidently strong considering the number of the explanatory variables involved ($k=9$, $n=231$ and $df=221$). All explanatory variables were tested for autocorrelation with the disturbance term and for multicollinearity, which resulted negative (no autocorrelation and no multicollinearity), for a level of confidence interval of 95%. The most determinant

factors to the increased quality of the “thermalism” product were No. 1, 2, 4 and 6, and less correlated No. 9, 3, 8. The multiple linear regression increases significance of coefficients under a confidence interval of 90%, obviously increasing and making significant the disturbance term.

The methodology used allowed us to judge on quantitative and qualitative level, for determination of the factors selected to measure the performance of “thermalism” in Llixha of Elbasan and for the better understanding of the stakeholder approach and perception on the total quality management of “thermalism” product.

4. Conclusions

Considering the information gathered from the interviewees and the data processed we come to some conclusions:

- a) The quality of the services is considerably out of standard and weakly appreciated by the tourists in more than 56%. Almost the same perception exists in the staff and auxiliary sector people group of stakeholders (49%), confirming low asymmetry or adversity.
- b) Public organization and community in the area are weakly oriented to thermal tourism even considering their long experience in hospitality (health treatment accommodation).
- c) There is weak or less than good entertainment and leisure infrastructure in the area, except for bars and restaurants, and some rest areas as well.
- d) Attractions, both natural and cultural are near the thermal tourism location, but the marketing organization is weakly organized (lack of tourist guide and tourist signaling system).
- e) Seasonality still remains an important factor related to tourist arrivals. Accommodation and hospitalization infrastructure needs to be improved.
- f) There must be rules and public guides to set order on the use of the natural environment in the area, in order to preserve the natural resources and guarantee their sustainable development under models of active thermal tourism.

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English as a tool for global communication

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Abstract

It is evident that nowadays the entire world has become reachable, easily accessible, communicational and familiar for all the people living on earth as English is used as a common language. Although there are some changes in habits, cultures, traditions, regions and individuality traits. As English has got the common qualities, it has been accepted as the global language among the speakers of thousands of different languages. Technology is progressing and there are tremendous changes taking place in the lives of the human beings everywhere in the world. As a result, the whole world has become a global village and the people have to maintain good relationship with the others. Moreover, business, trade and commerce have become international and most of the business organizations have their offices in most of the countries. In order to maintain international relationship in science, technology, business, education, travel, tourism and so on, English serves the purpose as a common and a global language. It is the language mostly used not only by the scientists, business organizations and the internet but also in higher education, and tourism sectors. As English plays a dominant role in almost all the fields in the present globalized world, there is a need to discuss its role as a global language. The present paper highlights the importance of English as a global language as most of the world's communications is done in English. It also reveals how English is being widely used in scientific research, business and education. This paper also enlightens how travel and tourism and entertainment fields are benefitted by adopting English as their principal language of communication. This paper also highlights the importance of English in education and employment.

Keywords: English, Global, Language, Use, Communication etc.

Introduction

English has become a global language with over 380 million people speaking it as their first language and over 200 million people taking it as their second language. Another billion of people are in the process to learn it. English has been majorly associated with the western nations such as US, Canada, or the UK. However, with the world's globalization majorly in the economic sector, English has been seen to play a great role in facilitating communication between people of different linguistic backgrounds. Again, globalization in the education sector where people move to other countries to study has also influenced the development of English. English has become the world's language of communication as it is used in various sectors; for example, commerce, technology, politics, and diplomacy. English is everywhere; we can see it everywhere we move. However, the effects of this globalization have affected the society in various ways; loss of cultural identity is one of the major effects that are associated with the globalization of English. This paper is going to examine the globalization of English and the fields in which English is a tool of great importance.

Technology and English

We live in a world of High Tech. The technological inventions and innovations have greatly changed social, political, economic and cultural structures of our society. Man is inseparable from the messianic gadgets and their fascinating comforts. They have liberated us from physical discomforts, administrative inabilities, intellectual inadequacies, communication gaps, economical restraints, cultural barriers, moral limitations etc. The machines have determined the way we think, feel and act. Be it the computer and internet technologies, or medical or space technologies, our homes, offices and schools are filled with digital devices and electronic gadgets. Indeed, our modern life is shaped by new technologies.

Human communication has undergone great transformation from Stone Age to Industrial revolution. With the advent of new technologies, it has hinged on from modernization to network communication. Today, communication is no longer an involuntary act but an essential trait for survival in competitive situations. It is not merely an ability but a skill that is required to be successful in life. An excellent communication skill is the need of the moment. It is true that a person with a competitive linguistic skill is preferred rather than the one with merely technical skill in any organization. A candidate with good vocabulary, phrases and expression is looked upon. A command over the language, especially English, fetches promotions in career. Owing to globalization, corporates have ventured into outsourcing and international trading for which they require employees with excellent professional presentation skills. The job market requires candidates with remarkable outputs in terms of communications skills, which include listening, speaking, reading and writing competencies and non-verbal communicative factors. English Language Learning needs to focus on preparing the learners for 'performance', which requires a considerable employment or dependency on the outcome-based teaching and learning. Technology does intervene at this juncture to accelerate a significant development of communicative skills with its magical and overpowering assistance. Technology and English language have an interdependent relationship as they contribute significantly to a successful use of each other in the modern world. English language promotes the spread of technology in all recess of our lives, as it is the topmost lingua franca of the world. Globalization has speeded up the spread of the language across the globe. Technology in the educational scenario is a conglomerate term that refers to the use of systems that depend on computer chips, digital applications, and e-networks. In other words, it encompasses desktop and laptop computers, electronic gadgets like DVD players, TV boxes, interactive whiteboards, LCD projectors, Mobile devices that use computer chips like cell phones, Personal Digital Assistants [PDAs] and MP3 players.

Technology has to be incorporated into teaching methodologies so that it would facilitate the learners not only to acquire a second language effectively but also to develop electronic literacy skills. The 'traditional' methods of ELT are less preferred to computer and technology assisted methods in effective ELL classes. Thus, "Teaching our students language in its traditional media is no longer enough. Traditional literacies, such as reading and writing, are now only a subset of the skills a learner is required to develop in order to function efficiently. Increasingly, in everyday and professional life, people need the skills of electronic literacy, such as accessing,

evaluating, and utilizing information (Warschauer, Shetzer, & Meloni, 2000). Computer-mediated Communication (COM) has resulted in the process of globalization considerably impacting on the English curriculum and pedagogy. Warschauer and Healey state that: "It is the rise of computer-mediated communication and the Internet, more than anything else, which has reshaped the uses of computers for language learning at the end of the 20th century. With the advent of the Internet, the computer-both in society and in the classroom-has been transformed from a tool for information processing and display to a tool for information processing and communication. For the first time, learners of a language can now communicate inexpensively and quickly with other learners of speakers of the target language all over the world" (63). Most of the content in internet is in English language. And most of the people who use it are non-native speakers. And so it can be aptly said that English has become the language of technology, which pervades into the structures of our societies.

Technology is known for speed. Its powers are overwhelming. It is precise in diagnosing what is there and what is not, and what is right and what is wrong. It offers readymade solutions and quick fixes. It is cheap and available everywhere. It is easy to handle and difficult to neglect. Perhaps, these elements of its inexorable entity in our daily life could be an advantage to the EFL teachers to employ technology for an effective language teaching inside the class and the learners for an extended learning outside the class. A methodology that employs use of technologies in ELT is known as CALL (Computer Assisted Language Learning).

English as a tool for economic success

English has fast become the most widely used language in the world of trade and commerce over the past decade or two. As a result, having an excellent knowledge of English for business has become vital for success in any employee's career. No more so than in that of international students seeking better career prospects in an English-speaking country.

The spread of the English language can be traced back to the days of the colonial expansion and has fast become the default language in all official forms of communication in most countries around the world. In today's business-oriented world, English is widely used as the major medium of communication for both small business concerns and large corporate entities alike. As the Lingua Franca in almost all of the developing nations all over the world, English is the preferred language in the business community as many business partners nowadays do not speak the same native language.

It can cross international borders and transcend language compatibility barriers that have made English the most sought-after language in today's corporate world. The proficiency of the language has also made it a vital part of [success in the highly competitive corporate world](#). Many reputed organizations around the world rely on English as a means of communication in everything from emails to corporate documentation to even popular and well-read business resources both in print and over electronic media. English is being used as the official language in over 70 countries. Fluency in English, both written and spoken plays a critical role in many aspects of corporate life from securing employment to communicating with clientele

and achieving cohesive business partnerships all over the world.

English has now become a global language for business all over the world to such an extent that it is the standard official language in certain industries such as the shipping and airline industries. It has resulted in the knowledge of English being a near-mandatory requirement for critical jobs such as airline pilots and naval officers, etc. Apart from having an impressive command of spoken English today's competitive corporate culture demands an equally impressive command of written English as well. It is mainly because almost all forms of business communication such as emails, presentations, sales and marketing and even corporate legal documentation are now carried out in English.

English as a tool for cross-cultural communication

As a force behind cultural imperialism or tool for cross-cultural communication and awareness English has remained intact with its culture of origin. Unlike other languages that are considered carriers of their cultures, English is seen as a detrimental force to the world's cultural diversity (Johnson, 2009). According to Johnson, the success or failure of a language does not depend on its inherent qualities but rather, it depends on the power of the speakers (Johnson, 2009, p. 136). Scholars recognize English as a language of influence and power American Research Journal of English and Literature (Johnson, 2009). The spread and development of English language can be related to the colonization of the world; since Britain had many colonies, it is considered as the main party that participated in the spread of English in the third world countries in Africa and Asia. Apart from Britain colonizing many countries across the world; USA becoming superpower also contributed to the spread and development of English language (Johnson, 2009). According to Johnson, English is not only regarded as a mode of communication but rather, it is also considered as "repositories of culture and identity" (Johnson, 2009, P. 137).

Johnson confirms that when the diversity of a language is reduced, it also affects its existence. The reason why the ancient languages like Latin are no longer in use is because their diversity use decreased significantly. According to Johnson, a decrease in language diversity may contribute to the loss of important concepts about traditional cultural values and practices. The same concept can be applied to the English as well; when one adopts a new language in the process of learning, one may lose some of the irreplaceable concepts and knowledge about the traditional cultural practices or values that can lead to the loss of the cultural identity of that particular group. English culture is based on the cultures of the English-speaking countries like Britain and USA.

According to Johnson (2009), there is no way in which someone can learn a language without accepting the culture that comes with it. Therefore, as one learns the language he/she is forced to accept the cultures of it. According to Johnson's view, English threatens other cultures by molding the learners to accept and behave the way the English people do. The people learning the language as their second language are forced to behave like Americans or Britons and also adopt their culture. Johnson confirms that indeed, learning English as a second language significantly influences the cultures in its path (Johnson, 2009). Some people argue that the role English play

is greater than just communication; for example, it acts as a lingua franca that people use to eradicate the cross-cultural barriers communication. Some scholars argue that the rise of English as a global language is a positive influence on the development of cultures as it brings people together to share their ideas and cultures as well. English breaks the communication barriers between people from diverse cultural background and it creates a new community where people come together and share their cultures and ideas with broader audience (Johnson, 2009, p. 138).

Despite its positive influence in the development of a more cohesive community where people leave their cultural differences, it also acts as a great threat to the development of other cultures. The globalization of English is also reinforced by the learning institutions (Kanno & Varghese, 2010). Children are now brought up without their first language because they are denied the chance of learning their first language in schools. This can be seen in most urban areas in the third world countries where the family only communicates using English. The superiority figure that English has been given has contributed to the loss of the cultural identity of these people. Again, students are becoming more interested in learning English for international purposes at the expense of their traditional languages (Kanno & Varghese, 2010). Although, it has become a common language that people from diverse cultural backgrounds can use to understand one another, it still remains a threat to each culture involved.

English, travelling and hospitality

When a person moves about in strange and unknown lands, he/she has to seek information, every now and then, of various matters such as accommodation, food, destinations, shopping items, places of interest, historical backgrounds of the places visited, facilities available at different places, people to contact, etc. Being ignorant of the foreign tongue/s of the place, seeking information can be realized only through the common medium of English.

Not only seeking information, but also giving information is also through English, thus, bringing a lot of relief and solace to the travelers in unknown countries. If travel is for a given purpose, tour is for entertainment and fun; hospitality is extended from cultural point of view and sometimes shown with the ulterior motive of mere expediency. But it is essentially a manifestation of civilization and goodwill. And in all these cases, English has a major role to play as the international language. Various contextualized language functions such as 'offering help, seeking information, asking for advice, seeking permission, making requests, asking for directions, making inquiries, greeting, introducing, making complaints', etc., all can be effectively carried out through the common medium called English. In the absence of such a medium, only chaos and confusion would prevail in the word and very few would venture to undertake long, tedious and risky journeys outside their own countries. For in the absence of linguistic exchanges, rather than resorting to gestures and facial expressions, civilized people are likely to prefer silence, but silence is painful and frightening after a point. In such cases, the remedy is to be braced up with adequate mastery of English and through that glean information, and engage in free conversation asserting one's gregariousness.

Conclusions

To conclude, in the global era, playing its multifarious roles, English has been reasserting its 'World Language' status which no other language as yet could command, nor lay claim to.

Beyond doubt, the impact of English is all-pervasive now. Some of the important roles played by English, as discussed in the foregoing analysis, point to the ever-growing relevance and importance of English. Good working knowledge of English signals a much brighter future and ensures easy mobility and suave communication skills for travellers, tourists, and for all those engaged in hospitality industry.

To conclude, in the global era, playing its multifarious roles, English has been reasserting its 'World Language' status which no other language as yet could command, nor lay claim to. Beyond doubt, the impact of English is all-pervasive now. Some of the important roles played by English, as discussed in the foregoing analysis, point to the brighter future and ensures easy mobility and suave communication skills for travelers, tourists, and for all those engaged in the hospitality industry.

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Terrigenous formation occurrence within Upper Cretaceous carbonates of Kruja zone (Albania), chemical and petrographic evidences

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Abstract

Makareshi anticline structure is part of the Kruja zone (Albania) which is located in the External Albanides and is overthrust westward in the South Adriatic basin, Periadriatic depression and Ionian zone. It is represented mainly of shallow water carbonate deposits (Cr₂-Pg₂). They consist of dolomites, limestones with rudists also rich in miliolides and textularides with frequent hiatus, emersions, discontinuity surfaces and even bauxitic horizons. This paper aid to provide some explanations about the origin of blue clays, the presence of bitumen and their impact in the surrounding rocks in the region of Burizana, Makareshi anticline structure, Kruja zone. This area was previously known for oil exploration and several exploration wells were drilled, in the South-East, as Makareshi-1 well, while in the West, Ishem, a series of wells, all with the object of oil exploration in carbonate section from the surrounding structures. Also, in this region, the presence of Miocene transgression is present. The presence of terrigenous rocks in the highest hypsometric position, the intrusion of blue-blue gray clays between carbonate formation and the smell of sulfur in the blue clay formation and the bitumen signs in the cavities of the carbonate rocks are part of this research paper topics. Petrographic study and scanning electron microscopy (SEM) aided with energy dispersive X-ray (EDX) analyses were employed for the chemical and petrographic study of the terrigenous formation.

Keywords: blue clays, carbonate, petrography, SEM-EDX.

Introduction

In literature paleokarst is defined as karst that has been buried by younger rocks. It is a common, though often unrecognized, component of successions in which limestones are present and serves as a clear indicator of terrestrial environments and, to some extent, duration of emergence. Interpretation of paleokarst may be complicated by two factors; firstly, it is usually visible only in two, rather than three dimensions, and secondly, burial by younger rocks does not prevent modification or even destruction of the paleokarst by subsurface dissolution (Simms 2014). Most paleokarst exposures are usually level with or are negative features in the landscape. If the material filling ancient caves or dolines is strong enough, paleokarst features can be preserved as positive features protruding above the general level of the land surface (Osborne 2013). After the construction of the new road, a new outcrop in the western part of the Makareshi structure was discovered. In the study area, the carbonate rocks suffered from syngenetic karstification and early-diagenetic near-surface karstification. The phenomenon of paleokarst was encountered throughout the entire section (Qorri 2014). The infilling materials represent different type of terrigenous facies. In some cases, the blue clay (argillaceous) karstic infillings smell of sulfur. This paper concerns the petrographic description and chemical characteristics of this terrigenous occurrence which were studied in this shallow marine carbonate successions exposed in Makareshi structure.

Geological setting

Makareshi structure is part of Kruja Zone, located in the center of Albania which extends toward south (Greece) with Gavrovo Zone and it represents a platform (Meco and Aliaj 2000, Shallo and Robertson 2000 etc.). The stratigraphic succession of Kruja is mainly composed of thick deposits of Cretaceous carbonates (about 1.5 km thick), confined in a subtidal to supratidal environment (Heba et al., 2006). This succession is interrupted by a stratigraphic gap that begins during late Maastrichtian and continues (depending on the zone) until Early Eocene (Gjata et al., 1968). During this gap bauxites formation was formed (Peza, 1973). After this gap, the series continues with bioclastic limestones (Middle Eocene). Above the limestone formation, the horizon of "passing marl", of Late Eocene marks the transition to the Oligocene flysch, 1500m thick. The Late Cretaceous carbonate deposits of Burizana section displays eight typical sedimentary facies and microfacies, ranging from subtidal to supratidal environments (Qorri 2016) (Figure 1).

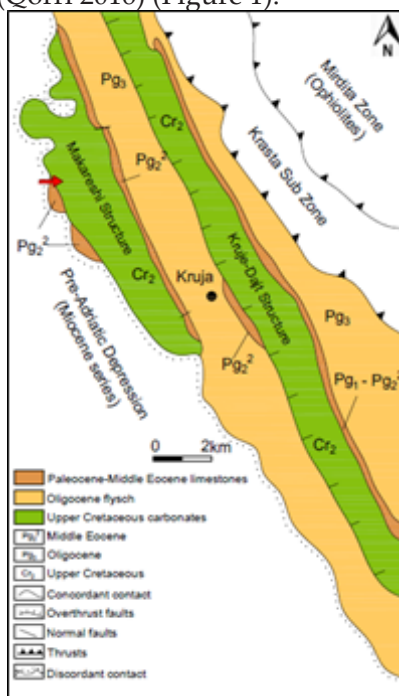


Figure 1 Simplified tectonic map showing locations of the Kruja zone and La Route section (after I.S.P.G.J a after I.S.P.G.J and I.G.J.N., 1983).

Materials and methods

Initially, detailed literature review and verification of the existing researches related with Makareshi structure was done (Serjani 2014, Prifti et al. 2013, Meçaj 1992, Foto et al. 2015). After this, field work was carried out in two different periods. The purpose of the field work was to know the geology of the study area and to take samples from the field and to analyze the most representatives. During field work different outcrops have been observed and logged (Figure 5). Laboratory work consisted

largely in petrographic study of thin while to identify minerals evaluate the shape, the size of the mineral phases, thus realizing a morphological characterization of them was used Scanning Electron Microscopy (SEM) coupled with EDS spectrum.

Results and discussions

Structurally, the studied section is on the west side of a large structure within the Upper Cretaceous. This structure is affected by a series of small-amplitude tectonic faults, which seem to extend almost east-west or transverse to the crest of the anticline structure. The carbonate rocks dominate the section. They are well stratified and show the presence of a series of micro-cracks and almost a vertical tectonic fault that changes the continuity of the carbonate layers. Thick dark gray carbonate succession with dry bitumen signs in cracks exposed to the surface and liquid bitumen in new cracks are also clearly visible. In the carbonate succession there are also terrigenous infillings with fine gray to blue clays, without any special morphological shape and they represent late infilling of paleokarst, cracks and discontinuity surfaces (hardgrounds) that is something typical for shallow water carbonates succession of Upper Cretaceous, Makareshi structure (Moore 2001) (Figure 2). The terrigenous facies show yellow to orange color, sedimentary structures such as horizontal lamination or graded bedding. It is always accompanied with gray to blue clay facies (Figure 2).

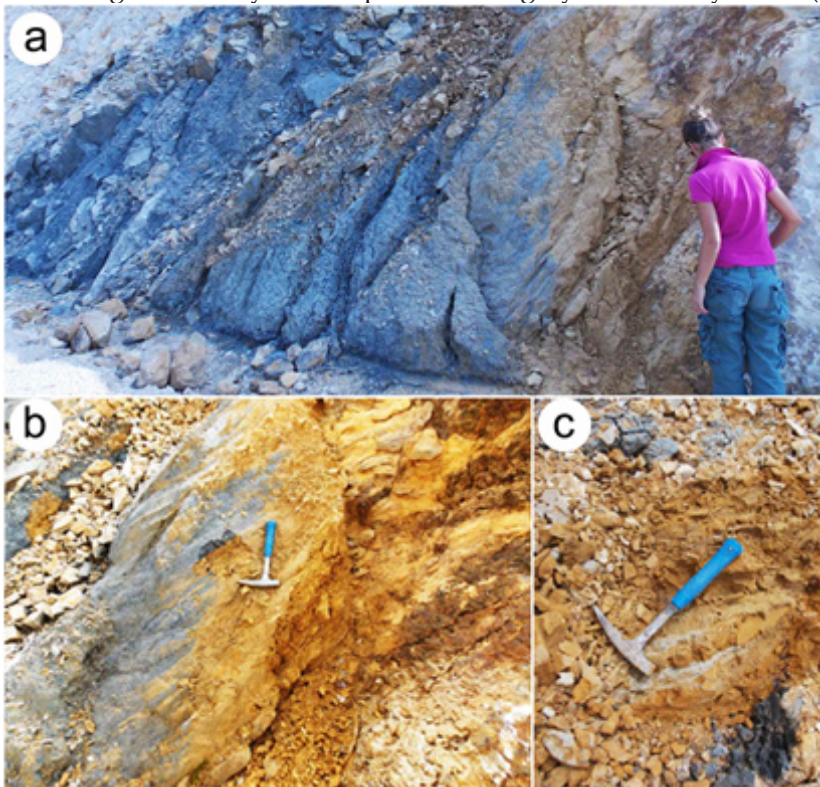


Figure 2 a) Blue clay sediments filling a palaeokarst “cave” within Upper Cretaceous limestone. b) Alternating coarse sands and silts with blue clay. c) Close-up view of contact between sand and blue clay.

Under the microscope the lithified and semi lithified sand it was noticed that it consists mainly of siliciclastic particles which are represented by quartz and less frequently recycled carbonate particles (Figure 3). The main mineral is represented by quartz (more than 80%) and rare mica grains (mainly muscovite) were found. They are set in a micritic matrix together with iron oxy/hydroxides. Quartz particles are monocrystalline, angular to subangular and poorly sorted. As for the mineralogical maturity of this rock, it represents a mineralogically mature rock (Figure 3). Based on the Pettijohn F.J., (1987) classification for sandstones it can be classified as quartz greywacke. According to Qorri et al., (2014) the presence of this terrigenous facie is present on several levels above the hardground surfaces present in this region. The quartz composition of this facies show interest in terms of paleogeographical interpretations, since the Kruja tectonic zone is presented as a platform ridge confined on the east and west by the Krasta and Ionian basins respectively.

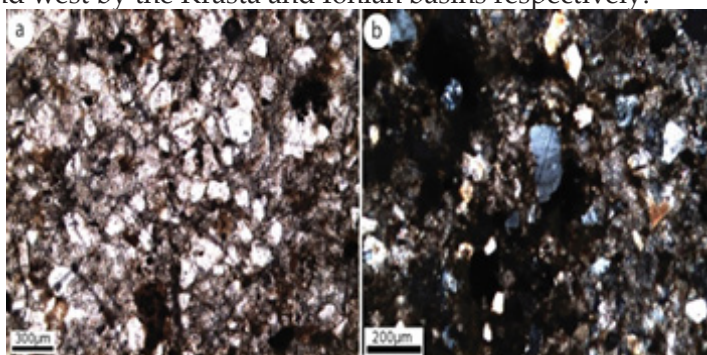


Figure 3 a) Sandstone consisting of angular quartz grains, rare micas (muscovite) set in a mixed micrite and iron oxy/hydroxides matrix (PPL). b) Monocrystalline subangular quartz grains (XPL).

Sulfur-smelling blue clays, due to their position in the carbonate section, the morphology of the clay bodies and the filling shape of the carbonate rock voids (tectonic faults, cracks, paleokarst) are secondary in relation to the formation time of carbonate rocks, but most likely, precursors of Pliocene transgression, relatively deep, compared to that of carbonate formation. The clayey mud has filled the numerous carbonate voids that during a long stratigraphic gap, from the Oligocene to the Pliocene flysch, have had the opportunity to be deeply eroded, to undergo numerous infiltration water circulations and especially of the early seas before and after the Pliocene, to create cracks, caverns, karstic pits and intensive calcification also pyritization, typical condition of deep sea and reducing environment (Selley 1974). The diagenetic processes have had a strong impact during this period. The blue clays, in the section, appear quite saturated with water and with the strong smell of sulfur, but unstratified and soft. They have had the opportunity to be saturated and re-saturated with Pliocene seawater, to filter toward deep into carbonates, to be stored uncompacted, to remain permanently at the maximum possible humidity and to interact strongly with random fluids, the accompanying hydrocarbon waters, themselves hydrocarbons, bitumen, which have circulated occasionally after the Pliocene transgression, due to the geodynamics of the structure and the territory itself. The clays themselves are distinguished as rocks with the highest adsorption

capacity of their crystal structure, especially to hydrocarbons and their types Çurri et al. (1990), Kristo (1975). To clarify the origin and composition of the blue-blue clays, several sample samples were taken and were subject to chemical study and detailed microscopic study.

The sample studied by scanning electron microscope was taken in a fresh part of the blue clays facies and it wasn't treated. During the analyzation it was noted that quartz and carbonate particles (limestone, dolomite, microfauna replaced by calcite) are the principal grains observed (Figure 4). The sample was observed even under stereomicroscope and it is rich in faunal complex and with good preservation of fauna. The fauna has small dimensions, is calcitised and in some cases pyritized (Figure 4). Very well preserved radiolaria have been identified in the sample (Figure 4). According to previous studies (Qorri 2016) in the same horizon are encountered *Globigerina trilocolinoides*, *G.Inaquespira-G.Linaperta*, *Morozovele g.l* that appears in Paleocene and disappear in Upper Eocene. *Anomalinoides ammophylus?* *Cibicides westi*, and *Clavigerinella s.e Catapsydrax perla* that appear in Eocene have been determined also. The greatest possibility is that we are dealing with Upper Eocene deposits but this requires more detailed micropaleontological studies. During EDS spectrum measurements at 1...6 points (Figure 4, Figure 5 and Figure 6), from the obtained spectrum were measured the percentage of weight of an element and its atomic percentage (Table 1 and Table 2).

Table 1 Chemical analysis (%) of sample S8.3 for some grains determined in Figure 4, at point 1, 2 and 3.

Element	Point 1		Point 2		Point 3	
	weight%	atomic%	weight%	atomic%	weight%	atomic%
O	39.02	58.33	46.50	62.06	33.23	51.54
Na	-	-	0.33	0.30	-	-
Mg	0.65	0.64	-	-	16.18	16.52
Al	3.62	3.21	8.61	6.81	0.38	0.35
Si	15.99	13.62	31.08	23.63	2.60	2.30
S	0.88	0.66	0.23	0.15	0.39	0.30
K	0.58	0.35	12.06	6.59	-	-
Ca	37.90	22.62	-	-	46.14	28.57
Zn	-	-	-	-	1.07	0.41
Fe	1.35	0.58	1.19	0.45	-	-
Total	100.00	100.00	100.00	100.00	100.00	100.00

Table 2 Chemical analysis (%) of sample S 8.3 for some grains determined in Figure 4, at point 4, 5 and 6.

Element	Point 4		Point 5		Point 6	
	weight%	atomic%	weight%	atomic%	weight%	atomic%
O	49.98	63.97	49.94	71.25	32.75	53.74
Na	-	-	-	-	-	-
Mg	-	-	-	-	0.46	0.50
Al	21.20	16.09	0.28	0.23	1.69	1.64
Si	24.93	18.18	0.39	0.32	5.71	5.33
S	0.66	0.42	26.25	18.70	0.67	0.55
K	-	-	-	-	0.20	0.13
Ca	0.48	0.25	0.25	0.14	57.23	37.49
Ti	1.49	0.64	-	-	-	-
Zn	-	-	-	-	-	-
Fe	1.25	0.46	22.90	9.36	1.29	0.61
Total	100.00	100.00	100.00	100.00	100.00	100.00

Conclusions

Regarding the origin and the occurrence of terrigenous formations (sandstones, blue clays, carbonate blocks and reddish soils) it is clear that these formations are remnants of a transgressive molasses nappe that lies in the West and Northwest of the Burizana region, part of Tirana-Ishëm Depression.

The blue clays and the gray-blue rocks, in the two rock formations, those within the carbonate section and molasses, we would say are glauconitic clays, which as it has been proven, come from the weathering of the rock slopes of the eastern zones. These clay muds, formed during all geological times, occupy karst cavities, pits and undergo to lithogenesis and chemical-physical diagenetic processes, forming a mixture of carbonate and clay material.

This sediment supply process has continued even in the later Pliocene while the carbonate formation has undergone to erosion, forming new cavities and karsts that are filled with the same clay mud but in this case, they have not reached the stage of lithogenesis and have remained unconsolidated appearing as soft and hygroscopic rocks.

Authigenic minerals present in clayey sediments are calcite and dolomite, pyrite, kaolinite, opal and chalcedony, glauconite, sericite and illite. According to mineralogical-petrographic studies carried out in this territory, it results that even in recent times, after the formation of the carbonate formation, is overlain by the Lower Oligocene flysch formation. These deposits belong to the upper part of the quartz-quartzite zone and the lower part of the glauconite-phosphate zone.

The major problem associated with the presence of blue clays, is the high content of sulfur trioxide, SO_3 . We can say that the sources of sulfide content are first of all related with the high content of organic matter presence in the carbonate section which at certain moments has passed to the stage of diagenesis and catagenesis from which the respective bitumens were formed.

From the electron microscope analyzes in one of the blue clays occurrence, the

presence of Radiolaries has been evidenced, another fact that proves that these clays in situ formations. The age of these deposits must be determined precisely through detailed microplantological studies.

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European digital market - Conformity of standards in the telecommunications sector

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Abstract

All systems in the world, including the European Union, are facing galloping changes in the field of technology and information. The 21st century is considered the century of technology and it seems that the globalization of technology is affecting the individual in every aspect of his life

Information and communication technology is no longer a specific sector, but the foundation of all modern innovative economic systems. This market intertwining requires new methods to adapt the economy to technology in a common market.

The EU since its inception as the European Communities in 1957, but especially since 1992, has acted to create a single market.

The European Union may have eliminated most of the barriers to physical trade, but on the Internet it remains a key example of provincialism. In order to have a deeper approach about this market, we need to address the reasons why this common market is needed.

The EU single market offers European citizens and businesses considerable freedom and rights - to travel, trade or operate throughout the EU. These freedoms in turn mean that innovations have wider growth and spread, and citizens have wider choices and opportunities. But today a growing number of products and services are moving towards digitalization. Many services such as movies, purchases or payments are likely to be available online. The European citizen constantly faces problems regarding this market. This is despite the fact that the EU has spent decades trying to break down those 'offline' barriers.

These barriers can range from high non-transparent and disproportionate distribution charges, to deliberate 'geo-blocking' of services to limit them to one country or region, to a lack of internet access or digital capabilities, and a set of rules. different across the EU.

In fact, a single market means fewer barriers and more opportunities. These walk together in the long road that the European Union has. In the well-functioning of the goal that is intended to be achieved there will be even more security in online businesses, speed as well as lower costs. This

will also bring more investment in technology, making the latest technology more accessible to the European citizen.

Through this paper I aim to analyze the strategy for the single European digital market.

Keywords: digital market, telecommunications, trust, security, single market.

1. Standards in the telecommunications sector

ICT networks provide the backbone of digital products and services that have the potential to support all aspects of our lives, and drive Europe's economic recovery. Well-functioning markets provide access to high-performance, high-bandwidth, affordable, high-bandwidth infrastructure. Successive alignments of EU telecom rules combined with the application of EU competition rules have been essential to ensure that markets function more competitively, resulting in lower prices and better service quality. for consumers and businesses. Effective competition is a key factor in

investing in telecommunications networks.¹

The Commission highlighted a number of problems in this sector. In the 2015 strategy, he states that the sector is undergoing structural changes and still suffers from isolated national markets, lack of regulatory stability and predictability across the EU, especially for the radio spectrum, and lack of sufficient investment, especially in rural areas. problems which will not be fully resolved in the context of the ongoing discussions on the Telecom Single Market package. Therefore, with a view to injecting greater ambition into this process, the Commission would review all existing legislation and make proposals for changes when necessary.²

2. Media framework for the XXI century

The audiovisual landscape is influenced by rapid technological changes and the development of new business models for content delivery. Viewers access audiovisual content via the Internet in a variety of ways, and portable devices (such as smartphones) are changing viewing patterns. The Audiovisual Media Services Directive 8 has facilitated the circulation of audiovisual programs and media services throughout the EU. The scope of the Directive already covers both traditional television broadcasting and audiovisual media services on demand and imposes a set of minimum rules for both types of services. In some respects, however, on-demand services are subject to lower charges,³

a. Strengthen trust and security in digital services and personal data handling.

Cyber threats are a borderless problem and have a negative impact on our economy, the fundamental rights of citizens and society at large. The growing number of violations (for example data interception, online payment fraud, identity theft, theft of trade secrets) is leading to significant economic losses. They often result in disruption of services, violations of fundamental rights and undermine citizens' trust in online activities.⁴

Member States and EU institutions have long recognized the need to protect our critical networks and infrastructure and to respond effectively to cyber threats, and have adopted both national and EU-level cyber security strategies and regulations. of. The adoption of the Network and Information Security Directive, currently in the legislative process, should mark an important step forward. One of the main priorities of the European Cyber Security Strategy is the development of industrial and technological resources for cyber security. Specific gaps still exist in the rapid field of technologies and solutions for Internet network security. Therefore, a more integrated approach is needed to increase the supply of safer solutions by EU industry and to stimulate their uptake by enterprises, public authorities and citizens. Furthermore, an effective law enforcement response to cybercrime is needed. The Commission has set out proposals on this issue in its European Security Agenda.⁵

The general objectives of the partnership in support of Union policies, and in particular the specific objectives of the Horizon 2020 Framework Program, the European Cyber Security Strategy and the Digital Single Market Strategy, are:

¹ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0192>.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0192>.

⁴ Ibid.

⁵ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex.

- To promote the development of the cyber security market, job creation and wealth in Europe through a long-term investment commitment by the cyber security industry, research and technology organizations (RTOs), academia, the European Commission, public administrations of the Member States that participate in the partnership as well as the solution of cyber security users;⁶
- Develop, pilot and bring to market, in an agreed strategic approach, technological solutions and services within an ecosystem that helps to support the goals of the European Digital Single Market;⁷
- Support the use of new trusted solutions and services for major social and economic challenges in Europe, e.g. in various essential service providers, especially in areas where Europe has a competitive advantage (eg health, energy, transport, internal security, public services / e-government, mobile and fixed ICT equipment / networks, Industry 4.0);⁸
- Accelerate Europe's innovation process and market time by addressing the full chain of innovation and cyber security value in different application sectors;⁹
- To promote the development of Europe's cyber security industry by establishing a technology and application base throughout Europe, by establishing competencies and competing European cybersecurity companies, including SMEs, facilitating the acceleration of business ecosystems and appropriate models business with a special focus on SMEs, - growth and high growth companies;¹⁰
- Mobilize and utilize public and private resources to contribute to the development and implementation of European cyber security policies, regulations and standards (eg contributions to European policies; support for implementation of legislation such as the NIS Directive, eIDAS regulation; contributing in creating and updating ETSI / CEN / CENELEC standards).¹¹
- Raise awareness and demonstrate the value of cybersecurity solutions for businesses (including decision makers) and the public sector to accelerate acquisition, but also to improve cyber security awareness among citizens and develop expert skills.¹²

b. Maximizing the Growth Potential of the Digital Economy

In less than a decade, most economic activity will depend on digital ecosystems, integrating digital infrastructure, hardware and software, applications and data. The digitalisation of all sectors will be necessary if the EU is to maintain its competitiveness, maintain a strong industrial base and manage the transition to a smart industrial and service economy. 75% of the added value from the Digital Economy comes from traditional industries, rather than from ICT manufacturers, but the integration of digital technology by businesses is the weakest element. Only 1.7% of EU companies make full use of advanced digital technologies, while 41% do not use them at all. Digitalization also offers unprecedented opportunities for other economic sectors, such as transport (e.g. ¹³

⁶ <https://ec.europa.eu/transparency/regdoc/rep/3/2016/EN/C-2016-4400-F1-EN-ANNEX-1-PART-1.PDF>.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ <https://ec.europa.eu/transparency/regdoc/rep/3/2016/EN/C-2016-4400-F1-EN-ANNEX-1-PART-1.PDF>

¹¹ Ibid.

¹² Ibid.

¹³ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex

The EU needs a series of measures to ensure that European industries are at the forefront of the development and use of ICT, automation, sustainable production and processing technologies to serve the markets of the future. A digital economy can also make society more inclusive. Citizens and businesses are currently not receiving the full benefits of digital services (from e-government, e-health, e-energy to e-transport) that should be available without problems across the EU.¹⁴

c. Increase competition through interaction and standardization

In the digital economy, interaction means ensuring effective communication between digital components such as devices, networks or data warehouses. It also means better connections across the supply chain or between industry and service sectors. It means more efficient cross-border links, between communities and between public services and authorities. E-government services that are being developed in different Member States should be able to communicate with each other and not be developed separately. Today, there is a common understanding between Member States on the basic requirements for achieving interoperability, based on the “European Interaction Framework” presented by the Commission in 2010. This framework now needs to be updated and expanded.¹⁵

The transformation of the global economy into a digital economy affects all industrial and service sectors. Europe’s competitiveness and productivity depend heavily on its ability to effectively generate, disseminate and exploit digital innovations across sectors of the economy, including Europe’s traditional strengths, such as vehicle manufacturing, automation, car equipment or financial services. To support Europe’s role in the global digital economy, the European Commission has adopted a communication on a Digital Single Market strategy and made it one of its top priorities.¹⁶

Common standards ensure the interaction of digital technologies and are the foundation of an effective single digital market. They ensure that technologies work well and reliably together, provide economies of scale, foster research and innovation, and keep markets open. Effective interaction ensures that connected devices such as machines, telephones, equipment and industrial devices can communicate seamlessly with each other, regardless of the manufacturer, operating system or other technical components. Open standards ensure such interaction and foster innovation and the low barriers to market entry in the Digital Single Market, including access to media, cultural and educational content. Changing national standards can significantly slow down innovation and¹⁷

3. An inclusive electronic society

The Commission aims to support a unique comprehensive digital marketplace in which citizens and businesses have the necessary skills and can benefit from interconnected and multilingual electronic services, e-government, e-justice, e-health,

¹⁴ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex

¹⁵ Ibid.

¹⁶ <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-176-EN-F1-1.PDF>

¹⁷ Ibid.

e-energy or e-transport .¹⁸

E-Government

E-government supports administrative processes, improves the quality of services and increases the efficiency of the internal public sector. Digital public services reduce the administrative burden on businesses and citizens by making their interactions with public administrations faster and more efficient, more convenient and transparent, and less costly. Moreover, the use of digital technologies as an integral part of government modernization strategies can unlock further economic and social benefits for society as a whole. The digital transformation of government is a key element to the success of the Single Market.¹⁹

E-government action plans have been policy instruments to advance the modernization of public administrations throughout the European Union. They have supported coordination and cooperation between the Member States and the Commission and have led to joint actions on e-government.²⁰

4. Digital Single Market Delivery

Building a single digital market is a key part of the EU strategy to prepare for the future and to continue to provide high living standards for its population. This requires political will and means carrying out the actions set out in this Strategy. It requires the mobilization of the necessary funds and resources and the establishment of a governance structure among key actors to ensure effective delivery by EU institutions, Member States and stakeholders. When there is already sufficient evidence of barriers to be removed, the Commission will submit legislative proposals and take initiatives to set the single market scale in customer and business service. Where further consultation and evidence gathering is needed to identify appropriate action, The Commission will engage stakeholders in discussing available options. This agenda requires the Commission, Parliament and the Member States to work together and take ambitious steps.²¹

a. Investing in the Digital Single Market

A key goal of the Digital Single Market Strategy is to create a supportive investment climate for digital networking, research and innovative business. Establishing the right framework conditions will help mobilize private investment and generate investor confidence. Achieving our digital ambitions will require significant investment. EU funding is already earmarked for digital single market infrastructure and services, as well as for research and innovative SMEs (including start-ups). European Structural Funds and Investments are expected to program around € 21.4 billion in this area. Special efforts are needed to close the digital divide between urban and rural areas. Complementing current EU programs, The European Strategic Investment Fund 19 was created to support a wide range of digital projects, in particular because of their high innovation and research component (and thus higher risk). Significant

¹⁸ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

additional financing opportunities are provided by the European Investment Bank and the European Investment Fund.²²

As part of the EU 's future long - term budget - Multiannual Financial Framework - The Commission has proposed Digital Europe, a program focused on building the EU' s strategic digital capacity and facilitating the widespread deployment of digital technologies. With a total planned budget of € 8.2 billion, it will shape and support the digital transformation of Europe' s society and economy.²³

5. Effective governance of the digital single market

Reflecting the shared responsibility for the timely delivery of actions in the strategy, the Commission will engage with the European Parliament and the Council and deepen its cooperation with both institutions. The Commission will engage in an ongoing dialogue with stakeholders to inform policy-making and ensure effective implementation of the Strategy. Given the cross-sectoral nature of the Digital Single Market Strategy, its implementation will require the support of dedicated advisory and support groups. The Commission encourages the European Council to provide the necessary impetus and to review progress regularly. The Commission will also seek to improve the quality of data and analysis needed to support the digital single market by pooling relevant knowledge and making it easily accessible to the public. He will further develop his Digital Economy and Society Index indicator. The Commission will report regularly on the progress of the Strategy.²⁴

6. Competition policy in the European Union.

Competition can be described as the driving force of the market economy. Competition means that different companies (or enterprises) can compete with each other in favor of their customers or clients. Customers, or customers, may move to another company to offer or purchase goods or services at good prices or costumes.²⁵ The legal order of the European Union is based on the principle of a market and free competition. In order for this principle to be concrete it is necessary for the European market to have rules that protect it from distortion of competition. At the level of the European Union, competition is protected by certain provisions of the Treaty on the Functioning of the European Union (101 - 109).²⁶

European Union competition law addresses two issues: anti-trust legislation and state aid policies. It includes rules that punish behaviors that harm free competition such as: abuse of a dominant position, market sharing agreements or pricing, etc. Preventive rules are also laid down, such as those setting out the conditions under which two or more undertakings may be concentrated, as well as rules on the conditions under which Member States may provide state aid to their undertakings without prejudice

²² <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex

²³ <https://ec.europa.eu/digital-single-market/en/europe-investing-digital-digital-europe-programme>

²⁴ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52015DC0192> EUR-Lex - 52015DC0192 - EN - EUR-Lex

²⁵ Prof. Dr. Eriona Katro and Dr. Vaeld Zhezha, Competition Law in the European Union and in Albania, p.4.

²⁶ Ibid.

to competition in the market. internal. In addition to the primary rules set out in the Treaties, several regulations have also been adopted by the Council and the European Commission.²⁷

Other regulations deal either with specific anti-competitive practices or with specific sectors. Such are e.g. Council Regulation (EC) No. 1/2003 dt. 16.12.2002 on the application of the rules laid down in Articles 81 and 82 TEC, Council Regulation (EC) No. 411/2004, dt. 26.02.2004 concerning air transport between the Community and third countries and Commission Regulation no. 1217/2010 / BE dt.14.12. 2010 on the implementation of Article 101 (3) of the Treaty on the Functioning of the European Union on certain categories of research and development agreements, Commission Regulation no. 1218/2010 / BE dt. 14.12. 2010 on the implementation of Article 101 (3) of the Treaty on the Functioning of the European Union for certain categories of specialization agreements or Commission Regulation no. 330/2010 / EU dt. 20.04. 2010 on the implementation of Article 101 (3) of the Treaty on the Functioning of the European Union for certain categories of vertical agreements and coordinated practices, etc. Finally, the Commission has adopted various non-regulatory documents, which can take various forms (notices, instructions, etc.). Such documents are intended to explain in detail the Commission's policy on competition matters or on the interpretation of essential antitrust rules or on procedural matters. Such are the instruction on the implementation of Article 101 of the Treaty on the functioning of the European Union for horizontal cooperation agreements and the instruction on vertical restrictions, etc. Through these rules competition is protected from distortions within the internal market. Competition policy is one of the few policies that is directly implemented at European level. The main components of European competition policy are: the fight against prohibited agreements, the fight against abuses of a dominant position, the pre-regulation of concentrations and the fight against state aid to enterprises when such aid has a protective character and creates unfair competition in III internal market. It is through the above components that the European Union tends to achieve competition policy objectives the preliminary regulation of concentrations as well as the fight against the aids that the state gives to the enterprises when these aids have a protective character and create a unfair competition in the interior of the internal market. It is through the above components that the European Union tends to achieve competition policy objectives the preliminary regulation of concentrations as well as the fight against the aid that the state gives to the enterprises when these aids have a protective character and create a unfair competition in the interior of the internal market. It is through the above components that the European Union tends to achieve competition policy objectives²⁸The characteristic of the member states is that a considerable part of them do not have a specific law on competition, but only an extension and interpretation of the provisions of the Treaty on the functioning of the European Union and then have made various modifications reflecting the legal framework of the Union. Competition policy is considered to be the most important market regulation policy in the European Union.²⁹ Competition policy in Europe is one of the essential elements that forms the basis for the creation of the internal market. It is seen as the fourth cornerstone of the economic policy framework, along with monetary, fiscal and trade policies. In this view, it is one of the essential elements that form the foundation for the creation of the internal

²⁷ Ibid, p.6.

²⁸ Ibid, p.6.

²⁹ Ibid, p.7.

market. Without an appropriate system and institution, which ensures that competition in the common market is not distorted, the internal market could not function.³⁰ Competition policy has been an important element of European Union activity since the creation of the Treaty of Rome in 1957. The Treaty established a legal regime to ensure that competition was not distorted in a common market. He set clear rules in this regard. These rules, as analyzed above, have been supplemented and accompanied over the years by secondary legislation in this area. Competition policy is directly related to the concrete application of these rules in order for companies to compete fairly with each other. This stimulates the spirit and usefulness of the enterprise. Creates a more diverse choice for consumers and lowers prices by improving quality. These are the reasons why the European Union punishes anti-competitive behavior.³¹ The competition rules are designed to guarantee equal and fair conditions for all. There is a close interdependence between competition policy and trade policy. The European Commission is aware of this report and insists on the need to maintain a broadly open trade policy as an opportunity for an effective competition policy.³² With regard to the implementation of competition policy, the bodies that directly implement the provisions of the Treaty on the Functioning of the European Union on competition are the European Commission together with the National Competition Authorities of the Member States which ensure fair competition and conditions equality between enterprises thus contributing to a better functioning markets in the European Union. The Treaty also recognizes the right of the Council to adopt regulations and directives to implement the principles set out in Articles 101 and 102, on a proposal from the Commission and after consulting the European Parliament.³³ Within the European Commission, the Directorate-General for Competition is the body responsible for implementing competition policy. The powers of this directorate are limited: it can only intervene if there is evidence of a breach of competition rules and its decisions can be appealed to the Court of Justice. The directorate oversees the markets and conducts investigations in various sectors. It may intervene in a number of anti - competitive activities in the event that these IV prejudice trade between Member States. The Directorate shall issue acts and documents specifying the implementation of the provisions of the Treaty.³⁴

Conclusions

By creating a Single Market, deeper and fairer, competition policy has a very concrete impact on people's lives: EU citizens and business deal with the market every day. Building a society that treats everyone fairly means that the market must function in a way that empowers consumers and ensures that their voice is heard. Competition enforcement steps when, for example because of a cartel, consumers pay more than they should or have trouble finding the product they are looking for. Merger control is also essential to ensure that mergers do not undermine the competitive structure of markets and thus consumers and the wider economy.

³⁰ Ibid, p.7.

³¹ Ibid, p.7.

³² Ibid, p.8.

³³ Ibid, p.8.

³⁴ Ibid, p.8.

Albanian-American relations 1912-1922 - The establishment of Albanian-American diplomatic relations

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Abstract

Albania was the last European nation to declare independence from the Ottoman Empire in 1912. Being ill-tutored by past experience to handle national self-government, it took several years to the new state to achieve nationhood and international recognition. At the beginning of the 20th century, US foreign policy towards Albania and other Southeast European countries was a reflection of a policy of isolationism and neutrality which changed with the engagement of the US in WWI. After the occupation by the Great Powers came to an end, the Albanian problem still remained to be settled. At the Paris Peace Conference in 1919, President Wilson and the American delegation were highly involved in the Albanian question and the future of the Albanian state. The approval of President Wilson's Fourteen Points which gave the emerging countries the right to self-determination and the support of the American delegation defended the existence of an independent Albanian state preventing its division among neighbouring countries and gave an end to their territorial claims in Albania. This marked the first serious involvement of American diplomacy in the Albanian question that would continue in various stages in the future. The preservation of an independent Albanian state would remain a permanent feature of the official American policy in the Balkans. Under these circumstances, the American recognition of Albania was indispensable for the international recognition of the new state which officially took place on July 28, 1922 showing strong feelings of sympathy and admiration for the Albanian nation.

Keywords: US, President Wilson, Albanian question, Paris Peace Conference.

Introduction

The first World War brought important changes for the new Albanian state and United States marking the end of the Ottoman Empire and opening the way for the US to ascend to world supremacy. Moreover, in 1919, US President Woodrow Wilson proposed his "Fourteen Points" that affected the international system, upsetting Britain and France as colonialist powers, because it sought to prevent secret diplomacy and defended the principle of self-determination of small peoples. President Wilson's declaration in favour of self-determination was important for Albania but it was opposed by Britain and France. Moreover, the US Congress opposed President Wilson's interventionist policies and opted for isolationism at the end of the First World War. Therefore, the US did not become a signatory of any of the peace treaties that ended the war and did not become even a member of the League of Nations, which was the brainchild of President Wilson. After the First World War, the US went back to its isolationist policies. Wilson's personality and upbringing impacted his decision-making tendencies as president. He was brought up in a strict 19th century Presbyterian household, where he learned that good and evil exist, and man exists to serve the greater good. This contributed to his sense of justice on one hand, and often-

damaging sense of self-righteousness on the other. In fact, his black-and-white view of morality probably contributed to his ideological rift and failure to compromise with the U.S. Congress on the Treaty of Versailles after World War I. Throughout his career as an established academic, he viewed political history as shaped by men with integrity and purpose. As president, Wilson's foreign policy was driven by his belief in the principles of international law. Wilson's leadership can be qualified as one in which personal qualities are distinct, and his source of power is "intellectual policy and strategic vision", rather than public entrepreneurship or personal charisma (Masciulli; Molchanov 2009).

Wilson never lost sight of morality. In fact, he used this emotional morality to ground U.S.'s eventual preference for the Allies. In Manchester in 1918, Wilson said that while "interest separates men... there is only one thing that can bind people together and that is a common devotion to the right" (A Reference Resource, 2013). A major issue in Wilson's conduct of foreign policy was to remain out of WWI. When the war began, while he initially supported Allies over Germany and Austria-Hungary, Wilson knew that a victory on one side would lead to bitterness and likely another war. Thus, by 1916, he strongly advocated for the outcome of "peace without victory", which he pursued by offering to arbitrate peace terms (Sellen, 2014). Neutrality was impossible, as Germany and the Allies refused to negotiate without battle. Eventually, Wilson did enter the war based on U.S. interests – he strove to protect U.S. maritime freedom and maybe end the war more quickly. Undoubtedly, Woodrow Wilson's most important foreign policy move was his post-war Peace Efforts. His statement given on January 8, 1918, declared that World War I was fought over moral principles, and urged a post-War peace in Europe. His famously known "Fourteen Points" successfully illustrate his idealist approach, as those points reflected key principles of idealism, based on the belief that colonial rivalries, large militaries, and power-balancing lead to war, whereas national self-determination, open diplomacy, democracy, and economic independence leads to peace. Most notably, the Fourteen Points, in abandoning the balance-of-power system of international politics – which were in practice for all countries, large and small (Graebner; Bennett, 2011). Under this system, states would join together to oppose aggression by any state whenever it occurred. In short, these ideas constituted a new world order completely foreign to the experiences of European powers, which implies the need for broader support if it was to succeed in shape the global order.

Wilson wanted the treaty to lay a groundwork that would end all wars, and "assure his and the nation's leadership in designing the post-war peace. However, the European allies, victorious in the War, sought revenge and wanted to ensure their dominance on their rivals economically, militarily and politically, and devised the Treaty of Versailles according to "punish" Germany, and forced it to make very important territorial concessions, pay reparations, and disarm, effectively crippling the country's war making capabilities. While European nations rejected almost all of Wilson's ideas in his Fourteen Points, they did agree to set up a League of Nations which became part of the Treaty of Versailles. Back in the U.S., though, people were wary of war and internationalism, so isolationism took hold of the country, despite Wilson's efforts. Wilson's isolationist opponents in the government argued that the collective security system would obligate the U.S. to go to war defending other League members. The desire to avoid foreign entanglement was

strong; isolationists prevailed, and the Senate refused to ratify U.S. membership in the League of Nations. Many politicians feared backlash at home if the U.S. went to war again. Surprisingly, the November 1918 armistice represented a high point for Wilson's worldwide approval and authority, as he was serving a second term and led the U.S. to victory. While Wilson was optimistic about his political influence in Europe, the home front held biting criticism. Wilson was the first president to visit Europe and his participation of postwar peace talks angered some Americans. They thought that Wilson gave too much land and power to France and Britain in the Treaty of Versailles. Despite this, Wilson publicly campaigned for the League of Nations in its original form. During September 1919, he gave 42 speeches and travelled 12,800 kilometres across U.S. Despite all of his public efforts and appeals to Congress, the senate voted against the Treaty of Versailles by a vote of 55 to 39. His failure of convincing the congress to ratify this agreement can be seen as a strength of the separation of powers in American politics as well as America's reluctance to be involved in "European Matters". Wilson's success during the Versailles talks is a major political achievement and his presidency represents a historical shift in American Foreign Policy to interventionism and his overt idealistic rhetoric in the foreign policymaking decision process was novel at the time.

The question of an American mandate in Albania

In 1912 Europe had been a long way from the United States, and the proclamation of Albania's independence in that year aroused scarcely a ripple in the official circles in Washington. With the entry of the USA into the First World War in March 1917, however, certain of these circles began to look seriously at the possibility of gaining colonial-type rule over Albania. The Albanian community in America had learned from bitter experience that the attitude of the European Great Powers towards their homeland was a predatory one, but at this time large members of Albanian-Americans nursed the illusion that, in contrast, the USA was an "altruistic" state. This view is apparent in the statement of Pan-Albanian Federation "Vatra" on March 15, 1918, which went on to say that: "It is believed to be the almost unanimous wish of the Albanians that, when their independence is restored, there shall be assigned to them the assistance and cooperation of some great nation with no political ambitions to subserve and no desire for territorial conquest. It is difficult to believe that any European nation can free itself from the suspicions of self-interest. The United States seems to be the one nation to which the Albanians can look with perfect confidence. If an American Commissioner or commission were to be designated by the US to assist the Albanians in forming and constructing a successful state, every loyal Albanian would be satisfied". (Bland; Price, 1986).

By 1918, the term "mandate" had been coined in an attempt to give a respectable veneer to post-war colonialism, and Vatra's view expressed the policy of a section of officials in the US State Department. Rev. Charles Telford Erickson, a missionary in Albania for many years, insisted that Wilson and others accept the mandate. Erickson in collaboration with Mehmet Konitza sent a memorandum to the Peace Conference. The Memorandum was called "Six Reasons why America should become Mandatory for Albania." The first reason, according to Erickson, was that America entered and fought the war for Moral Principles. One of these was to vindicate the rights of small

nationalities to protest the weak against the strong. That principle would not be applied to Albania unless America applied it. The other reason was that America, by accepting the mandate, would fight for the interest of a righteous and lasting peace. The whole Albanian nation was turning to America with outstretched hands to save its territory and that meant and S.O.S. call to America from a nation in peril. Europe, according to Erickson, was not yet wholly convinced that Americans were not a money-loving, materialistic people who would use the present advantages to achieve the commercial supremacy of the world.

Becoming a mandatory power in the Balkans, Erickson wrote, meant a safe investment for the US - no army of occupation, no great expenditure of funds, no danger of outside complications, or of opposition from within; instead Albania would need a small volunteer force for police duty, some officers to train a native militia, some civil experts to organize the different departments of administration, a governor with sympathy, energy and capacity, a corps of volunteer workers such as educators, engineers, a temporary loan of a few million dollars, and American capital privately invested to develop the very rich natural resources of the country with absolutely certain profits, - these were the requirements for an American Mandatory and the total expense could be easily met by the State once its resources were properly organized and developed. There is no doubt that Erickson's vision as a missionary related to the role of the US was a good work but it contained utopia doses. William Howard, Secretary of the Albanian Relief Fund, published an article in the Fund's journal, "The Christian work" headed "An American Republic in Europe", which proposed:

- [1] that President Wilson, acting in harmony with the Allies of the US, proclaim the Republic of Albania;
- [2] that the US give to Albania the same measure and character of guidance, help and protection that it has given to Cuba the Philippines;
- [3] that a native Albanian government be formed, the officials of which shall be selected, as far as may be practicable, from the Albanians now living in the US (Bland; Price, 1986).

This idea, however, never became official US government policy. On March 7, 1919 the Albanian delegation at the Paris Peace Conference introduced the official demand for assigning the mandate to the US. The Albanian delegation thought that in case the US did not accept the mandate another force should be assigned implying that a French or English mandate remained the only possible alternative. It would be of interest the fact that this demand for an American mandate in Albania was held for fourteen days and the memorandum instead of arriving on April 14, it arrived on April 28, 1919. The colonies of Albanian emigrants in Rumania, Turkey and America sent a petition to President Wilson, in which they asked him to accept an American mandate in Albania. Halil Pasha, representative of the Albanian colony in Turkey sent a letter to President Wilson thanking the President for the comfort given to Albanian people and expressing his regret that president Wilson was leaving Paris without settling definitively the Albanian question. The same thing was done also by the representations of all Albanian colonies asking Wilson to accept an American mandate in Albania.

The Albanian emigrants in America with their characteristic enthusiasm advocated the official request of the Albanian delegation for an American mandate: "What we request from America is neither difficult nor dangerous. An American mandate does

not imply financial or military obligations. We only ask the US to play a friendly role and to be with her moral face on our side and to help us in proclaiming the Independence” (Adriatic Review, 1919). Other facts reveal that the State Department thought seriously about an American mandate in Albania. A confidential document circulated within the Department in November 1918 under the title – “Brief Recommendations regarding Albania” and suggested that the US government might support ... assignment of this territory to a mandatory, which must be a Great Power and should preferably be disinterested. The US appears to be the only Power satisfying the ideal and which might accept the mandate” (Bland; Price, 1986).

The idea of an American mandate in Albania was not solely a desire or project that originated from the Albanian side. A number of high-rank officials at the State Department were seriously contemplating this idea. In March and April 1919, Joseph Haven, the US consul in Turin, was sent on a special duty to Albania and, in his report to the State Department, he wrote: “The first choice and the universal demand throughout Albania, without exception, is for American administrative control”. The following year, Robert Hammond, the US vice-consul in Rome, was sent on a similar mission and reported that: “Albania is a splendid field for development, as it has good natural resources. The Albanians as a whole, worship and love the US and American ideals to a fanatical degree... I have gathered the following idea from every class of person within the country. They want an American mandate over them” (Bland, Price: 1986). The question of American mandate in Albania was conditioned by how the events would proceed after WW1 when Albania was threatened by the partition between neighboring states and Italy. It never became official US government policy. The Albanians, having lost all faith in the tortuous ways of the traditional policy followed by Europe in their regard, harassed by the unceasing discord and quarrels of the Balkans, looked towards Wilson as their Apostle after the war. On October 3, 1919, the British Assistant Undersecretary for Foreign Affairs Sir Eyre Crowe informed the Foreign Office that the United States in conformity with the ‘altruism’ in which Vatra had expressed such confidence was prepared to go along with the European Powers’ proposal for Italian domination of Albania.

The official recognition of Albania by the United States

At the end of December 1918, a new National Congress met in Durrës and elected Turhan Pasha as Prime Minister. It also appointed an Albanian delegation to attend the Paris Peace conference which was held on January 18, 1919 and in due course Italy and other neighbouring countries presented conflicting claims to Albanian territory. After several months of negotiations between US President Woodrow Wilson and the Italian government, the delegates of Britain, the United States and France (respectively Sir Eyre Crowe, Frank Polk and Georges Clemenceau) signed a Memorandum which put into effect the provisions of the 1915 Treaty of London. A part of this Memorandum, stated that “The United States, British and French Governments desire to recognise the independence of the Albanian state. They consider that the State of Albania will require ‘the administrative advice and assistance of one of the Great Powers’. For this task Italy, by her geographical situation and economic capacity, is primarily indicated. The United States, British and French governments are anxious, therefore, to entrust

to Italy a mandate over the State of Albania". The other part of the Memorandum, the Decision, awarded to Greece the Gjirokastra district, leaving the rest of Southern Albania for further negotiation, and declared: "Italy is to receive a mandate for the administration of the independent State of Labania, under the League of Nations. The frontiers of Albania, on the north and east ... will be those fixed at the London Conference of 1913" (Bland; Price, 1986).

On January 14, 1920 the Prime Minister of Britain and France – David Lloyd George and Georges Clemenceau issued an amended declaration agreeing that northern Albania, including Shkodra, should be ceded to Yugoslavia, while the Korça district of the south should go to Greece. Immediately after that, the US President Woodrow Wilson dispatched an angry note to London and Paris, complaining that the January Memorandum had been negotiated without the knowledge or approval of the American government and that it partitioned the Albanian people against their vehement protests, among three different alien powers" (Bland; Price, 1986). The British and French representatives withdrew both the Memorandum of December 9 and that of January 14. The Paris Peace Conference ended on January 21, 1920 without reaching an agreement on 'the Albanian question'. A new National Congress was held in Lushnja in January 1920. It established a Supreme Council of four persons as Head of State, a National Council and a new government. The latter issued a strong protest to the Peace Conference against the proposals of the Allied Powers and decided to move the capital from Durrës to Tirana. The following summer, on August 2, 1920, Italy recognized Albania's independence and renounced all claims against the Albanian mainland. Even after its admission to the League of Nations, Albania did not achieve international recognition of the independence and territorial integrity of the state. The Great Powers which dominated the League of Nations considered Albania as a state 'under the supervision of the League'. A financial advisor, Albert Calmes, was sent to the Albanian government, and later Jan Hunger as an economic adviser. Following the entry of the Anglo-Persian Oil Company into the Albanian scene, the British government was no longer willing to agree to an Italian Protectorate in Albania. Consequently, Harry Eyres was appointed the first British Minister to Albania on January 14, 1922 with a legation being firstly situated in Durrës and on March 28, Mehmet Bey Konica presented his credentials as the first Albanian minister to Britain.

By 1922, voices were being raised in the United States complaining that the absence of diplomatic relations with Albania was prejudicing American business opportunities. The State Department had noted that Kosta Çekrezi who functioned as unrecognized Albanian Commissioner in the USA "had given assurances on several occasions that Albania would be glad to give an oil concession to an American company if only the United States will recognise Albania", and in the same month the Rev. Charles Telford Erickson now acting as representative of the Standard Oil Company informed the State Department that: "American capital could be very profitably and safely invested there, but it must have the good-will of the Government and this can only be established by recognition. On June 12, 1922 an official US Commissioner, Maxwell Blake arrived in Albania and on 25 the Albanian Prime Minister, Xhaferr Ypi wrote to the State Department promising that if diplomatic relations were established, American interests in Albania would receive the most favoured nation treatment and that the Albanian government was ready to show all kinds of facilities to the installation of

American capital in Albania, as well as to accord concessions to American concerns. The United States accordingly recognised Albania on July 28, 1922 and in September, Ulysses Grant Smith arrived in Albania as the first US minister. A month later, the Albanian government assigned a diplomatic representative in Washington, Mit'hat Frashëri, but who would not go to the United States. The establishment of diplomatic relations not only opened the way for a number of economic and political agreements between the two countries but also after that the US government in a number of cases expressed its interest in preserving the independence of Albania by also rejecting the establishment of any foreign monopoly over Albania's politics and economy.

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Corporate governance (CG), the code of corporate governance and joint stock companies

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Abstract

Joint stock companies are very organized companies organized by commercial law. Corporate governance is a important part in Albania companies, especially in companies with private capital. Corporate governance framework reflected and included in company law, typically comprises elements of legislation, regulation, self-regulatory arrangements, voluntary commitments and business practices that are the result of country specific circumstances, history or tradition. When a new experience accrues and business circumstances change, the content and structure of this framework needs to be adjusted. So the companies would need to regularly and carefully monitor such adjustments and update their governance system. This paper is a analyze of corporate governance in joint stock companies, especially the framework of governance based on the theoretical view.

Keywords: Corporate Governance, Joint Stock Companies, Code of Corporate Governance etc.

Introduction

The joint stock companies are very important in every company. Albaina has a lot of joint stock companies, but there are some companies that has implement the corporate governance. A Corporate Governance Code has been prepared from experts of IFC in cooperation with experts of Ministry of Economy based in the best international practices. Still companies in Albania are not aware enough about the importance of such code.

There is still too much work to do from arising the awareness of businesses regarding the importance of corporate governance practices and the implementation of it. The country lacks a functioning stock exchange and an authority that can act as champion for the promotion of corporate governance principles.

The banking sector in Albania is well developed and banks can be in a position to be promoting good corporate governance. Additionally further improvement remains to be done to the corporate governance framework especially in ensuring that provisions in the commercial legislation are well understood and implemented.

Perhaps one of the most important principles of corporate governance is the recognition of shareholders. The recognition is two-fold. First, there is the basic recognition of the importance of shareholders to any company – people who buy the company's stock fund its operations. Equity is one of the major sources of funding for businesses. Second, from the basic recognition of shareholder importance follows the principle of responsibility to shareholders.

The policy of allowing shareholders to elect a board of directors is critical. The board's "prime directive" is to be always seeking the best interests of shareholders. The board

of directors hires and oversees the executives who comprise the team that manages the day-to-day operations of a company. This means that shareholders, effectively, have a direct say in how a company is run.

Structure of Joint Stock Companies

Structure and Functioning of the Board Joint stock companies can be organised under a one-tier or two-tier system, however in the two-tier system, the appointment and dismissal of executives can be assigned to the general shareholders meeting, which makes it more like a “hybrid” system. This does not seem the right approach, as it might reduce the leverage of the board over executives. Boards appear to be small. Evidence has shown that smaller boards tend to perform better, provided that they have the necessary mix of skills and support. However, this does not seem to be the case in Albania. It was not possible to assess if boards have a diversified mix of skills as no company discloses the board members’ qualifications. Legal entities cannot serve as board members. All joint stock companies are required to have a majority of independent directors on the board and in the board committees. This seems excessive and does not seem to be well implemented in practice: only two among the ten largest companies disclose having one – and only one - independent board member. There are three different definitions of independence, which does not help for clarity. Gender diversity is limited, below South East Europe average. Public Interest Entities are required by law to establish audit committees to oversee financial reporting and audit on behalf of shareholders. Only banks seem to have established them. However, this is not a “board committee”, as it can be composed of outsiders (i.e., non-board members). It was not possible to assess the activities of board and committees as this information is not disclosed. The law does not expressly provide for a clear right of the boards of companies to approve the strategy, budget and to oversee risk appetite. There is no practice of board evaluation and no company discloses having a corporate secretary in place. Liability of board members and managing directors, fiduciary duties and conflicts of interest are detailed in the law.

Transparency and Disclosure

The law requires and the corporate governance code recommends companies to disclose a fair amount of non-financial information online, however in practice the amount and quality of available information is very limited. There are no listed companies in Albania, hence the expectation for quality non-financial information disclosure is limited. However – as a minimum – we would have expected that at least the law requirements were implemented. The law requires large companies and banks to prepare and disclose their financial statements in line with IFRS, however it appears that only the three banks among the ten largest companies comply with this requirement. The law requires companies and banks to have an independent external auditor and to disclose its name, but it is not clear who is in charge for the “independence test”. Disclosure on this matter is limited. As a note, it appears that in some instances the auditor signs the audit reports only with the name of the firm (not with his/her own name), which is contrary to the practices promoted by the Association of Chartered Certified Accountants (however this practice should now

change as in 2016 the law was amended in order to require the auditor performing the audit also to sign the report).

Internal Control

The internal control system is not well developed. Internal audit is required only for banks. Three different laws require companies, banks and public interest companies to create audit committees, but only the three banks among the ten largest companies disclose having an audit committee in place. In all cases, they do not appear to be “board” committees as they are mostly made by outsiders – i.e., non-board members. None of the ten largest companies disclose the audit committees’ meetings and activities. Banks do not seem to be required to create a separate compliance function. Companies are required to appoint external auditors and the audit committee should undertake the auditor’s “independence test”, however – due to the limited number of companies establishing an audit committee - it is not clear who in practice undertakes this “independence test”. External auditors appear to be allowed to provide non-auditing services. This needs to be carefully assessed, as the provision of non-auditing services can undermine the auditor’s independent. Disclosure on this matter is very limited. Banks are required to rotate the external auditor (partner) every 7 years, however, because auditors’ report are very often signed with the name of the firm and not with the name of the auditor performing the audit, it is not possible in practice to understand if there is a rotation of the audit partner. Related party transactions and conflict of interest are regulated by law, however we have doubts that the approval process is undertaken with the necessary independence. At the moment it appears that there is no comprehensive whistleblowing legislation.

Rights of Shareholders

Basic shareholders rights are provided by law and major corporate changes require supermajority at the general shareholders meeting. Shareholders representing 5% of the capital can call a shareholders meeting but there is no clear shareholders’ right to ask question at the meeting. Cumulative voting is not regulated but the law allows shareholders representing 5% of the shares to appoint a member of the board, if so provided by the Articles. Insider trading is regulated by law, however there is no evidence that the law is well enforced in practice. The law includes a few provisions to impede self-dealing however it is not clear if the practice is effective. Disclosure on conflict of interest and related party transactions is limited. Shareholders have the right to access corporate documentation. Pre-emptive rights are provided by law for limited liability companies only. It is not clear if this applies also to joint stock companies. Shares provide equal rights to shareholders and registration of shareholding is required by law. Significant shareholding variations must be disclosed to the National Registration Centre.

Stakeholders and Institutions

The stock exchange in Albania is inactive. Rulings of regulatory agencies are documented and publicly available but not easily accessible. International audit firms

have a significant presence in the country; however the presence of international law firms is limited. International rating agencies are not active in the country. A voluntary corporate governance code exists in Albania but it is generally not implemented. One bank has included a compliance statement in its annual report, however disclosure is still limited. There are a few inconsistencies in the law, and some key corporate governance issues are not regulated. Indicators by international organisations show a framework where corruption is still perceived as a critical problem.

How are organised joint stock companies?

Joint stock companies can be organised under a one-tier or two-tier system, however in the two-tier system, the appointment and dismissal of executives can be assigned to the general shareholders meeting, which makes it more like a “hybrid” system. This does not seem the right approach, as it might reduce the leverage of the board over executives. Boards appear to be small. Evidence has shown that smaller boards tend to perform better, provided that they have the necessary mix of skills and support. However, this does not seem to be the case in Albania. Legal entities cannot serve as board members. It was not possible to assess if boards have a diversified mix of skills as no company discloses the board members’ qualifications. All joint stock companies are required to have a majority of independent directors on the board and in the board committees. This seems excessive and does not seem to be well implemented in practice: only two among the ten largest companies disclose having one – and only one - independent board member. There are three different definitions of independence, which does not help for clarity. Gender diversity is limited, below South East Europe average. Public Interest Entities are required by law to establish audit committees to oversee financial reporting and audit on behalf of shareholders. Only banks seem to have established them. However, this is not a “board committee”, as it can be composed of outsiders (i.e., non-board members). It was not possible to assess the activities of board and committees as this information is not disclosed. The law does not expressly provide for a clear right of the boards of companies to approve the strategy, budget and to oversee risk appetite. There is no practice of board evaluation and no company discloses having a corporate secretary in place. Liability of board members and managing directors, fiduciary duties and conflicts of interest are detailed in the law.

Conclusion

Albania has a lot of to do about CG. The new Albanian Company Law regulates four types of business organisation referred as commercial company: general partnership, limited partnership, limited liability company and joint-stock company. This new company law makes different changes to the previous laws. It was meant to be drafted in implementation of European Union company law standards within the European Union integration process. But in fact this didn’t happen, because in many cases the Albanian provisions clearly and more intentionally deviates from European Union provisions. In the future we hope in good corporate governance according to the standards.

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Classroom Management for Effective Teaching. Teacher's role in the class

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Abstract

Teachers play an important role in the process of education. It is their duty to make his/her lesson interesting so students to be fond of participating. Nevertheless, teaching nowadays is very challenging. Teachers face many problems such as disruptive behavior, discipline, physical space and difficulties in managing the class. Elements of the classroom play an important role in either promoting or hindering learning such as crowding, noise, and physical space. They are a source of chaos and the main reasons why a class can't be managed effectively. The role of the teachers is not only to teach but also to help students to think critically, to analyze, and to become independent and to reach their highest level of achievement. Teachers are responsible of finding the best methods and strategies how to manage the class and how to teach. Beside teaching contents, a true teacher inspires his students. They shape their students life. Teachers are constantly challenged to make learning relevant, meaningful and suitable. Incorporating creativity, imagination, fun and enjoyment transforms theory-based activities into fun, exciting and engaged learning. Furthermore, they need to create a positive, learning environment where students are motivated to learn and grow. Teachers should model good communication skills. Setting rules is important but involving students in it is better. Students have the right to learn in a calm, organized classroom and teachers have the right to teach in a classroom free of interruption and misbehavior.

Keywords: classroom management, teacher role, positive environment, crowd, noise, behavior.

Introduction

The role of the teacher is not only to teach but also to create a positive environment where students feel motivated to learn. A successful classroom is one where student are enthusiastic about learning and they take part in the lesson. They interact and respect the teachers. It is not easy to get a successful class unless teachers and students share responsibilities and roles. For this reason, firstly teachers should create a positive atmosphere. Secondly, they should find the right strategies to use in class. Understanding individuals learning and give everyone opportunities. Developing a relationship with students is of a great importance also. By doing that, the classroom will be a place for each member to express their feelings and work together. Academic success depends on these close relationships and guidance that teachers and students have with one another.

Teachers should promote positive student achievement and behavior. Thus, academic achievement, teacher efficacy, and teacher and student behavior are directly linked with the concept of classroom management. Discipline is one of the most serious obstacles to promoting effective teaching. According to Evertson and Weinstein (2006) Classroom management has two distinct purposes: *"It not only seeks to establish and sustain an orderly environment so students can engage in meaningful academic learning, it also aims to enhance student social and moral growth"* (p. 4). Classroom management is quite an ordeal for teachers. It is not easy to deal with students with disruptive

behavior. Jacob Kounin believed that if students were engaged in their lessons, they would be less likely to misbehave. In this way, we prevent problems. It is important for the students to feel important and to be part of the decision-making processes. Learning and having fun is a way of getting students involved and forget about misbehaving. Setting rules in a class is a good way of managing it. But allowing students to get involved in it, is even better.

Objectives

- To identify the causes of the problems in a class.
- To try to prevent or reduce the problems.
- To find the right strategies how to manage the class.
- To point out the role of the teachers and students.
- To create a positive learning environment.

Different problems of classroom and behavior management

The source of noise could be of different reasons such as students coming late for class, or not finding the lesson interesting. But if teachers are prepared for the class, if they motivate students, provide a comfortable learning environment, build students' self-esteem, be creative and imaginative, they can reduce these problems. Good teachers should plan to prevent or reduce these misbehaviors. Thomdile and Barnhart (1979:262) define the term discipline as a *"trained condition of order and obedience, order kept among school learners, bring to a condition of order and obedience or bring under control"*. In Treffry et al (1997:211) the term is defined as a *"practice of imposing strict rules of behavior on other people"* and also as *"the ability to behave and work in a controlled manner."* So it is the task of the teachers to set rules, to give instructions, to set expectations in order to control noise. These preventative are essential but also non-verbal communication and eye contact are effective in minimizing the disruption to the flow of the lesson, but also provide the teacher with room to escalate responses according to the severity of the misbehaviors if required (McDonald, 2013). *Elements of the classroom play an important role in either promoting or hindering learning, with elements such as crowding and noise representing the main factors contributing to chaotic learning environments* (Maxwell, 2010). *Coupled with small classrooms and large numbers of students, activities designed to facilitate the construction of knowledge through hands-on inquiry has the propensity for chaos, leading to disruptive behaviors and students straying off tasks* (Evans, 2006). As it is mentioned above, physical space of the class, the large number of students, noise are key elements in the process of learning. They are a source of chaos and the main reasons why a class cannot be managed effectively. These things should be taken in consideration if we want to teach academic skills to students and at the same time creating a positive learning environment. Rather than shying away from group learning and hands-on inquiry, teachers need to ensure generated noise is constructive and not interfering with learning. Apart from hindering on-task behavior, unproductive noise can interfere with attention, memory, speech perception and auditory discrimination (Maxwell, 2010). Although the vast majority of student misbehaviors are low-level, including talking out of turn and engaging in off-task behaviors, research attributes such disruptions as a major contributor of teacher stress and self-efficacy, negatively affecting the learning environment and diminishing student engagement.

Classroom management and discipline

What Is Classroom Management?

Classroom management is seen primarily as discipline and management of student misbehavior. However, successful teaching requires more than controlling student behavior. According to Evertson and Harris (1999), *“the meaning of the term classroom management has changed from describing discipline practices and behavioral interventions to serving as a more holistic descriptor of teachers’ actions in orchestrating supportive learning environments and building community”* (p. 60). Brophy (1999) echoed those sentiments when he stated that *“the most successful teachers approach management as a process of establishing and maintaining effective learning environments”* (p. 44). Successful teachers employ strategies *“for establishing rules and procedures, organizing groups, monitoring and pacing classroom events, and reacting to misbehavior”* (Borko & Putnam, 1995, p. 41), and, when done well, it *“looks seamless, even invisible”* (Randolph & Evertson, 1995, p. 17).

Discipline is another key factor in management of the class. Discipline’s *“most typical current meaning seems to be most associated with the notion of bringing children into line”* (Skiba & Peterson, 2003, p. 66); how teachers accomplish that is often determined by their assumptions about how children learn, grow, and develop. So as it is mentioned above classroom management has to do not only with students’ misbehavior but also it has to do with building community, effective teaching strategies, rules, discipline, supporting learning environment. It is advisable for the teachers to move around the class during the lesson. Their focus should be on the entire class. Lessons should be planned before and the teachers should make sure that the period is filled with learning activities. Providing opportunities for students to make decisions about what they are learning is a powerful tool in transforming apathy for student engagement (Kohn, 1993). Therefore, effective behavior management strategies are imperative for both teacher well-being and academic achievement. It is not easy to create a positive classroom climate. It requires a careful balance of rules, fun and exploration, where misbehaviors are largely prevented from taking place to ensure effective learning occurs (McInerney & McInerney, 2002). Students on the other side should work respectfully and pay attention to teacher instructions. Building Relationships is also important in creating a good atmosphere. The social and physical aspects of the classroom environment influence student behavior and either support or hinder learning. Linda Albert’s model of cooperative discipline (Charles, 2005) is premised on the understanding that children need to feel like they belong in the classroom, are valued and are important contributors. Developing positive relationships through the five A’s of acceptance, attention, appreciation, affirmation and affection often ameliorates misbehaviors by avoiding students mistaken goals of attention seeking, power seeking, revenge seeking and the avoidance of failure (Charles, 2005). Teachers learn the classroom management firstly in the classes they inhabited for thirteen or more years as students. Research indicates (Fajet, Bello, Leftwich, Mesler, & Shaver, 2005) that preservice teachers develop perceptions about classroom management from their own experiences as students, and that they bring these perceptions with them when they enroll in teacher preparation courses. These perceptions are applied well in the first years of teaching. So the model that they had is very important. . If the modeling of teachers is all of one sort, or if it is of poor quality, teachers may have a

limited set of skills to emulate, some of which may be of uncertain value. Said that, it is of a great importance that teachers should attend professional development workshops that deal with management and behavior issues, or they may initiate learning on their own, seeking out books and materials that offer insight and support for dealing with behavior and management problems in the classroom. Teachers, however, are part of communities of practice (Wenger, McDermott, & Snyder, 2002) where they often share knowledge with one another. Learning is situated in contexts, and school is a context where adults as well as students learn from one another. *“Learning, thinking, and knowing are relations among people in activity in, with, and arising from the socially and culturally constructed world”* (Lave & Wenger, 1991, p. 51). Thus, teachers’ beliefs, knowledge, ideas, and practices with regard to classroom management are affected by the social context of the school and by teachers’ contact with one another

Teacher Roles

Teachers need to be aware of their role as a teacher in class and the influence that they have on their student’s education. The Canters believed that teachers should teach and model classroom behaviors. By doing so, students are able to visually see what is expected and what is not allowed in the classroom. This is important so that students fully understand what it looks like to participate in positive behavior management. When students misbehave, it is important to sit down with the student and counsel. By having close student-teacher relationships, it will be easier to get to the cause of the behavior. By doing that the students will understand that they and their behavior is important and matter to the teacher and the whole class.

Teacher as Role Model

A role model is someone we admire and aspire to be like. A teacher can become one of the most influential persons in student’s life. Knowingly or unknowingly students follow their ideals. Their influence is not reflected only on academic behavior but also in their life. Teachers should develop respectful relationships within the students. Teachers are responsible for modelling acceptable forms of communication, both verbally and non-verbally and to explicitly communicate expectations regarding mutual care and respect of others. Developing social competencies, friendships and peer acceptance promotes higher levels of classroom participation, motivation and resiliency (McCay & Keyes, 2012). To safeguard against harassment, bullying, racism, negative stereotypes and abuse, it is a teacher’s responsibility to critically examine their own stereotypes and prejudicial attitudes, and to be aware of any underlying adverse attitudes existing within the classroom (Krause, Boucher, Duchesne & McMaugh, 2010). Teachers should model good communication skills not only with the students but also with their parents. They should always be prepared organized in class. Only by doing so they can set good models to follow by their students.

Teacher as Inspiration

An average teacher instructs, better teacher demonstrate and the great teacher motivates. Beside teaching contents, a true teacher inspires his students. They shape their students life. Teachers are constantly challenged to make learning relevant, meaningful and suitable. Incorporating creativity, imagination, fun and enjoyment transforms theory-based activities into fun, exciting and engaged learning (Johnson

& Johnson, 1999). Teachers must show enthusiasm in teaching so to arise student interest. The use of humor is an important tool also. Active learning is a pedagogical teaching method affording student's opportunity to explore and engage with new material, whilst advancing their conceptual understanding (Clark, 2015). Educators need to be considerate of the type of activities they incorporate into their lesson plans, ensuring they foster the integration of knowledge, promoting higher order thinking, rather than merely including behavioral activities. Most of all a teacher should be an inspiration to all the students.

Conclusion

Classrooms is a learning space where knowledge is built and the future of the students will be shaped. So, it is of paramount importance for teachers and students to be patient, creative, and to work in a positive learning environment for both. The Role of a Teacher is not to only to deliver academic skills, or to grade but to help students reach the highest possible level of achievement. And to do that, should be a mutual respect, discipline, good behavior and also managerial skills. That is why we say that the teacher role is important on this. Despite that, there are other factors that impact the learning process such as physical environment, the relationship between students with one-another and the teachers, discipline etc. For all reasons above, teachers are those who had to find ways and strategies to transmit their knowledge but also keep the balance. Students have the right to learn in a calm, organized classroom and teachers have the right to teach in a classroom free of interruption and misbehavior. In order to achieve this, there should be a collaboration of teachers and students and the school.

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Taxation and Economic Inequality in Albania - An Analysis of Income Taxes and their Impact on Various Levels of income

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Abstract

Taxation has remained at the forefront of discussion and political debate since the establishment of democracy and the free market economy after the fall of communism in the 1990, largely due to its unique impact on the everyday lives of all Albanian citizens. The main goal of this article is to examine major motivity forces that have been instrumental in shaping the tax system. As part of this discussion, an emphasis will be placed into the income disparity in last decades in Albania, focusing on the impact that the tax system has had on this divide, if any. The levels of the divide will be fragmented into three separable groups: the lower class, the middle class, and the upper class. Moreover it should be stressed that in our country these divisions are quite fluid unrelated to countries of Western Europe and the developed countries in which the division of classes is considered stable to a certain extent. The work then shall examine various forms of tax policy, placing a particular focus on tax expenditure and the direct influence that they have on each economic class. This will be followed by a general discussion of the ways in which taxation impacts financial and social behavior. It is of paramount importance to analyze the different forms and systems of taxation as the ultimate of economic dynamics within the country. The article shall review the progressive, regressive and flat rate systems as such.

There is an acknowledged precedent that the government has the power to shape and give rise to different forms of conduct through tax policy, but can that influence go so far as to put an end to income disparity.

Keywords: Taxation, income tax, inequality, tax policy.

Introduction

Taxation law is an extremely important and useful area of law to study, but it is also incredibly challenging because of its voluminous nature, technical complexity and constant reform. Taxation law is especially worth studying because of its major economic and social impact on the lives of all citizens of the state. It also raises interesting theoretical, ethical and philosophical issues, making it a discipline considered of high importance in academic fields. Taxation is the prime source which helps provide the finance needed to build every government budget. it is clearly evident how the government and the economy function proportionally with a good administration of tax policy. History has shown us that taxation policies have the capacity to raise or break governments. As so, a good tax policy can lead to economic prosperity, while bad tax policies can result in social and political insecurity. On a personal level, understanding how the tax system works helps people run their businesses, plan their personal finances and comply with their reporting and obligations under the law.

Income Tax in Albania

Income tax was first introduced in Great Britain in 1799 by the Prime Minister, William Pitt, to fund the war against Napoleon Bonaparte. It ended up acting after the war, but was subsequently reintroduced for budgetary reasons in 1842 by Robert Peel and it has been levied in the United Kingdom ever since. It spread all around the world becoming one of the most common and important direct taxes.

Income tax was enabled in Albania in recent decades, surely direct after the establishment of democracy and free market economy in 1991. The overthrow of the dictatorship not only in Albania but in all East Europe and in Western Balkans was an epic revolution not only political but also economical and socio-cultural. It was not easy to change all the features of the state, the challenges were numerous. So were even the decisions that had to be made. The first law on income tax was enacted in 1993. In the same law it was incorporated income individual tax and also the company income taxes. For the first time in Albanian history it enabled a progressive tax rate. Tax rate Burton was really high till 30% for company income which led to many years of tax evasion or tax fraud. This fact, raised and bloomed an illegal market, during those times most of the transactions were made in cash not by the banking system. it also boomed employees not registered in the insurance scheme.

Period 1995-2000- consolidation of fiscal legislation

Significant work was performed on drafting legislation and preparing the infrastructure for the implementation of VAT¹, which would replace turnover tax as the main form of indirect taxes. During that period, but also in the following years in the second half of 1995, the entry into force of this law raised significant increase of indirect tax revenues², as well as with significant improvements in the administration area, including the computerized processing of tax returns and assessments.

The VAT system at the time was admirably designed, including a broad basis, easy to be implemented and administered, as well as containing only a 20% rate and a reasonable registration threshold, typical of developing countries to facilitate tax administration. The few exceptions it contains were common to many other countries as well.

The reforming of the Albanian tax system started with VAT and further continued with the reform of direct taxes. Therefore, after 1997, a lot of work was performed to draft a modern and contemporary legislation. Work began with the adoption of law "On small business tax" in March 1998³, which purpose was to further simplify the procedures for calculating, controlling and paying small business tax. Such a measure aimed at facilitating this large number of businesses, from the aggravated bureaucratic procedures of the state administration, therefore providing small taxpayers better opportunities.

Subsequently, significant work was done on the modernization of other types of direct taxes, both those on personal income and corporate tax. This goal was achieved

¹ Law no 7928, dated 27. 04.1995, *On value added tax in the Republic of Albania*, as amended.

² Keep in mind that the revenues collected through value added tax are still one of the most important revenues in the state budget.

³ Law no. 8435 dated 28.12.1998 *On taxes in the Republic of Albania*, published in Official Gazette No. 31, Pg.31

with the adoption of the law “On income tax” in December 1998⁴, which integrated the personal income of individuals with those of corporate profit into a single law, as well as the simplified tax on small business profit. This law also contained terms and principles previously unknown but widely applied by the tax administrations of developed countries. Generally speaking, profit tax is comparable to corporate tax applied in all other countries, except that it is determined by turnover and not by the legal status of the company. With regard to personal income tax, this law sanctioned the progressive form of income tax. According to this tax form, the higher the income of individuals, the higher the obligation he should pay to the public operator. What is worth emphasizing in this part is the fact that, although it is about almost two decades ago, the reasoning which described the construction of this tax system is quite current even today, but we will have the opportunity to talk about it following this paper.

Table no. 1: Income from salary pursuant to the law of 1998, were as follows:

Taxable income per month	TAP (Personal Income Tax)	Tax rate
0	0-14 000	+ 1% of the amount over ALL 0
14 000	14 000- 40 000	+ 5% of the amount over ALL 14 000
40 000	14 400- 90 000	+ 10% of the amount over ALL 40 000
90 000	64 400- 200 000	+ 15% of the amount over ALL 90 000
200 000	22 0940- more	+ 20% of the amount over ALL 200 000

Of course, these may not be the most perfect laws, but they laid the foundation for the establishment of a coherent, modern, simple-to-be-implemented fiscal system and according to the needs and exigencies of the society in a free market which was based on the principle of free economic initiative. Further on efforts focused on modernizing the tax administration and improving tax return, collection, control and administration procedures.

Particular attention was paid to educating taxpayers, strengthening the spirit of cooperation with them, by considering them not as opponents but as partners. Of course, all these changes were carried out on the basis of some basic principles that ensured in the first place, the principle of free economic initiative. The existence of a system of economic reports based on the principle of free economic initiative that allows the state to impose taxes and fees on all benefits deriving from the use of productive factors (salaries, interests, benefits, etc.) is one of the essential elements of the fiscal activity.

The fiscal policy in this period was based on the basic theoretical principle of tax universality⁵, according to which every entity that generates income from business activity must contribute to the revenues of the state budget to fulfil its general

⁴ See Law no. 8438 dated 28.12.1998. *On Income Tax in the Republic of Albania*, as amended.

⁵ Luja R., *Assessment and Recovery of tax incentives in the EC and the WTO*. Intersentia 2003. Pg.11

functions. This relationship would be guaranteed by the principle of horizontal and vertical impartiality so that all taxpayers are treated equally by law and at the same time are equal before it.

The principle of building a neutral fiscal system is another principle whose purpose is to encourage free private initiative; production, business and investment development; as well as on the other hand to reduce the budget deficit⁶. The principle of neutrality, also known as the principle of efficiency, is a principle widely accepted in the world nowadays.

Impartiality of tax authorities is another essential aspect of the fiscal system. According to the general principles of fiscal law, the tax administration should be as professional and impartial as possible while exercising its activity only based on law. The tax system had to be simple to administer, in order to have low costs either directly for administrators or indirectly for contributors reducing the possibility of tax evasion.

The tax system should have been featured by the principle of efficiency in the redistribution of income and social services in the country, at the same time it should have been established based on the needs and exigencies of the time, according to the parameters of economic development of the country⁷.

Drafting the tax legislation in a clear way is a very important element, so that the latter would as simple as possible to understand. Not only because it is addressed to a large number of individuals and not all of them can have special legal knowledge, but also because it ensures its fair implementation, without leaving room for its misinterpretation. Last but not least, upon the adoption of the Constitution of the Republic of Albania in 1998, there were sanctioned two important principles of financial law. These principles, known in doctrine as the constitutional principles of taxation, constitute the pillars of the fiscal system all over the world. The principle of free economic initiative or free market⁸ as well as the

⁶ David R., *On the Principles of Political Economy and Taxation*, (1817), Published by the Publishing House John Murray, London.

⁷ Rawls J., *A Theory of Justice*. Harvard University Press 2009. Pg. 69.

⁸ Article 11 of the Constitution of the Republic of Albania states: 1. The economic system of the Republic of Albania is based on private and public property, as well as on the We can say that the implementation of the law on income tax, together with value added tax, constitute the most outstanding achievements in the field of fiscal legislation and tax administration in the first 10 years of the new democratic system in the country.

These laws, without many exceptions and deductible expenses, have limited the scope for tax evasion, while creating the right conditions for fair competition between businesses. On the other hand, being conceived in this way, there were created conditions for an even better administration on the part of the bodies designated by law to be in charge of their collection.

The cycle for further modernization of the Albanian tax legislation continued with the adoption in December 1999 of the law "On Tax Procedures in the Republic of Albania"[#], which has accurately and clearly sanctioned in his articles the rights and obligations of both the tax administration and taxpayers, describing at the same time all the basic principles of the organization and operation of the links that make up the tax system. Towards this development, the changes made in the field of Excises are also important[#], in December 2002 it was drafted a new law, which through the unified level of tariffs provided for domestic production and imports, which met one of the main criteria for our country to become member of the World Trade Organization[#].

Period 2000-2007

During these years it did not take place any radical change in the fiscal package, but they have gone down in history as the years that marked some necessary amendments based on practical needs. During the 2000s and onwards, work focused on drafting some legal amendments with effect on foreign investments and mainly in the productive sphere. The drafting of amendments and the adoption of the fiscal package in the late 2000s served this purpose. This package contained significant changes in terms of encouraging investment. Among the most important amendments we can mention the reduction of the profit tax rate from 30% to 25%. Implementation of the deferred payment system for the import of construction and production machinery and equipment, their exemption from VAT during import, reduction of the VAT refund period from six months to one month.

Meanwhile, in the following years, measures were taken to further reduce tax charges. Thus, the corporate tax rate was reduced from 25% to 23% in 2005. And from 23% to 20% in 2006. Meanwhile, this tax became 10% upon the entry into force of the flat tax in 2008⁹. The simplified small business profit tax was reduced from 4% to 3% in 2005 and from 3% to 1.5% in 2006. This rate remained unchanged until 2008¹⁰ when this tax was repealed. It should be acknowledged that fiscal policy did not change much during the period September 2005 - June 2007¹¹. With the changes and reduction of tax charges carried out during the period 2000-2007, Albania could not be considered a country with high taxes and a large fiscal burden on investment, compared to other countries in the region and Europe. After comparing the data of Albania with the data of other countries in the region, it results that the tax charges of both direct and indirect taxes in our country have always been lower. According to an OECD report, the ratio of tax revenues to GDP is among the lowest. In OECD countries it is considered to be around 36-38%, while in certain countries it is higher, such as Poland 41-43%, Hungary 39-41%, or the Czech Republic 40-41%. While in our country this indicator has varied from 18.7% in 1993, 15.3% in 1996, 16.2% in 2000 and about 22-24%¹² in the recent years. The fiscal burden in recent years has increased as a result of increasing the level of tax and fees administration through the modernization of tax administration, further computerization of fees and information, improvement of relations with taxpayers, provision of services and education of taxpayers.

Period 2007-2013

The period 2007-2013, is characterized by rapid changes thanks to a great deal of work that led to the drafting of legislation in every sector of the life of the individual.

⁹ See law no. 8438 dated 28.12.1998 “On Income Tax in the Republic of Albania”, as amended by law no. 9766, dated 09.07.2007, published in the official gazette no. 90 dated 21.07.2007.

¹⁰ These articles were repealed by law no. 9716, dated 16.04.2007, published in the official gazette no. 54 dated 12.05.2006.

¹¹ Lera N., financed by European Union. *Establishment of FPRs through the implementation of the Principles of Good Governance The importance of partnership for the tax system. Kukesi, Dibra, Gjirokastra Seminars 2005-2006*. For further information see <http://www.sbfalbania.org>

¹² Harding M., Summary of OECD *Taxation of dividend, interest and capital gain income*, page 50, edition no. 19, 2013.

This period coincides with the entry into force of the Stabilization and Association Agreement in April 2009¹³, with the obligation to meet the 1993 Copenhagen criteria¹⁴, with the abolition of visas in the Schengen area for the free border crossing within the countries of the European Union on December 15, 2010¹⁵. Such a social and political development would definitely be reflected in the relevant amendments and in the relevant legislation where the clear goal in each area was the “approximation of legislation”, in particular the approximation of the fiscal package with “*acquis communautaire*”. It was required a rapid and necessary reform of the fiscal package in the country and beyond. This is due to the fact that EU itself was initially established as an economic and financial union between member states, then gradually transitioning to a “*sui generis*” type of political union due to the fact that each member state assigns part of its sovereignty to the benefit of the community.

Initially, the work started with the changes in the tax administration, its role and competencies were strengthened, the qualification of the administrative staff was qualitatively boosted, the impartiality of the administration was increased as a result of the due implementation of the law and the information reform of all administrative structures was promoted at all levels. As a result, the online tax payment method was established in June 2010¹⁶. All servers of the regional tax directorates were automatically connected to the servers of the General Directorate of Taxes, thus minimizing cases of abuse of office on the part of the administration. During this time, it became possible to complete tax returns online and to pay taxes.

The vision of the Albanian tax administration, with the continuous support of the legislative and executive power, was that of an organization that operates based on the standards of international qualitative tax administrations, which consists of:

- an agency that provides tax service that develops tax awareness in the company, promotes voluntary payment of taxes and fees, aiming to reduce the administrative burden on taxpayers and to simplify tax administration.
- an authority that fairly collects and controls and consequently enforces the law to fight against the informal economy and evasion, as well as to stop avoiding tax payments.
- a trustworthy and well-acknowledged organization, which maintains and adapts its organizational structure and values, by flexibly adapting to economic and social change, using the most advanced technology tools and methods, and collaborating with business associations and civil society, tax authorities of other countries and with international organizations, in order to train and renew the

¹³ See the SAA agreement, this agreement started on: June 7, 2001, until April 2009. This agreement aimed to initiate negotiations for Albania’s EU accession, and this required the harmonization of laws, freedoms and rights with those of the EU.

¹⁴ Copenhagen Criteria (June 1993) - All Central and Eastern European countries could join the EU if they met the following criteria, which can be summarized in three pillars: 1. A stable institutional framework based on democratic order and guarantee of human and minority rights. 2. A functional market economy. 3. Ability to adopt the entire EU legal framework, and to accept EU objectives.

¹⁵ According to this agreement, Albanian citizens that have a valid biometric passport can travel without a visa to the 27 EU member states, including Switzerland, Norway and Iceland.

¹⁶ Through decision no. 55, dated 3.2.2010 on “Mandatory declaration of tax returns and other documents by yourself through electronic form”, it became possible to pay taxes online at the official website of the General Directorate of Taxes in the services section.

administration and maintain the strategic mission¹⁷

These measures were accompanied by a series of changes in the legislation in force. The most radical changes in this period were made by the law “On Income Tax in Albania”, which entered into force on January 1, 2008¹⁸. In the first place, through this law it was passed the progressive form of collecting the tax burden in the flat tax system for all categories of tax, i.e. both the personal income tax and the profit tax. Secondly, a single tax liability collection basis was established for all taxpayers at the rate of 10%. Thirdly, the simplified small business tax articles were repealed. Fourthly, some changes were made in the first articles that contain definitions, which were adapted with the OECD principles ratified by the Republic of Albania, as a legal entity, company, related party, headquarters, etc. Fifthly, some changes were made regarding tax-exempt income, such as income received as a result of financial compensation, for former owners and former political prisoners¹⁹, and finally, were exempted from personal income tax, contributions made by the employer for the life and health insurance of employees²⁰.

We can say that the government of the time had the vision to change the tax collection method by liberating the economy and by strengthening business. This happens due to the fact that, after the 90s, since we did not have any experience regarding choosing the form of tax burden, we initially relied on the continuous and much-needed assistance of Western experts, who shared with the Albanian leadership the most valuable European experience. Thus, out of the great desire to become part of Europe as soon as possible and at all costs, we adapted the progressive tax system from the very beginning. But the Albanian economy was fragile, it was facing the capitalist system for the first time and the rules of the game were still unclear. For about 50 years we were accustomed to a culture of lack of private property and lack of taxes and fees. It is difficult to eradicate a 50-year-old mentality, to force people to pay taxes because the state is no longer supported by voluntary work, by agricultural crops, by the Marxist²¹ idea that it will be produced enough to satisfy the country’s needs. This was the moment for the Albanian economy to get introduced to the world markets, which had its own advantages and disadvantages. Among its negative aspects, it is worth mentioning the fact that during this period informality started to emerge in Albania.

Pursuant to the company law of the time, the prolonged bureaucracy to get registered as a business, provided as a condition to start its activity the obligation that, the commercial entity, in the first place had to get registered at the district court in order to approve the legal form of the company and at the same time to approve its statute in order to enjoy the legal person status. Then this legal entity had to obtain a license to exercise financial activity at the relevant tax directorate. In addition to this, there are long assessment and tax liability payment procedures. The fact that the first law “On Tax Procedures in the Republic of Albania” entered into force in December

¹⁷ Report of General Directorate of Taxation: *Tax Administration 2008-2012*. www.tatime.gov.al

¹⁸ Law no 9943, dated 26.06. 2008, *On Income Tax in the Republic of Albania*, as amended.

¹⁹ Amended by Law no.10072, dated 9.2.2009, Official Gazette no. 20, dated 04.03.2009

²⁰ Amended by Law no. 10364 dated 16.12.2010 Official Gazette No. 179 December 2010.

²¹ See Book of Karl Marx, Engels Frederich, *The Communist Manifesto*, Echo library, pg. 5, ISBN 978-1-40685174-8.

1999²², means that even in complaint cases the rules of the game were unclear. Most of the financial transactions during those years were made in “cash”, because the banking market was in its infancy.

The progressive tax with some levels for the payment of personal income and profit tax which were 30% and quite high especially for the local investor who had just started his financial activity and needed to expand his economic activity, for this reason it was required more fiscal relief. Most employees in the private market worked illegally, and did not pay only taxes and fees, but also compulsory social and health insurance. All these very negative phenomena accompanied our country in its journey towards a free capitalist system. Most of the countries that emerged from the former communist bloc had adopted the flat tax, such as Russia, Ukraine, Latvia, Estonia, Lithuania, Romania, Bulgaria, Macedonia, Slovenia, etc. These countries who were also assisted by experts in the field, managed to attract more foreign investors and experience a gradual recovery of the economy.

Therefore, the decision of the Albanian government to adopt the flat tax, strengthened the whole economy. Phenomena such as informality and tax evasion gradually started to give way to the due enforcement of the law by all taxpayers. The role and competencies of the tax administration and its impartiality were strengthened. At the same time, the imposition of taxes supposed as previously was eliminated and the awareness of taxpayers for the payment of taxes and fees was increased, because the spirit of tax law enforcement began to take root. By DCM no. 781 dated 14.11.2007, it became mandatory for all tax entities to have fiscal cash registers and to issue the relevant tax coupon²³.

The Law “*On Tax Procedures in the Republic of Albania*” obliged all citizens to perform through the bank and no longer in cash all financial transactions over ALL 300,000²⁴. Thus, phenomena such as money laundering and tax evasion are prevented because through the bank it can be verified not only the financial transactions of the entity, but also the turnover i.e. indirectly its profit. The reduction of the tax level is always accompanied by an increased level of foreign investments in the country. The government of the time even issued a decision “Albania one euro”, for all foreign investors who wanted to invest their income in our country. This is an indicator of support and encouragement for foreign investment, whether direct or indirect. At the end of this period, in March 2013, the government amended the law on personal income by changing the tax levied on the salaries of employees, and structuring it into two levels²⁵. These levels are expressed as follows²⁶.

²² See law no. 22.12.1999, *On tax procedures in the Republic of Albania*.

²³ DCM, no 781, dated 14.11.2007. “On the technical and functional characteristics of fiscal equipment, integrated computerized system for periodic, automatic transfers, financial statements, communication system, the procedure and documentation for their approval and the criteria for obtaining authorization from companies authorized to provide fiscal equipment”.

²⁴ Law No. 9920, dated 19.05.2008, *On Tax Procedures in the Republic of Albania*, Article 59, paragraph I “Payment in cash”, as amended

²⁵ Table no. 1 of Law no. 107/2013, *On Income Tax in the Republic of Albania*, dated 28.3.2013, published in the Official Gazette 53, dated April 15, 2013.

²⁶ See law no. 8438 dated 28.12.1998 *On Income Tax in the Republic of Albania*, as amended by Law no. 177/2013, dated 28.12.2013, published in the Official Gazette no. 203 dated 30.12.2013.

Table no. 2: Salary income according to the Fiscal Package 2013

Taxable income (per month)	Tax rate
ALL 0 – 30 000	0 %
ALL 30 000 and more than ALL 30 000	10% of the amount over ALL 30 000

Thus, I can say that the economic climate in this period, as a result of changes in the fiscal package of 2007 was satisfactory, because the fiscal package contributed to the formalization of businesses, tax administration bodies efficiency increase, registration and deregistration procedures reduction, online tax payment facilities provision, etc.

2014 and further on

The reforms that have been undertaken in recent years, especially after signing the Stabilization and Association Agreement, were focused on the approximation of the legislation of our country with “*acquis communautaire*”. In this sense, following the model and directives of the European Union, in December 2013, the parliament adopted the new fiscal package²⁷.

This package special because through it, it was changed the tax burden pattern and transitioned from the flat tax system to the progressive taxation of the salary income tax. Meanwhile, revenues from other forms remained unchanged, again at the level of 10%.

The table below shows the ratio between taxable income (per month/ALL) and the tax rate applicable to each category.

Table no. 3: Salary income according to the Fiscal Package 2015

Taxable income (per month/ALL)	Tax rate
ALL 0 – 30 000	0 %
ALL 30 000 – 130 000	13 % of the amount over ALL 30 000
130 000- more	ALL 130.000 + 23% of the amount over ALL 130 000

There are many important changes brought about by this fiscal package, in addition to the transition of the taxation of salary income from flat to progressive taxation, according to the above table, whereas personal income tax compared to other forms of income remained at the same 10% level, the profit tax is also worth mentioning, which increased up to 15%²⁸, as well as it was imposed the simplified profit tax for small businesses whose annual turnover is less than ALL 8 million per year²⁹.

and services. However, the payment of taxes and fees must originate from the law, for this to be considered as a liability.

2. By paying taxes, we as contributors say that we do not have a direct benefit, but indirectly the entire society benefits from public services that the public operator carries out through tax revenues, which are rather determinant for a state budget.

²⁷ Amended by Law no. 32/2014, dated 3.4.2014, published in the Official Gazette no. 57, dated April 24, 2014

²⁸ See law no. 8438 dated 28.12.1998 *On Income Tax in the Republic of Albania*, Article 28.

²⁹ See articles of law no. 9632 dated 30.10.2006. *On local taxes in the Republic of Albania*

3. By paying taxes, we as contributors say that we do not have a direct benefit, but indirectly the entire society benefits from public services that the public operator carries out through tax revenues, which are rather determinant for a state budget.

4. At the first moment when they are collected, it is public revenues are not known where they will be used. This, in contrast to the taxes that as soon as they are collected, it is known where they will be addressed, e.g. it is known that the student tax for higher education goes to the provision of this service by the university offering such service. On the other hand, taxes are mandatory and non-refundable payments from individuals, so it is not known at the first moment of their collection what these public revenues will be used for: administration, investments, provision of services, etc. Therefore, we can say that the *quid pro quo* principle does not apply to tax. This means that when determining the amount, there is no correlation between the amount of tax and the benefit or benefit from the tax. By paying taxes, we as contributors say that we do not have a direct benefit, but indirectly the entire society benefits from public services that the public operator carries out through tax revenues, which are rather determinant for a state budget.

5. In modern and industrialized countries, taxes and fees constitute the most essential revenue for a state budget. As a rule, they are paid in cash, expressed in percentages, and payable in the national currency of each country. Hence, over time, other forms of taxation, such as taxes in kind have lost their meaning. It is considered that taxes are revenues with no destination for the state, since in the first moment of their collection it is not known what these revenues will be used for, then at a later moment, in drafting what is called the state draft-budget it is decided on the basis of government needs and priorities where these revenues will be specifically directed.

6. It is deemed that taxes are paid on the basis of the territorial principle, because taxes as a rule: where an income is achieved or a property or an item is enjoyed, the tax must be paid, thus, we are dealing with what is called "principle of residence". Nowadays, such principle takes on a very special relevance considering that every country, especially under these difficult financial conditions, does not want the income generated from various sources within its territory to go and move to another state. Although "freedom of movement of capital" is one of the fundamental freedoms of the EU, each country nevertheless takes strict measures to prevent the outflow of the capital generated outside a certain territory. For example, in our country yet there is no law to strictly restrict the capital flow generated within this territory "capital flows".

It is now well established that there are distinguishable economic classes in Albania, an inequality among these groups exists, and that inequality is increasing. However, the overarching issues still remain unresolved. Will the rich inevitably get richer due to their ability to invest capital, while the poor continue to struggle to make ends meet? Is it the result of an unjust tax system that offers breaks to the wealthy at the expense of the poor? Or, does taxation provide a means to reign in the current state of inequality, correcting for years of disparity? These were the main issues and questions that were addressed throughout this article. A basic understanding of the expansion of Albanian tax policy, and the theories driving that growth have been established. Details concerning the current state of income distribution in Albania and its equality, or lack thereof, have also been presented. By now, hopefully it has become apparent that not all taxes or tax policies are created equally. Generally speaking, there are

inevitably winners and losers, but there are some income groups that win or lose more than others. We know that in an attempt to be equitable, the government forces those with higher incomes to not only pay larger amounts, but also larger proportions of their income due to higher rates. There is also a general trend that the upper income class tends to receive more tax benefits from tax expenditures than the lower and middle-income classes combined. For the lower class, the legislation offers the standard deduction and a number of tax credits that help alleviate the tax burden for those individuals, and can actually act as a type of additional aid in some circumstances. While this lower level income class is not receiving a large portion of total earnings or tax savings, they are contributing an even smaller proportion of the total taxes collected. The impact that taxes have on the middle class is relatively similar to those on lower class, however it would be less likely for households in the middle-income level to receive refunds from tax credits.

Taxes are significant in that they reduce the purchasing power of all taxpayers, by decreasing their amount of disposable income. For the lower class, this could influence decisions concerning the amount of rent that a family could afford, or their monthly budget for groceries. For the middle class household, taxes might not impact decisions regarding the necessities of life, but could be the deciding factor in whether or not they can move out of an apartment and move into a house, or afford a family vacation, so they can affect their quality of life. The upper class households have the luxury of overlooking the impact taxes may have on their well-being, but they are definitely factored into large investment decisions, and have the potential to drastically shape the outcome of that decision. There is an acknowledged precedent that the government has the power to shape and give rise to different forms of conduct through tax policy, but can that influence go so far as to put an end to income disparity.

Hedges as a Mitigating device in Everyday Conversations: Implicature and Politeness in Interaction

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Abstract

English language has been a worldwide means of communication for years. If it were to provide reasons why English became a means of communication, definitely that would be a never ending list. Every day brings up a new reason to acquire some English. The rapid growth of technology made English language a must, as well. Just with a click on the smart phone or social media, people get faced with new terms to add to their lexicon. Moreover, it has become the language of academics, economists, politicians, international students, who come together to discuss on latest topics of such fields of life. Therefore, the present need is cross-cultural communication. This makes it evident that people aim at being proficient users of English. But, what does it mean to be a proficient user of English? There is a lot of empirical evidence which confirms that being an accurate user of the grammar and lexicon of the language is not enough. Language is used in contexts. Language is an attitude. Therefore, there is more to add at one's skills. There is a noticeable difference between speaking a language and communicating in a language. What people say most times is different from what they mean, because there is always an intention on what people say. Language forms are used for specific functions. Such approach is under the auspices of pragmatic ability.

Communicating in English involves a set of competences, such as the pragmatic and the sociolinguistic ones. Such competences focus on the appropriate use of language in context, avoiding ambiguity, misunderstanding and misinterpretation of utterances. The aim of this paper is to introduce an overview of the maxims of conversation and the use of hedges in everyday exchanges. There will also be an introduction on the use of mitigating devices in everyday conversations. Consequently, the correct and frequent use of such linguistic devices aims at raising individuals' awareness of their pragmatic ability. The development of this ability accounts on the foreign language users to refer and infer accurately the intentions they have while interacting in specific contexts. Throughout this paper, there will an overview of the approaches towards hedges taxonomy held by different linguists and scholars. Furthermore, there will be a description of people's ability to manipulate the language via different strategies. Throughout the paper, there will be arguments stated in support of the use of hedges and mitigating devices. The use of such linguistic forms reflects the pragmatic ability of individuals to cooperate in a conversation.

Keywords: hedges, mitigating devices, implicature, politeness in conversation.

1. Introduction

Language is an essential tool to convey ideas, to enter in a conversation, to exchange utterances, to interact with people; in other words, to communicate and to feel alive. Language in use requires humans to possess receptive and productive skills; thus, they are able to comprehend and to produce language. Once in communication, people show their simplicity and complexity. Due to the various needs and purposes of interaction, sometimes people act directly using simple words; other times they act indirectly using complex structures, implicit meaning and fuzzy words and phrases.

Above it all, this is the power of language, and people spend time to become masters of it.

Communication has become a cross-cultural phenomenon due to the eagerness of human beings to explore the territory, to expand the knowledge and to acquaint new things. Simultaneously, there is the need and the will to learn new languages. In order to become a competent user of a foreign language one needs to develop certain competences: linguistic, pragmatic and sociolinguistic ones. As far as the pragmatic competence is concerned, it is the ability “to communicate your intended message with all its nuances in any socio-cultural context and to interpret the message of your interlocutor as it was intended” (Fraser, 2010, p. 15).

Such competence is crucial for a successful communication. Apart the linguistic knowledge and the fluency, the foreign language user needs to develop pragmalinguistic and sociopragmatic competences. They should be aware of the pragmatic principles and they should develop certain strategic skill in order to communicate correctly and appropriately. When people speak, they perform, and they should perform well. When they interact, they should understand each-other’s communicative intentions. Therefore, pragmatic teaching and learning deserves its space in foreign language teaching and methodology.

There are a range of facets and functions which constructs the pragmatic competence; nonetheless, this paper focuses on one of these facets of pragmatic competence the hedging which is a rhetorical strategy used to attenuate the value of a specific phrase or proposition. People use hedges because they want to sound polite and euphemistic. As a consequence, if the non-native speaker is unable to recognize any hedged utterance, they cannot infer the speaker’s intention. If the non-native speaker is not able to use hedges appropriately, they may be perceived as impolite. It is worth mentioning here that if the non-native speaker is a fluent user of the language, the native speaker will expect him/her to be a good user of hedges. This is not always the case because linguistic competence does not necessarily run parallel with pragmatic competence.

2. Literature Review

The concept of hedging has changed extensively since it was introduced as a term by Lakoff in 1972. Hedging was described as a semantic feature of a class of words and nowadays, it is viewed as a pragmatic concept including linguistic expressions which function as mitigating devices in discourse. Lakoff suggested that if we tried to limit the truth conditions for natural language sentences to true and false, this would distort the natural language concepts by labeling them as having sharp rather than vaguely defined boundaries. Lakoff stated that: “For me, some of the most interesting questions are raised by the study of words whose meaning implicitly involves fuzziness – words whose job it is to make things fuzzier or less fuzzy.” (1972, p. 195). Lakoff was interested in the properties of words like *sort of* and how they make things fuzzy or less fuzzy. For Lakoff (1972), hedging involved the attenuation of the membership of a particular expression as in a, or the reinforcement of the class membership as in b:

- a) John is *sort of* smart.
- b) What I tell you is the *absolute* truth.

Various terms have been used by different theories to define the hedges. Thus, downtoners was the term used by Leech (1985), downgraders (House & Kasper, 1981), weakeners (Brown & Levinson, 1987). In simple terms, hedges are linguistic devices which help the interlocutors distinguish facts from opinion. In pragmatic terms, they are strategies speakers use to communicate cooperatively and politely. The very focus of this paper is the pragmatic function of the hedges and the necessity to teach them explicitly to EFL learners.

In the words of Leech (2014), all these elements are called pragmatic modifiers due to the function they have on an utterance. They might clash with grammatical modifiers in form but not in function. Therefore, the use of these modifiers in case of apologies, they tend to intensify or strengthen the meaning associated with a strategy; in case of requests they mitigate or soften the directive force, making it more palatable to the listener. In some cases, pragmatic modifiers can increase the complexity of the request. Another feature of modifiers is that they can be subtracted from the speech event, and it still has broadly the same illocutionary force (e.g., as a directive). That is why Leech considered them optional elements. Leech (2014) divided them into internal modifiers, which are syntactically included in the same utterance as the head act (the request proper), and external modifiers, which are more loosely linked to the head act, by following or preceding it.

In this line of thought, downtoners were included in the group of internal modifiers followed by polite markers, deliberative openings, appreciative openings, hedged performative openings, negative bias, happenstance indicators, temporal queries, hypotheticals and tag questions.

According to Leech, downtoners are modifiers that mitigate or soften the directive force of the speech event. Modal adverbs such as *perhaps*, *maybe*, *possibly*, for example, emphasize the element of uncertainty or tentativeness in requests with ability/possibility modals:

Well I figured *maybe* you could give Eddy's mom a call.

Could you *possibly* give Ian and me the authority to work that one out.

The second example above demonstrates the use of the downtoner *possibly*, but at the same time it may serve as an example of hedged performative openings, easily noticed the use of the modal verb *could* as a hedged introduction.

Other downtoners are diminishers or "belittlers" like a bit, a little, or a tad, which indicate that the task will be small to the listener. Various combinations intensify the diminution: a little bit, a wee bit, a tiny bit, a teeny bit, a teeny-weeny bit. Other downtoners maybe adjectives, verbs and nouns which meaning is associated with smallness: pop, sip, tiny-weeny etc.

Meanwhile, external modifiers are not part of the request utterance itself, but can be added to a request, either before or after it, to make it more polite, friendly, or persuasive. As a piece of discourse, they are loosely attachable to the request utterance, but they can also stand on their own and can even do the job of the request without the head act.

Excuse me could you speak up just a little bit?

Sorry, can I just interrupt?

Leech did not use the term hedge specifically in this categorization of pragmatic modifiers. Sometimes, it is not an easy task to distinguish internal and external modifiers. Overlapping seems to occur even among subgroups. Therefore, not only

downtoners, but also pragmatic modifiers can serve as a term to represent hedging as a rhetorical strategy.

Another approach on hedges was introduced by Yule. Yule was concerned with the Cooperative Principle of Grice and its four maxims. While interacting, people are assumed to provide the necessary information, to be relevant, to be clear and precise. Yule (2011) stated that there are certain expressions people use when they want to justify the cases when they cannot adhere fully to the principles. These kinds of expressions are called hedges. Yule (2011) grouped the hedges according to the Gricean maxims. Thus, hedges used for the maxim of quality refer to the fact that what speaker says might not be totally accurate; for example, *As far as I know*, they are married. When the quantity maxim is not adhered, speaker may use hedges like: *As you probably know*, I'm terrified of bugs. When people interrupt an ongoing conversation because they want to say something not related to the topic of their discussion, they are aware of such act and use markers as *by the way* so as to adhere to the maxim of relevance. As far as the maxim of manner is concerned, speakers use hedged expressions usually at the beginning of the sentence: I'm not sure if this makes sense, I don't know if this is clear etc.

The use of such hedges in daily conversations reveals that people are aware of the maxims and they also observe such principles in order to be cooperative with their listeners. This approach describes hedges as discourse markers with pragmatic function.

When Lakoff coined the term hedge, he was concerned with declarative sentences and their proposition being affected by the hedges. However, he also showed that "the interpretation of hedges is dependent on context and that the effect of hedging is a pragmatic not a semantic phenomenon" (Fraser, 2010, p.17). Therefore, as long as Lakoff considered the propositional hedging, Fraser and Brown & Levison (1987) developed fully the speech act aspect of hedging, referred to as speech act hedging.

An attempt to create a framework for the hedges arrives from Prince, Fraser and Bosk (1982) who distinguished between two types of hedges: shields, which "change the relationship between propositional content and the speaker by implicating a level of uncertainty with respect to speaker's commitment" (Fraser, 2010, p. 19), and approximators, by which the proposition itself is hedged-i.e. "the extent to which it is true is stated" (Skelton, 1988, p. 38). Examples of approximators include: somewhat, sort of, almost describable as, some, a little bit, etc., while examples of shields include I think, as far as I can tell, according to her estimates, as far as anyone knew etc.

Another framework was introduced by Caffi (1999) who proposed a classification of mitigating mechanisms based on her view of the three components of the utterance on which mitigation can operate: the proposition, the illocution, and the utterance source. She termed them as bushes, hedges, and shields, respectively.

a) Bushes are lexical expressions that reduce the commitment to the propositional content of the utterance and may introduce vagueness in the interpretation of the utterance and affect the truth value of the proposition.

b) Hedges are lexical expressions, whose scope are the illocutionary force of the speech act and attenuate the strength of the force by reducing the speaker's commitment.

c) Shields are devices to avoid the self-ascription to the utterance and realize an overall shift of responsibility, for instance by introducing a different speaker or by deleting the deictic origin of the utterance. (Fraser, 2010, p. 21).

Taking into account the above definitions, it can be considered that Caffi's bushes and Prince et al's approximators refer to the propositional content. Meanwhile, hedges and shields of Caffi and the plausibility shields and attribution shields of Prince et al, share the pragmatic function of softening the force of the speech act, the former applying to the aim of the speech act, the latter applying to the utterance.

Different approaches brought about various terms to identify and classify the hedges. The various frameworks of hedges that have been introduced still present overlapping cases when it comes to examples. Some scholars treated hedges from a linguistic point of view; some others considered them from a pragmatic one. The theories of Grice, Yule, Brown and Levinson mentioned above considered hedging as a strategy to be cooperative in communication, to save the face; therefore hedging becomes part of the discourse because of the need of the interlocutors while communicating. Hedging is a pragmatic strategy used to make claims, to prevent any criticism and to gain the acceptability of the listener.

Meanwhile, Fraser stated that linguistic hedges include linguistic devices, both morphological and syntactic forms used in the process of hedging. These include: adverbs, adjectives, impersonal pronouns, concessive conjunctions, indirect speech acts, introductory phrases, modal adverbs, modal adjectives, hedged performatives, modal nouns, modal verbs, epistemic verbs, negation, tag questions, agentless passives, parenthetical constructions, if clauses, progressive forms, tentative inference, hypothetical past, metalinguistic comments, etc. (2010, p.22).

Fraser (2010) further clarified that "it should not be surprising that there is no grammatical class of hedges, since hedging devices are drawn from every syntactic category. At best, we might say that hedges form an open functional class" (p.23).

In this line of thought, Clemen (1997) explains:

"There is no limit to the linguistic expressions that can be considered as hedges ... The difficulty with these functional definitions is that almost any linguistic item or expression can be interpreted as a hedge ... no linguistic items are inherently hedges but can acquire this quality depending on the communicative context or the co-text. This also means that no clear-cut lists of hedging expressions are possible" (p.6).

Consequently, hedging is an important feature of discourse and its correct usage is crucial for the communication. Therefore, it should not come as a surprise the due attention hedging deserves in relation with the learning of English as a foreign language. Hedging is a rhetoric strategy with a pragmatic function which learners of English as a foreign language should become aware of. The hedging phenomenon is part of the pragmatic competence and as such, it should be developed. Learners of English as a FL should be aware of the hedging strategy, in order to interpret and use appropriately the principles of politeness, implicature and speech acts.

3. Hedging and modal verbs: an analysis on the book *Ready for Advanced*

Many empirical studies on pragmatic ability of ESL and EFL learners have revealed the necessity to teach pragmatics. What is more, it is strongly suggested to teach pragmatics explicitly to such learners so as to raise their awareness on pragmalinguistic and sociopragmatic issues. There is a wide range of books designed to learn English as a FL. Generally speaking, there are well-designed books which aim at helping the learner to develop the skills to use English language according to the CEFR levels of

language. The focus of such books is the development of the four skills and they are an asset for the teacher to instruct communicative approaches in the EFL classroom. Nevertheless, it can rarely be noticed sections of books where pragmatic terms are cited or mentioned explicitly for the learner, not even straightforward exercises to boost the learners' pragmatic ability.

The book chosen in the interest of this paper is *Ready for Advanced* by Norris and French (2015). The aim of the analysis is to find sections where elements of pragmatics can be taught explicitly. The coursebook is composed of 14 Units, ten pages per unit. Based on its content map, each unit deals with: language focus, vocabulary, writing, reading, use of English, listening and speaking. The section focused in this paper is *Language focus* with the aim of finding the use of modal verbs as a hedging strategy applied in the exercises of this book.

The Language focus in Unit 1 introduces the modal verbs might, could, may and can. There are 6 exercises which focus on the use and functions of these modal verbs. In exercise 1, there are seven sentences containing the modal verb might and students are required to link them with the ideas they express. The ideas are provided in a small table. For example:

You *might* at least help me! (Annoyance) (p.10)

Students can solve this exercise with the help of the explanations provided in the Grammar Reference in the last pages of this book, but it is not mentioned the role of the context per each case. Even in the example above, the function of *might* is better understood by the context of the utterance: it is the role of the hedge *at least* which bears the nuance of annoyance. Such pragmatic explanation is not stated on the book. In exercise 3, the sentences contain the modal verb *can* and *cannot* and they should be matched with the ideas they express. For example:

You *can* be really irritating *sometimes, you know*. (criticism) (p.10)

Even in this case *can* is linked with criticism because of the hedge *sometimes* and the verb *know*.

Only in exercise 4, students are invited to think of a context for each of the sentences in exercise 3, so as to guess who might be the speaker and their conditions to express such utterances. In this case, it will be the task of the teacher to explain the pragmatic features of this matching.

Further on, in Unit 3 the language focus is on hypothetical past situations. Students are introduced with the use of expressions: *if only, I wish, I'd sooner/rather*. In the follow up exercise they have to complete the second sentence so that it has a similar meaning to the first one.

1. If only I'd gone to France instead.

I'd sooner _____

2. We don't think you should have done that.

We'd rather _____ (p.33)

Apart the drill to boost students' grammatical skills, they should be invited to discuss the pragmatic function of *sooner* and *rather* in the above cases. In order to raise their pragmatic abilities, they should be taught explicitly of the pragmatic function of these utterances.

In language focus 2 Present and future conditionals, in exercise 1 students are introduced with the structure *if+ will/would/going to*. Students have to match the cases provided with their functions. For example:

1. *If you'll come this way*, Ms Taylor will see you now. (Request) (p.37)

This is a good case to introduce students with indirect speech acts. This is a declarative sentence, but the force of it is a request.

2. If you *will keep* eating chocolate, it's no wonder you're putting on weight. (Insistence) (p.37)

In this case, apart the use of the modal verb *will*, there is the verb *keep* which reinforces the action, thus the utterance has the function of insistence. Here it is noticed the use of boosters, as a type of hedge.

In Unit 8 the language focus is on modal verbs *will*, *shall* and *would*. In this section, students are provided with the following examples:

1. Friends like these *will* spend hours, days *even*, in front of their state-of-art-computers. (habit)

2. I *won't* fly and *won't* travel abroad *anymore*. (refusal)

3. There is, I *suppose*, an *outside* chance I *will* be forced onto the Internet one day. (prediction) (p.108)

In all the sentences written above, apart the use of *will*, there are some italicized hedges per each case which do play an important role for the functions the sentences are aiming at. In sentence 1, the word *even* does add the meaning of exaggeration, thus corresponding to the function of habit. In sentence 2, the word *anymore* clarifies the function of refusal. In sentence 3, the verb *suppose* and the adjective *outside* are the hedging for prediction rather than fact.

Unit 12 is the last one in this book to have incorporated the use of modal verbs in the language focus session. In this session the focus is on modal verbs *must*, *need*, *should* and *ought to*. In exercise 1, students are asked to explain the meaning of the words in bold:

1. We **had to** do *exactly* the same work. (past obligation)

2. There **must have** been *about* 500 of us altogether. (speculating about the past)

3. We **should have** done it years before. (past regret)

4. I *thought at first* they might not accept me because of my age and inexperience, but I **needn't have** worried about that. (I got worried, but it was not necessary)

5. I **didn't need** to have any special skills. (it was not necessary) (p.161)

Each modal verb plays the crucial role to the meaning of the above sentences. Such meaning should be inferred while focusing on the hedges which the sentences provide too. This analysis focused mainly on the modal verbs used in the book because modal verbs are part of the taxonomy of hedges. Due to their modality, they add meaning to the utterance; they can attenuate the action expressed or clarify the speculation and prediction from facts. Even the case in the exercise above, the meaning of the utterance is understood from the function of each modal verb used in context. Therefore, it is on the benefit of the students to make the aware of the pragmatic functions of the hedging which is strictly linked with the functions of the modal verbs. What is more, such functions are always linked with the context of the utterance.

4. Conclusion

The focus of this paper was the hedges and the hedging as a rhetoric strategy which is strictly correlated with the principles of pragmatics. As Fraser and Clemen stated, it is difficult to categorize hedges because of their complex nature. No matter this, when

people use hedges, it means that they are aware of the pragmatic principles. Hedging is part of daily conversations, with utterances attenuated both on the propositional level and the speech act level. Hedges serve maintaining politeness in communication. Pragmatic competence is necessary if one is to communicate effectively in a language. One feature of this pragmatic ability is hedging. Failing to hedge, as well as failing to understand the meaning of the hedging, can easily affect the communication. From the communicative point of view, EFL learners should be aware of the importance of pragmatic ability in communication. Since linguistic competence does not necessarily run parallel with pragmatic competence, immediate intervention is needed to urge such learners to develop pragmatic skills. The analysis of the book *Ready for Advanced* showed that hardly any pragmatic element was introduced explicitly. More should be done in this aspect, especially for EFL learners whose approach to the English language is mainly the classroom. In order to raise their pragmatic awareness, many pragmatic elements should be taught explicitly. The more they notice such elements, the more aware they become.

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Study of physico-chemical parameters of milk depending on temperature

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Abstract

Milk is a food product that is consumed by all age groups. Also, to improve storage qualities of milk is applied thermal treatment. In addition to the beneficial effects, thermal treatment also results in the change of physical and chemical properties of milk during the processing technology. So, our study is focused on observing the effects of different thermal treatments on the physico-chemical properties of milk samples. The studied milk samples represent pasteurized local milk. This means that in these samples we don't have psychrophilic bacteria but, we have the presence of their enzymes and mesophilic microflora too, mainly thermophilic and thermoresistant bacteria, which make possible modifications of physicochemical parameters. Physico-chemical parameters, for each sample treated at different temperature values: 0°C, 10°C, 20°C, 30°C, 40°C, were measured with lactoscan. Physico-chemical parameters determined by lactoscan are: (%) fat, density, protein, lactose, water, freezing point, solid non fat etc. From the obtained results, for each sample, we concluded that the physico-chemical parameters change depending on the temperature values of treatment. With increasing temperature, the values in percentage of these parameters decreases.

Keywords: milk, physico-chemical properties, temperature, lactoscan.

Introduction

Milk is a food product rich in nutrients. Milk is a complex mixture consisting of an emulsion of fats, proteins in the form of a colloidal suspension, as well as a specific sugar (lactose) in a solution. Its physico-chemical properties play an important role in the final quality of cow's milk. The chemical composition of milk consists of water 87%, proteins 3.3%, fats 4%, non fat solid 8.9% lactose 4.6%, minerals 0.7%, vitamins, gases, enzymes, etc. (Walstra, P., 1999). The composition and properties of milk are different and depend on factors such as: type of dairy animal, their breed, season, lactation period, type of food, age, animal health status, temperature, storage time, etc. Each of them plays an important role in milk processing technology (Goff, H. D. and A. R. Hill. 1993). Lactoscan is an instrument that is widely used to determine physico-chemical parameters in milk. In general, milk is subjected to a thermal treatment (combination of temperature and time) in order to increase its shelf life. But, on the other hand, this treatment also affects its physicochemical and microbiological properties. (Winarso, D and B. Foekh. 2011). In addition, milk should be stored in suitable refrigerated conditions, because a small increase in temperature causes changes in physico-chemical parameters. Exactly in our study, pasteurized cow milk samples were studied, which were treated in a temperature range of 0-40°C and the physico-chemical parameters were measured with Lactoscan. In this way the

influence of temperature on the physicochemical indicators of pasteurized milk has been studied (Haq, I., Khaskeli, M., Kiani, F., A., Talpur, R., A., 2013)

Material and Methods

The samples taken in the study represent thermally treated milk heat with the pasteurization method. Represent milk traded in the Albanian markets. The samples were taken in the market and analyzed on the opening date of the sample. For each sample, analyzed on the first day of the opening, the physico-chemical parameters were determined at different temperature values. Lactoscan was used to determine the physicochemical indicators of milk samples. First the Lactoscan apparatus is cleaned with two washers (one acid washer, the other basic washer) and then calibrate with distilled water until all parameters are 00.00. Milk sample is stored in the refrigerator, the milk sample is first heated in a bath at a temperature of 10°C, then the sample is placed in a conical glass of Lactoscan and after 30 seconds, the analyzer shows the values of all parameters in percentage (%). Then, from the same milk bottle, another milk sample is taken and heated to a temperature of 20 °C, placed in the analyzer and the measurements are recorded. The same procedure is followed for temperatures of 30 °C and 40 °C. While for the temperature 0 °C the milk sample is left in the cooler until the temperature drops from the ambient temperature to 0 °C. All measurements for each milk sample are repeated 2 times.

Results

For each milk sample, the results obtained from lactoscan, at each treatment temperature are shown in tables below. In general, resulted that all physico-chemical parameters changed with temperature change.

Sample	Parameters %	0°C	10°C	20°C	30°C	40°C
1.	Fat	03,68	03,55	03,40	03,37	03,27
	Solid non fat	08,33	08,05	07,79	07,74	07,73
	Density	29,17	28.18	27,30	27,13	27,10
	Proteins	03,25	03.14	03,04	03,02	03,01
	Lactose	04,40	04.25	04,12	04,09	04,01
	Water	01,92	05,76	09,93	09,80	07,30
	Freezing point	-0,510	-0.490	-0,473	-0,469	-0,462
	Sol	00,65	00,63	00,61	00,60	00,60

Table 1 The value (%) of physico-chemical parameters taken from lactoscan, in each temperature, sample1.

Table 2 The value (%) of physico-chemical parameters taken from lactoscan, in each temperature, sample2.

Sample	Parameters	0°C	10°C	20°C	30°C	40°C
2.	Fat	03,24	03,17	03,14	03,12	03,11
	Solid non fat	08,36	08,17	08,11	08,04	08,03
	Density	29,50	28,84	28,64	28,38	28,32
	Proteins	03,25	03,18	03,16	03,13	03,13
	Lactose	04,35	04,33	04,30	04,26	04,25
	Water	01,92	04,42	05,19	06,11	06,15

	Freezing point	-0,510	-0,497	-0,493	-0,488	-0,488
	Sol	00,65	00,64	00,63	00,63	00,63

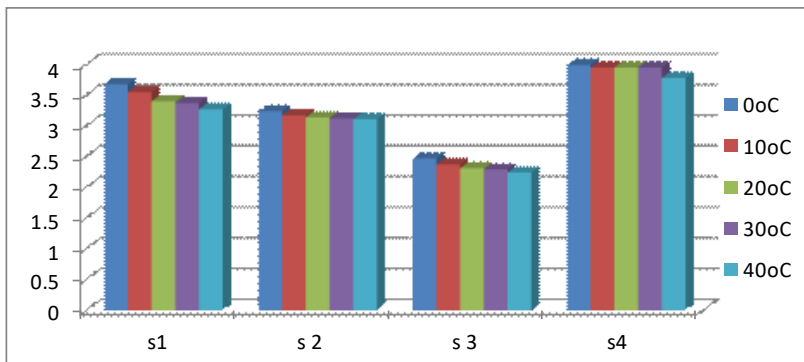
Table 3 The value (%) of physico-chemical parameters taken from lactoscan, in each temperature, sample3.

Sample	Parameters	0°C	10°C	20°C	30°C	40°C
3.	Fat	02,47	02,37	02,31	02,29	02,24
	Solid non fat	08,64	08,54	08,36	08,10	07,97
	Density	30,94	29,15	28,85	28,53	28,74
	Proteins	03,34	03,15	03,12	03,11	03,11
	Lactose	04,60	04,33	04,29	04,24	04,23
	Water	00,01	05,38	06,53	07,69	06,73
	Freezing point	-0,526	-0,492	0,486	-0,480	-0,485
	Sol	00,67	00,63	00,62	00,62	00,62

Table 4 The value (%) of physico-chemical parameters taken from lactoscan, in each temperature, sample4.

Sample	Parameters	0°C	10°C	20°C	30°C	40°C
4.	Fat	03,99	03,95	03,95	03,95	03,78
	Solid non fat	06,81	06,73	06,72	06,72	06,70
	Density	23,35	23,08	23,05	23,05	22,92
	Proteins	02,68	02,65	02,65	02,64	02,40
	Lactose	03,53	03,54	03,53	03,53	03,48
	Water	21,15	22,30	22,30	22,30	21,57
	Freezing point	-0,410	-0,404	-0,404	-0,404	-0,403
	Sol	00,54	00,53	00,53	00,53	00,52

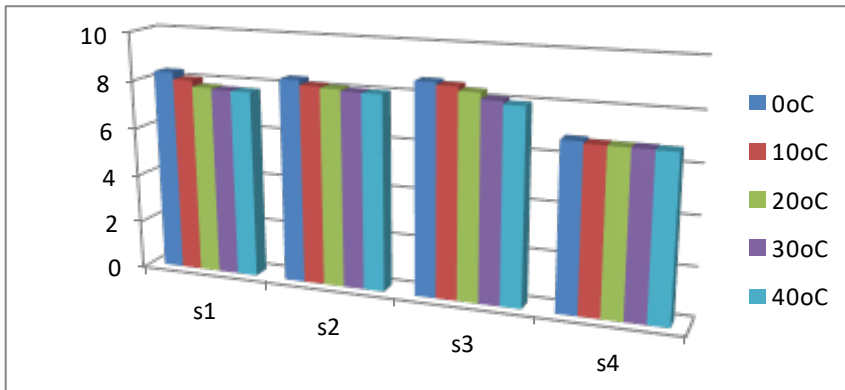
From the results shown, in the above tables, are constructed the variation graphs of each parameter, for all samples, in relation to temperature values.



Graphic 1 The fat values (%) of milk samples in different temperature values

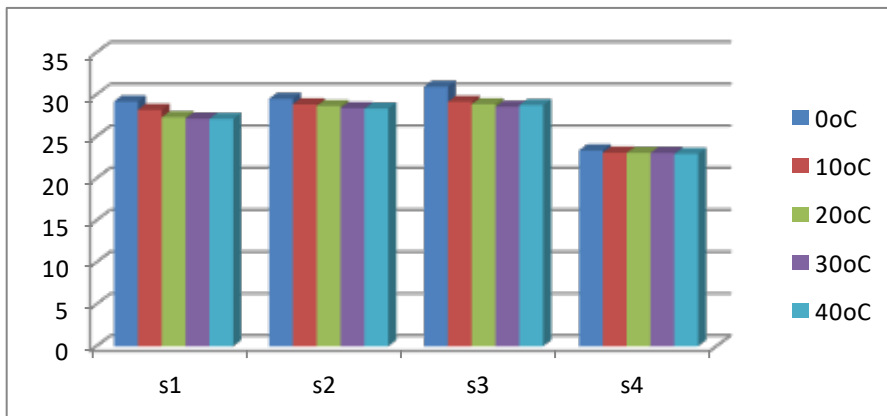
It can be seen that with increasing temperature, for all samples, the % of fat decreases from 10°C to 40°C at which this % of fat decreases significantly. At this temperature

most of the fat is melted. With decreasing of the temperature to 0°C, % values of fat content increases. With increasing temperature from 0-40°C the decrease rate of fat content varies from 13% -23%.

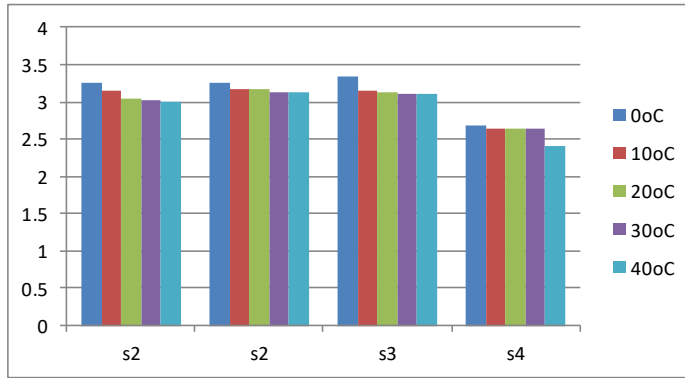


Graphic 2 The solid non fat values (%) of milk samples in different temperature values

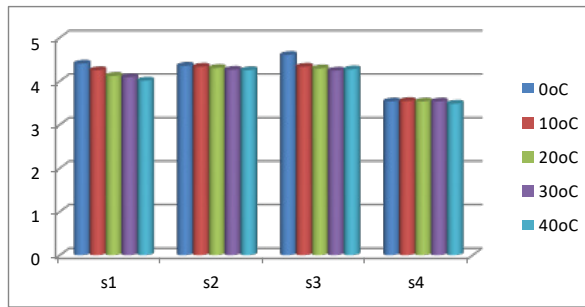
In general, with increasing temperature in the range 0°C-40°C, the % values of solid non fat (SNF) gradually decreases, at 0°C the percentage of solid non fat content for all milk samples is higher due to the concentration of constituent components, while at temperature 40°C this % of SNF decreases due to solubility. Increasing the temperature increases the solubility of solids.



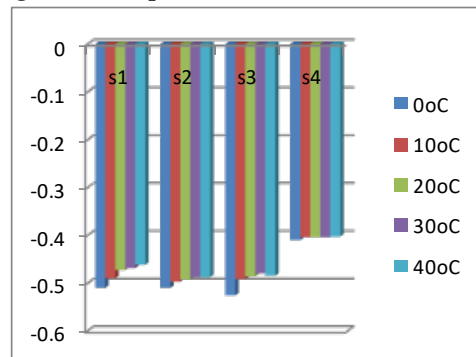
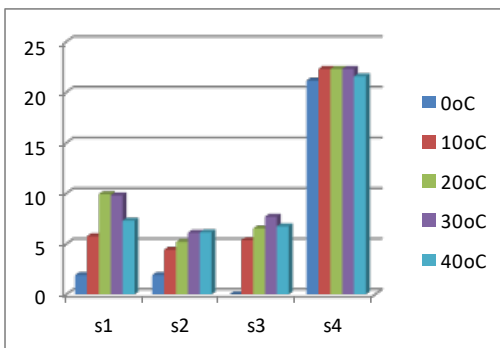
Graphic 3 The density values (%) of milk samples in different temperature values
 Density is an indicator of falsification on milk. Density of milk is influenced by the combined effect of densities of its various components. As such it is dependent on the amount of dissolved or suspended matter, changes in the constituents and the physical state of components in milk. At 0°C the density of the samples is seen to have a higher value due to the concentration of dissolved elements. There will be an increase in the milk density due to refrigerated storage. Slow crystallization of the fat and change in the hydration of the globule membrane is responsible for this increase in the density. The density of milk decreases as the temperature is raised to about 40°C.



Graphic 4 The protein values (%) of milk samples in different temperature values
 In the case of the milk samples taken in the study, the percentage of protein content varies 2.4% -3,3%. The values of protein content, for all samples, change depending on the changes in temperature. With increasing temperature 0°C to 40°C, this percentage of protein content will gradually decrease. The degree of reduction of the protein content at different temperatures is different, in individual samples. The reduction of protein content comes as a result of their hydrolysis. The interval in which this parameter differs from the initial value is 12-28%.



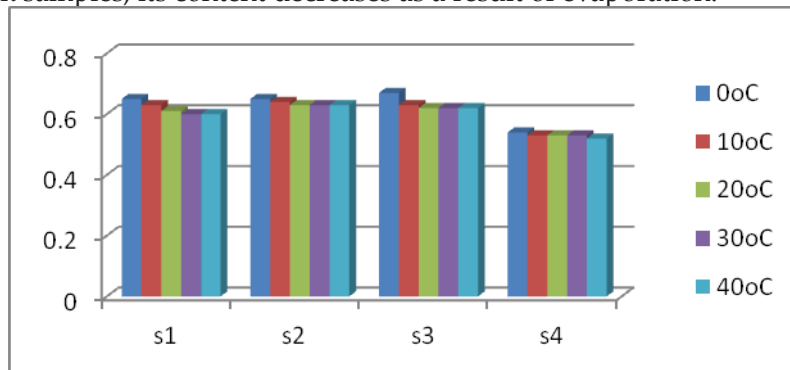
Graphic 5 The lactose values (%) of milk samples in different temperature values
 For all samples it turns out that the temperature factor also affects the lactose content. The lactose content decreases with increasing milk temperature from 0-40°C.



Graphic 6 The water values (%) and the freezing point (%) of milk samples in different temperature values

It can be seen that all milk samples have resulted in an added percentage of water, a

value which is also reflected in the value of density and freezing point. From the point of quality view, the addition of water is not desirable. With increasing temperature of the milk samples, its content decreases as a result of evaporation.



Graphic 7 The values of SOL (%) of milk samples in different temperature values. In the case of the samples taken in the study these values of mineral salts (%) range from 0.52-0.67%. With increasing temperature, it is noticed that the % of mineral salts will decrease because with increasing temperature, increases their solubility. In general, we say that the solubility of mineral salts will change with increasing temperature.

Conclusions

Based on the results, we can say that temperature is a major factor which significantly affects the physico-chemical parameters of milk.

All measured physico-chemical parameters (%) change depending on the treatment temperature values of the milk sample. Generally, these physico-chemical parameters of milk samples decrease with increasing temperature in the interval 0°C- 40°C

For all samples, significant changes in the percentage of physico-chemical parameters content resulted in temperatures of 0°C and 40°C.

In the pasteurized milk there is no psychrophilic bacteria, but, there is the presence of their enzymes and mesophilic microflora mainly thermophilic and thermoresistant bacteria, which make possible modifications of physicochemical parameters.

The results indicated that heat-treatment temperature and time have significant effects on the reduction degree of protein content. This result showed that reduction degree is different in different temperature. The reduction of protein content comes as a result of their hydrolysis. Reduction degree of protein content varies 12-28%.

The results showed that with increasing temperature decreases the percentage of fat content in milk samples, the rate of reduction of fat content varies from 13 to 23% .

Density is an indicator of falsification on milk. Milk density is further influenced by the various factors such as temperature of samples, by the combined effect of densities of its various components etc. As such it is dependent on the amount of dissolved or suspended matter, changes in the constituents and the physical state of components in milk.

It can be seen that all milk samples have resulted in an added percentage of water, a value which is also reflected in the value of density and freezing point values. With increasing temperature of the milk samples, its content decreases as a result of

evaporation.

With increasing temperature, the % of mineral salts will decrease because with increasing temperature, increases their solubility.

Significant changes in physicochemical parameters reflected samples s1 and s3, this depending on other influencing factors, too

Storage of milk in a refrigerator is a good way to maintain the quality of milk remains good and extend the shelf life of milk, because a small increase in temperature causes changes in their physico-chemical parameters

Lactoscan is a very efficient device for determining physico-chemical parameters, it is simple, easy to use and in a very short time it manages to define some parameters.

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Nursing informatics - The need for implementation in the curriculum of Albanian Universities

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Abstract

Health is one of the most important economic and social sectors, given the large number of components that are well integrated, with the aim of achieving maximum success in its functioning. In this century technology is one of the main components that influences this functional success. Health professionals, namely doctors and nurses, are key components in health. Consequently, success in this sector is a direct dependence of their competencies.

The aim of this study is to conduct a review of several papers over the years focusing on the need to implement technological knowledge in Nursing curricula.

Methodology: Through keywords will be traced publications related to the: use of technology in health, needs and advantages of using technology in health, nursing informatics, implementation of nursing informatics in nursing curricula.

Conclusions: Nursing Informatics should be seen as an important discipline of Albanian nursing curricula, in order to create a professional nurse capable of interacting in a digital and technological environment such as health. Nurses represent a significant part or the largest part of the health staff that use clinical information systems, therefore for an improvement of patient safety in computerized environments the necessary competencies of nursing informatics are needed. Therefore, is important to emphasize the beginning of the first steps in improving the curriculum by focusing on the current needs of a nurse in the environment where he works, to move forward to what is the essence of a health system, delivery of a perfect service for the patient.

Keywords: Health information technology, nursing informatics, nursing informatics benefits

Introduction

Health is one of the most important economic and social sectors, given the large number of components that are well integrated in order to achieve maximum success in its operation.

In this century technology is one of the main components that influences this functional success.

Digitalization is an all-encompassing instrument in various fields, not to mention that of health. Since health is a complexity of components closely integrated with each other, it makes the implementation of technologies that help them encounter maximum difficulty compared to all other areas.

Health professionals, namely doctors and nurses, are key components in health. Consequently, success in this sector is a direct dependence of their competencies.

Technological developments, nowadays, are clearly seen in the health sector. Hardware and software implementations are an inevitable part of the health infrastructure. So, it is natural to think that health professionals, as an integrated part of the health system, should have the necessary training and knowledge in the successful execution of their work process.

The purpose of this study is to conduct a review of several papers over the years focusing on the importance and advantages of implementing technological knowledge in Nursing curricula.

According to (Robinson-Bassey & Edet 2015) it is a crime to graduate Nurses who are unable to interact in a technology-rich environment. Therefore, educators with good computer skills should train exactly this part of the health staff.

The human element is essential in the implementation of information technology. (Buntin et al. 2011)

Use of technology within the field of health

Health information technology (IT) has the potential to improve the health of individuals and the performance of providers, bringing improved quality, cost savings and greater patient engagement in their healthcare. (Buntin et al. 2011)

The use of technology in healthcare is a novelty for the country where we live. Its use varies from the most complicated case to the simplest case.

Technology allows professionals to store patient health records by creating electronic health records. The existence of such records facilitates the completion of the patient's health record in real time. Any necessary statistics can be realized for a minimum time and extremely less than what would be needed if the data were stored and processed mechanically.

We should not forget the fact that technology advances indisputably from moment to moment, directly and indirectly affecting the infrastructure where it is implemented in the health sector.

Indirectly behind this galloping development in the technologies used in healthcare lies the patient, who is the focus of healthcare.

The transformative power of technology should never be lost on the health sector. Hardware and software developments in the health sector represent the basic features for providing a quality service.

Nurses, as providers of quality health care, should have the right competencies to interact in such a technological environment.

It is the nursing informatics specialists who cross the road between medical professionals and knowledge technology professionals. This means that they must be skilled in a wide range of technical skills to be effective in their line of work. (Norwich University 2017)

According to (Graves & Corcoran 1989), Nursing Informatics can be treated as a combination of computer science, information science, and nursing science that assists in the management and processing of data, information, and nursing knowledge in support of professional practice and care delivery.

Improving nursing curricula with the discipline of nursing informatics

Albania is a developing country, following the practices of developed countries with the aim of improving the current situation is seen as a priority.

In addition, technology is an integral part of health care. Consequently, the incorporation of adequate IT knowledge in nursing curricula can be seen as improving the managerial and operational skills of nurses in their workplace.

It is important that programs for the training of nurses in the future include concepts related to the important role that technology and computers play in clinical practice. (Vernic 2019)

The inclusion of informatics as a mandatory subject in university nursing curricula, for staff nurses and for nurses in leadership and administrative roles, is an important goal that must be achieved soon. (Topaz et al 2016)

Such a goal has a complexity of difficulties that must be thought through and overcome. But such competence should never be overlooked.

According to (Topaz et al 2016), there should be an increase in support for the professional roles of IT specialists in the field: "Every organization should include the position of Chief Nursing Informatics Officer - CNIO"

When we talk about the need to improve the nursing curriculum we can think of the bachelor or master level. Over the years, the curriculum has been and continues to be very poor in terms of adequate IT knowledge for the nursing profession. This is for reasons that need to be studied.

According to (Vernic 2019) an innovative curriculum needs to be developed to raise the level of computer science education in nursing. Therefore, such a gap can be bridged by improving bachelor study programs for new students and by master study programs for already graduated nurses. Through such a practice the equity of technological knowledge that all nurses should have when operating in their work environment can be achieved.

This is also highlighted in an article written by (Norwich University 2017) which states that qualifying for a master's degree in information science or computer science may qualify someone for a more technology-focused role such as the Nursing Informatics profession.

It is necessary for nursing informatics to be defined as a discipline and as a need to have a leadership in decision making. Increased learning about this discipline in university nursing programs will be accompanied by a greater fulfillment of the need for knowledge in the case of trainings for the improvement of professional practices. National policies and international publications related to the development of Nursing Informatics should be increasingly used as a support for nursing practice. (Peltonen et al. 2019)

Nurses will be able to access the electronic patient record (EHR), provide patients with health care information, and educational materials. As such, nurses need to rely on electronic records as well as other technologies.

Information technology will provide this profession with a faster capacity to produce and disseminate new knowledge in the field of nursing. (Vernic 2019)

According to (Farzandipour et al. 2021) nurses represent a significant part or the largest part of the health staff that use clinical information systems, therefore for an improvement of patient safety in computerized environments the necessary competencies of nursing informatics are needed.

Conclusions

The rate of use of technology is increasing by both students and teachers, therefore the incorporation of adequate information knowledge in the nursing curriculum is an essential need for the proper functioning of nurses in a health environment already

oriented to technology. (Nsouli & Vlachopoulos 2021)

The presence of ICT does not mean that it improves education, but its existence shows that there are no more “steps back” regarding its use in education.

Academic staff focuses on improving and implementing innovative teaching techniques, so the use of innovative technologies is inevitable. This enables the members of the nursing faculty to contribute to the integration of ICT in the nursing curricula and the further development of educational practices. (Nsouli & Vlachopoulos 2021)

The same conclusion emerges from a study conducted by (Peltonen et al. 2016) which highlights the need to increase the competencies of nursing informatics.

Therefore, is important to emphasize the beginning of the first steps in improving the curriculum by focusing on the current needs of a nurse in the environment where he works, to move forward to what is the essence of a health system, delivery of a perfect service for the patient.

For this, as they point out (Young & Kim 2020), further studies should be conducted to highlight and evaluate the tools needed to develop such an educational program.

Suggestion and recommendations

Based on what emerges as conclusions from various studies over the years, regarding the benefits of including adequate IT knowledge in the nursing curriculum, we suggest that:

- the academic staff should act for the improvement and adaptation of the nursing curriculum with the necessary computer knowledge for the nursing students
- the staff of educators should conduct information sessions related to nursing informatics for the nursing staff, in order to minimize the negative impact that may have in the future the demand for professionals in nursing informatics
- the staff of technology trainers should conduct adequate training sessions in order to increase the technological knowledge of the nursing staff

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Aesthetic subject formation in high schools

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Abstract

Philosophy of aesthetic education in gymnasiums permeates the whole syllabus structure. This subject integration in the high school syllabus as a philosophy of the aesthetic education of the youngsters does not constitute a separate module but multiple functions. This paper aims at providing a view of the enrichment of the inner spiritual world of the gymnasiums people through the learning and cultural activities. This paper offers an theoretical and illustrative explanation of how the school influences in development of new aesthetic competences, the capacity to experience, imagine, interpret and taste the aesthetic components that are created as a result of educational and cultural environment. In this study we arrive at the conclusion that in order to be a dignified and noble citizen the aesthetic feelings have to be consciously enriched and the aesthetic ideals have to be managed as a pleasure given by life and society, by transforming them into positive and fruitful energy.

Keywords: aesthetic subject, formation, High Schools.

Introduction

Aesthetic education is a long-standing requirement of human society. Plato, when talking about the relationship between the individual and the recognition he faces in life, thinks that negative characters, criminal acts in literature indirectly, make an invitation to imitate. With the development of culture and art, the institution of censorship, exclusion and permission of literary works began to function according to certain moral, aesthetic, political or philosophical criteria. In postmodern societies, currently in the democratic system that constitutes a plurality of circulation and consumption of aesthetic values, we face new concepts related to aesthetic education in school. The aesthetic education of the student is realized parallel on two planes; the first and most important one is the school where there is a high concentration of absorption of aesthetic ideals that shape the taste¹ and increase the degree of perception and aesthetic acquisition, and the second is the extracurricular factor, the very life that affects many sources of cultural information. In this article we will elaborate only on the problem of forming the aesthetic ideal through the curriculum and the cultural activities organized by the school.¹

Integration into the syllabys

Through the subject of literature, philosophy, art history, etc., pupils achieve complete theoretical formation, as they are acquainted with concepts which in the theory of aesthetics constitute a trinity: the truth, the good, and the beautiful.² Literary works in the aesthetic viewpoint are included in the idea-sense arts. In this context, when we

¹ F. Nietzsche says: "I have a taste but no basis, no norm and no imperative for this taste. (Alfred Uci, Aesthetics, Vol. I, pp.200, Tirana 1986).

say "a beautiful painting," it sounds more convincing than "a beautiful novel," we can say, "a great novel, a good novel, likeable novel." Usually the term "beautiful" is used as a synonym of aesthetic values. The concept "this poem, or story has aesthetic value" means explicitly that we like them or they give us pleasure when we read them. The aesthetic values remain relative; they are effective in relation to the social environment, the level of individual or collective taste, and as long as they provide aesthetic satisfaction. The prominent German philosopher and aesthetics A. G. Baumgarten says that "the being itself is beautiful when it stands out, excels, shines, illuminates or is proportionate, harmonious, structured." In conformity with these criteria, we intuitively get surprised and feel the pleasure that the beautiful in art or industrial design and the architectural structure of the environment where we live gives us. Human society invests in creating works of aesthetic value as a precious asset of the spiritual life. Aesthetic experience of life in the most intensive way is the supreme goal of humans. Aesthetic values are not perfect; they remain values among other values of life. Aesthetic and moral values interact and create an interactional attitude, as an intertwined stance between two values. Therefore, teachers are aware of a complementary education of the student's personality. Specifically, teacher of the subject of literature in high schools consider the role played by literature as a subject to enrich the aesthetic imagination.

Due to the extraordinary effect that the literary material has to incite the imagination, let's illustrate it with a quote from Shell's essay: "Imagination is the great instrument of moral goodness and poetry plays this role by acting on the causes, thus it is usually said that through great literature we feel ourselves transfigured beyond the limits of our common life, in a world of deeper and more profound thoughts and feelings than the world in which we live. Through great literature we may experience events, thoughts and feelings of people who are far from us in time and space." In this case, we have a comprehensive match of the subject's goal and goal of the curricula in realising the new aesthetic ideal for the student who through the world's and Albanian literature masterpieces reveals the common human nature existing in all people behind the façade of doctrines who divide us, and by this way we can bring humankind together much better than the doctrines themselves. Literature ennobles the students, by creating characters with an analytical capacity and expels them from brutal criminal instincts, rampant passions and acts that deform their moral, social, and aesthetic integrity. In the literary analysis of fiction works, the teacher has the chance to enrich and configure a variety of images, ideas, and stir the imagination and aesthetic imagery, by making the lesson very attractive

According to Aristotle, main forms of the beautiful are the order, symmetry and accuracy, elements that math sciences pose in a special level² and interesting, by creating a dialogue and debate with theses that are elaborated in details (explicitly) and indirectly (implicitly). The role of the teacher in this case is very important in explaining the meaning of the text and the interpretative moderation by making even the pupils themselves participatory. In Flober's novel "Madame Bovary" we have an excellent example of deforming the individual because of the impact of a sentimental education school, where the romantic ideal moves away the beautiful girl from the real world and motivates her toward realistic, unrealizable spaces in life, that turn a

² (Osvald Hanfling, "The philosophical aesthetics", Publishing House "CamajPipa". pp. 13, Shkodër, Albania, 1999).

human into hermit, away from the real world of happiness that derives from work and the constant effort of man to be perfected in life. Ideals and esthetic ideas If we view the issue of education in the aesthetic aspect, without mentioning the moral education, which has a very broad definition, we must stick to the education of the motive as an aesthetic ideal and the education of feelings as a reflection of aesthetic acquisition deriving from aesthetic object or aesthetic action. In this framework, we will elaborate upon two variants: the education of the ideas, motives, interpretative skills of the students that constitute the aesthetic ideal and the positive feelings that cause the aesthetic phenomena, such as the category of beauty, which is found more emphasised in the subjects of literature, history art, artistic activities in the school, such as reciters' competitions, dance and song concerts, various dances, where the pupil becomes an object as well as an aesthetic subject.

The more the high school student is an active participant in an artistic environment, the more effect he has on enriching his feelings. When experiencing the literary works of art, the pupils experience aesthetic pleasure. In the case when reciting one does not pay attention to intonation, artistic logic, verse cadence, tonic emphasis, internal rhythm, logical reasoning, insight on motifs and ideas, the performance action does not give aesthetic pleasure and we say we had a weak interpretation. In this case, the relationship between the aesthetic object and the aesthetic subject does not function, the reception is ineffective, the feeling-sensory emotional relationships and the rational elements do not realize a positive aesthetic component. The teacher interferes when the pupil reads poorly a poem just because this relations are not proportionate. Literature as a subject needs an emotional experience. This is not accomplished artificially or because we put it as a task in a classroom, but it comes naturally intuitively (intuition as is known is the actual illumination of feelings and thought). In this regard, the teacher as a leader of the process of developing analysis and commentary promotes axiological (appreciative) catalysts of aesthetic acquisition by directing students to the social-aesthetic ideal. The idea that comes out during the comment naturally constitutes a meaning that prepares the social-aesthetic ideal. But what is the ideal idea in itself? The ideal is the ability of the human to project himself in the future, to include him/her in structures, relationships and possible phenomena, in accordance with his intentions, desires and aspirations that are conditioned by the reality that has it. In the theoretical view, the aesthetic ideal is the dominant one that. Everything Shakespeare says for the king, that boy who reads there in the corner, it seems he is saying for himself ³ organizes the aesthetic conscience of each epoch in a given society, as an imagination of a possible reality. Ideas are elaborated, there is no eternal ideal, pan-human. The anti-entropic goal, the goal towards excellence, is the objective basis of the aesthetic ideal. Esthetic vision in social subjects In other social subjects such as history, knowledge on society or sociology, during the lesson we come to such conclusions of such learning that implicate our motivation and our need and need of the whole of society, to move towards a higher form of social organization, towards the perfection of social harmony, and relationships between society and the individual (ie the democratic ideal as the highest social order requiring constant perfection), we have succeeded in realizing within these ideas the aesthetic ideal that has stirred the aesthetic imagination, aesthetic imagery and inspires motivation to the pupil. In analyzing a drama through the clash of characters, while seeking to achieve

³ Ralph Waldo Emerson: *Esse*. Plejad, Publishing House, 2002, pp 14. Tirana 2002.

the ethical ideal, as moral perfection, we realize the aesthetic ideal through structural modeling that helps cleanse and enrich the feelings. When attending a play in the theatre, we experience beautiful feelings, sad feelings, pain, joy, pride, and hatred caused by acts and protagonists, and the solution itself leads us to the modeling of the aesthetic ideal that is formed in our conscience.

Practical cultural activities

When pupils are organized to go to a disco, we realize aesthetic education through beautiful feelings, experiencing a joyous emotional state that is accomplished by many components, while music is the first one together with other stage effects. Music in this case is not just an acoustic-physical vibration, but it is a spirit, an organized sound that is perceived by the ear, but it has an impact with this substance to the pupil's conscience, enriching the taste and creating aesthetic pleasure. In these activities, schools should pay attention not to expose them to elements not appropriate for their school age such as pop art and pornographic literature which seeks to use physiological elements to create aesthetic pleasure, because they affect the formation of the aesthetic ideal that is aimed by the school program. Does the teacher serve a model for students? We know that humans by nature are inclined to like imitation. In this case the teacher enjoys a special status, he should educate the pupil with his attitude, conduct, manners, appearance, relationships with external factors that may affect them. Plato says beauty emerges not only in the first things heard, but also in the good character and good behavior, as parameters of the aesthetic system, which derive from feelings of sympathy or hatred, satisfaction, or dissatisfaction. In order to make the school an environment that aesthetically pleases pupils, which means, the sense of beauty must satisfy the requirements of modern contemporary aesthetics, must awaken interest, spirituality, fulfilling the parameters of perfection and completeness, harmony between parts, structure, behavioral psychology, and judgment, order, discipline, excellence of form, premises, atmosphere, attire etc. which constitute the educational micro-environment.

It is important that the aesthetic idea in school is considered among the core principles of the school's directorate.⁴ For example, the aesthetic ideal can be considered the affirmation and consolidation among pupils of the idea that attendance of high school implies attendance of higher education to qualify further in a specific field. Setting this personal objective for the pupil develops his imagination and fantasy and draws them toward an ideal projected as a beautiful dream that motivates them to success. This is related to the progress of the school, the personal performance, the pupil's daily preparation, but also to the motivation of the teachers, the behavior and the teaching-learning activity that the school develops. Based on the theory of aesthetic taste, humans have an inner sense of aesthetic acquisition. The use of computers, information from internet, media, encyclopedias, cultural programs, create an appropriate blend of uniformity with the variety and create the sense of today's modern beauty which is controlled by the inner sense of pupils, which according to British scholar Hatchetson was named "the sense of beauty."

Aesthetic education is an integral part of today's modern school philosophy. Theoretical and cultural formation of students in high schools should be achieved through clear goals and measurable objectives. An aesthetic deductive and

transcendental judgment is also found in the teaching of subjects of natural sciences. When we are talking about something indefinite (celestial space, lines, infinity of matter, natural phenomena, etc.), then our imagination surrenders because we are not able to master the whole phenomenon, thus by becoming aware of the supremacy of the reason, we are aided by the imagination of the the magnificent as an aesthetic category. When we explain the causes of a catastrophe that goes beyond human ability to cope we reflect on reasoning and being aware of our dignity as moral beings. In this case we have to do with the aesthetic category of tragedy in life. The subject information in school directly affects the development and enrichment of the imagination of the students The more developed the imagination of a pupil is, the more qualitative he/she is in the acquisition of knowledge. Imagination according to Colridge, is the joining capability that analyses the data, transforms them and the outcome is a new quality.

Conclusions

Through the aesthetic education in school, we realize a powerful component in the overall formation of the pupil's personality as a worthy citizen of a cultured and democratized society, by distancing him/her from intuitive interpretations that typically lead to individuals with an inadequate level of education. Aesthetic education in school is not a doctrine, it is the whole and the educational essence of the curriculum, in accordance with the tradition, the culture and the psycho-moral reality of our people. Freedom of judgment and aesthetic thought is related to the acceptance of cultural diversity, the coexistence of aesthetic concepts, the elaboration of unique and common tastes, the convergence and cultural divergence as the basis of the philosophy of our democratic system. During our life, we are accompanied everywhere by spiritual factors and one good intention is awaiting us. ⁴ We sympathise the most magnificent moments of history, great discoveries, great resistances, for the great progress of the man.⁵ Emerson "Esse Ibid ,pp. 58.

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⁴ Emerson, Esse Ibid ,pp. 58.

⁵ Emerson, Esse Ibid ,pp. 58.

Competition Law as an integral and necessary part of the European Community and vital efforts to include the benefits of the single market in the digital world

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Abstract

The EC was aimed at the creation of the common market and the ever growing approximation of the economic policies of the Member States. The preamble to the Treaty and Art2 and 3 spell out such objectives. The general goal includes the creation of the Common Market which was to be achieved by abolishing obstacles such as freedom of movement, goods, workers providers of services and capital. Community competition policy was based both on the American experience and the German legislative experience.¹

Influenced by the desire to help and support emerging and expanding industries and companies through which the re-birth of the European industry would happen following the devastation of the Second World War. Competition Law therefore was construed to protect the maintenance of the Common Market.²

In recent years competition Law has evolved significantly, improving its impact in the European Community and most importantly its consumers. Extending and improving the single market is one of the main aims of the commission to the purpose of the economy and society.

Focusing on the benefits of the strategy with regard to the digital market as part of the internal market. Such policies could be an immense support to the consumer who would enjoy lower rates, a wider choice and clearly more options.

Keywords: Competition Law, European Community, single market, digital world.

Introduction

One of the main features of digital markets is the ability to change more rapidly than we are used to. New business models are established and more emerge every day. This can manifest a challenge for policy makers, who should allow for flexibility of the Law in order for its evolution in the interest of the internal market and its consumers.³

Competition Law was constructed to ensure the maintenance of the common market. One of the aims of the internal market is to establish and maintain European wide competition to stimulate the entire economy of the Community for both the domestic and world markets and thus assist European capital from competing in the world market. Competition Law is designed to help achieve a single market and the integration of the community, to encourage economic activity amongst small and medium size enterprise and maximize efficiency by allowing the free flow of goods and resources. At the same time it must be ensured that the companies do not become too competitive and are able to eliminate competition, thereby starting to dominate a market, or to co-operate in such a way as to act as one unit to the detriment of

¹ Bailey David and Whish Richard, Competition Law ,8th Edition, Oxford University Press 2015.

² Nigel G Foster, EC LAW, Oxford University Press, 2020.

consumers and smaller firms in the Community. Competition Law may also be regarded therefore as necessary to prevent these undesirable from being realized. In order to retain fair competition, more so in a capitalist free market, some form of intervention on the part of the state is required. Action is concentrated on the larger actors in the market rather than the small and medium business enterprises.⁴

The specific EC Competition rules are designed to intervene to prevent agreements which fix prices or conditions or the supply of the product, to prohibit agreements which carve up territories, to prevent abuses of the market power which have the effect of removing real competition and by controlling mergers which would also remove competition.

The Preamble of the EC Treaty states that, the "removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition 'Article 2 includes 'establishing a common market'" and "a harmonious development of economic activities "and Article 3 (g) of the EC Treaty lists amongst the activities of the Community "the institution of a system designed to ensure that competition in the common market should not be distorted ".⁵

Art 10 (ex 5) has also been pleaded with Art 3 (g) EC AND art 81 (ex 85) as a general principle of law supporting the argument that competition law also applies in respect of the Member States⁶ and not just undertakings so that they are prohibited from encouraging or requiring acts or conduct by companies which may distort competition in the Community.

These basic rules are expanded in three sets of rules: one relating to the activities of the legal person i.e. the business endeavors; one relating to anti-dumping measures and the final one relating to the activities of the Member States.

The Commission is given the task of ensuring the competition in the Community is not distorted by companies setting up their own rules and obstacles to trade, thereby replacing the national rules and obstacles which the Community is trying to abolish by application of the free movement of goods provisions.

These rules seek to prevent the creation of artificial barriers to trade on the national boundaries. Competition law is therefore inextricably linked to other Community policy areas especially to the free movement of goods, because it would prove to be impossible to have one without ensuring you have the other.⁷

To have prevented the Member State on the one hand from restricting the movement of goods just to allow private companies to do it by their agreements and practices, would defeat the objectives of the first policy and, vice-versa, to prevent companies from artificially dividing the market but to allow the Member States to do so would undermine a competition policy. A further argument for having a competition policy is that some multinational companies are in a better position to divide the market than some Member States, because they have the same or greater turnover than the GNP of some of the EC Member States and so need to be subjects to international control.

The application of the rules by the Commission and the interpretation of the rules of the Court of Justice has not been done in isolation by looking at the provisions alone,

⁴ Bailey David and Whish Richard, Competition Law ,8th Edition, Oxford University Press 2015.

⁵ See <https://www.competitionpolicyinternational.com>.

⁶ Bailey David and Whish Richard, Competition Law ,8th Edition, Oxford University Press, 2015.

⁷ Jones Alison and Sufirin Brenda, EU Competition Law, 5th Edition, Oxford University Press, 2014.

but in the light of the objectives of competition policy .The rules are also applied in the light of the general objectives of the Treaty.

The court of Justice has stated, “The prohibitions in Articles concerning the matter must be interpreted and applied in light of the Treaty, which provides that the activities of the community shall include the institution of a system ensuring that competition is not distorted, and gives the community the task of promoting throughout the Community harmonious behavior and development of economic activities”.

In the United Kingdom prior to Brexit in the case of *Metro v Commission* before the court, the agreements reached were deemed to satisfy competition rules because they helped to maintain employment. This case serves as an example of where the commission, in trying to fulfill its duty towards competition law also required to create an equilibrium of such policy with other branches such as regional development or concern for unemployment and which may cause to modify its position on the behavior of companies.

The economic situation also influences the commission in that in times of slow economic growth the commission may change its stance and regard some practices more acceptable because of the efficiency gains to be reached and the greater possibility the emerging company will have in the world market.⁸

Competition law policy cannot, therefore be pursued alone and it is to be considered that competition policy law is an inextricable part of the EC and its policies.

Competition Law developments, policy and regulation in the digital era

On 6 May the European Commission conveyed the **Digital Single Market** Strategy which aims to remove virtual borders, improve digital connectivity, and support consumers in accessing cross-border online content.⁹ The Digital Single Market, which is one of the European Commission’s ¹⁰priorities, intends to incorporate the EU’s single market for the digital age operating from 28 national digital markets to a single one, thus consolidating the digital economy. In other words, the “ Digital Single Market is a market characterized by ensuring the free movement of people, services and capital and allowing individuals and businesses to easily access and engage in online activities irrespective of their nationality or place of residence”. Fair competition conditions and a high level of protection of personal and consumer data are applied.¹

A fully implemented Digital Single Market could bring a huge contribution of 415 billion euros per year to the economy and it would also create hundreds of thousands of new jobs. The Digital Single Market Strategy is based on 3 pillars. ¹¹

The Commission has put in place a strategy for the period 2014 - 2019 called “The Digital Single Market Strategy” (DSMS). It intends to give citizens and businesses better access to the digital world.

The First Pillar

It will aim to incorporate better access for individuals and businesses to the digital word within the EU.

⁸ Bailey David and Whish Richard, *Competition Law* ,8th Edition, Oxford University Press, 2015.

⁹ Bailey David and Whish Richard, *Competition Law* ,8th Edition, Oxford University Press, 2015

¹⁰ https://www.eurocommerce.eu/media/174503/eurocommerce_vat_and_excise_duties_key_asks_final_version.pdf Making VAT and Excise Duties Greener, Fairer, Simpler.

¹¹ https://ec.europa.eu/growth/sectors/postal-services/parcel-delivery_en.

The first objective of this first pillar will involve a number of legislative proposals. They will regulate cross-border markets in order to harmonize legislation across the EU. Thus, harmonizing VAT regimes.¹²

A second objective will regulate package delivery services throughout the EU.

The third objective will be to address and prevent consumer discrimination.

The Second Pillar

It will attempt to provide an amicable habitat for the development of fair competition for the digital network and all developing environments.

The first objective of this pillar is to move towards a more sustainable market. The second objective will involve making access to areas and services more reliable but also accessible.

The third objective is to enable the market to move and adapt towards changes in its environment.

The Third Pillar

The first objective of this pillar is to include the digital transformation of the industry and services in all economic areas in Europe. It will also be required for more investment to be energized through further cooperation.

The second objective will be access to data and capital. This needs to be in place in order to achieve sustainable and inclusive growth. The third objective will be around data protection, free movement of data and the creation of a European cloud. In order for all these objectives to be achieved, it is essential that the first two pillars are in place.¹³

The 19th session of the United Nations Conference on Trade and Development has once again recognized digital platforms as essential elements of today's economy, especially since the outbreak of the pandemic and are extremely relevant for governments around the world.¹⁴

Technological developments have provided consumers with new products and services.

Digital platforms are at the front of such developments and provide digital structure and in different markets, including marketplaces (Amazon), application stores (Apple), social networking sites (Facebook) and search engines (Google).

Digital platforms are key elements of the digital economy and have been useful, in particular since the outbreak of the pandemic. The high volume traffic of online services during the pandemic has allowed digital platforms to grow larger and more powerful.¹⁵

Recent initiatives and developments in competition law and policy in developing

¹² <https://ec.europa.eu/transparency/regdoc/rep/3/2016/EN/C-2016-4400-F1-EN-ANNEX->

Contractual arrangement setting up a public-private partnership in the area of cybersecurity industrial research and innovation between the European union and the European cybersecurity.

¹³ <https://ec.europa.eu/transparency/regdoc/rep/3/2016/EN/C-2016-4400-F1-EN-ANNEX->

¹⁴ The European Union's Digital Single Market Strategy: A conflict between government's desire for certainty and rapid marketplace innovation?" nga Stuart N. Brotman https://ec.europa.eu/growth/sectors/postal-services/parcel-delivery_en.

¹⁵ United Nations Conference on Trade and Development, Nineteenth Session, Competition Law, policy and regulation in the digital era.

countries and emerging economies have also amended legislation to regulate digital platforms, even though as at February 2021, these had not yet entered into force. For example, China is contemplating to revise its competition law to increase the control of online platforms. In Russia the authorities are working on the drafting of an amendment to the competition law, to encompass a number of new concepts. Other countries rather than amending competition law, have decided to develop new laws entirely to accommodate at best digital platforms.¹⁶

The European Commission, one of the most important authorities with regard to digital platforms in terms of both enforcement and regulatory reforms, adopted regulation 2019/1150 on encouraging fairness and transparency for business users of online services, which entered into force in the European Union in July 2019.¹⁷

The European Commission is also developing a new competition tool to address loopholes in the current European Union competition rules in order to structural competition problems across markets.

Due to the global and cross-border nature of digital platforms, international cooperation is becoming more important in competition law enforcement.

In Conclusion, "regional cooperation within existing regional economic organizations could help members in seeking collective solutions to common challenges, in particular among developing countries considered small markets for large digital platforms".¹⁸

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Petrit Palushi of literary values - The writer Petrit Palushi, the communicative writer with the reader

Dr. Ermelinda Kasha

Dr. Blerta Xheko (Korre)

Abstract

Just as a special painter has attracted me, who conveys the emotional colour in a few colours, the writer. If you want to know how much productivity this writer brings to the market, not only his publications would be enough, but also the critical role in the creativity of the other writers, where you understand that only the literature of such writers has the right to deal, among others, with the faults and conscience of a country, this kind of literature is obliged to discharge its faults to others. Petrit Palushi also attracts the reader's attention with his biography. I am talking about his works which directly convey meaningful messages to the reader. His biography is a good invitation to get to know a human life. For the author, the art of words is also a state of mind. Spiritual and intellectual communication is undoubtedly the most beautiful communication of a man, even when life is turbulent. The writer survives in his wholeness even as an independent person.

We would like to mention here his role as a reflective author whose internal world and emotional overload reveals the most significant voice of the time. Even there where a novel through its characters denounced the communist regime, his books contain a great truth characterized by economic freedom, free initiative, individualism and "rational" egoism. Therefore, external reality exists as an objective reality and this objectivism penetrates the spiritual world of the reader. As a reason to discover the only means, to discover reality and as a guide to our actions, he is the first writer to emphasize independent thought and free initiative as a vocation which can utilize all the skills of the human mind. As a profound synthesis of contemporary theory examining the impact of modernism on the personal and social lives of people, both in the dyssynchrony and synchrony of human history, expressing in his works the intellectual concern with dramatic weight of developments, often his works are confronted with universal themes. The author treats these extremely complex relations in depth by projecting it into his personal internal world. In books we find mysticism, ease, and completely different environment; sometimes the style is clear and sometimes agile, sometimes prominent and sometimes sarcastic. This is also the dilemma that the writer seeks to clarify in this journey, where the notion of time is concrete, cyclical and sometimes continuous. We mention here the interesting names of the characters in the novels, where in the unexplored corpus, although always present, the writer endeavours to shelter the other characters as well. The aesthetic feelings awaken the soul of the characters towards a road of no return. Obviously, such a narrative, but of a great value for the Albanian reader, is the magnificent narrative of the ideas.

Keywords: writer, importance, reader, literary work.

Field of study: Humanities

Introduction

The question arises: What makes the work of this author special.

The writer Petrit Palushi, in his works and in this crossing of thresholds, becomes a writer every time, because such is the reading of such a work of art. He bestows this

action of sacrifice with much finesse, to the closest and humblest being to the world of art, its amateur, which in Albanian we should call the "fan" of literature. After observing the moment, the feeling, the glitter, the nuance, the feeling, I thought what is the clarity that encompasses the man of letters.

I realized that his works are chronicles of man from one time to another, constituting the most significant prose of the book, even when given the opportunity to get acquainted with the characters, the most critical aspects of society, the incidental and casual man and what unmasks a given time. Writings contain interviews, opinions, sentences, dialogues from everyday discourse, which make our imagination of intense and creative characters more complete. Art and fact in a literary work cannot be separated. In our time when literature in the field of literary studies cannot be considered as a second-order scholarly explosion, the literary notions of this writer are decadence, modernity and avant-garde.

This makes Palushi an important writer and unparalleled fosterer of the novel, as a pre-sign in the turn of consciousness over literary art.

Just like Anton Pashku, this writer is a special stylist in Albanian literature and a "conveyor" of the human subconsciousness. Sometimes in the novels we read, frequent detailing brings boredom to the reader, while the writer in question deeply studies in his works the characters with a special sense where beauty unobtrusively reveals its aesthetics without sensation. To dedicate yourself to work, as the writer in question, you have to live from there, otherwise you are an amateur, who collects ideas and smashes them in front of the reader's eyes, violating his mind and soul and eradicating piracy as the thieving disease of present day Albanian world. The author's works are artistically completed and we note that starting from present day, a life with the past is problematized, its utopian projection into the future is presented. If we look at the material in relation to reality, it is worth noting the objective time, where the actual works' layer corresponds to a present in the novel. True and modern curiosity has its origins in his work as the best concentration of poetic knowledge and his era. This is the example of deep professionalism, where elegance filled with examples of erudition, poetic grace and conceptual definition or valuable literary advices, are important characteristics of this author. It is worth mentioning the narrative on the consciousness and subconsciousness of the characters, poetic grace, conceptual definitions and valuable literary advices. Another important and treasured example of deep professionalism that characterizes the author's work and his scientific honesty, albeit at a distance, is the linguistic game itself, which means the expression of feeling and truthfulness.

The beauty of this book lies not in the subject of the novels, but in the skill to psychologically analyse the metamorphosis of sadness, grief, loneliness, where laconism and metaphorical language is the feature of a short prose which compresses meanings and associations, where the understandable messages are addressed to the reader by invoking the lost consciousness and where cultural concepts do not turn into philosophical narrative. It is the neglected sensation in modern literature.

It seems that sometimes spiritual desolation is related to the lack of issues for which acquires a meaning in the social plane and where grief as internal suffering, as a consequence of empathy, is not a neglected feeling in modern literature.

From the point of view of the written code, the descriptive one prevails, which due to the clarity of the description, makes it possible to deliberately free the writing from

discourse figures and in the imagination of the author to prevail the vital facts. Even the use of internal monologue, almost predominant in the first part, as an important means to understand what is happening, makes one understand the modern techniques of narration, that the book you just read brings a taste of modern and postmodern prose. Let us not forget that Albanian literature has rarely recognized neutrality as the life experience of writing. This makes the combination of two lecturing stylistic elements: journalistic and literary, though it would be accompanied by carelessness in the work of poetics and form, it has not been an obstacle to have such sparks in the literature of this writer.

The Latin saying has it: "Historia magistra vitae est" "History is life's teacher". "

In this view the writer in question is the literary phenomenon of his time as he describes a high moral standard, with life and deed, thus calling his own duty an objectivism which means philosophy based on the objective reality. This indicates that the human mind of the writer Petrit Palushi, through reasoning is the instrument that the man has to know it, when it is known that the reason is the leader and the independent judgment of his own mind.

The completely original, cultural, historical and philosophical optics is the one that communicates directly with the reader, where through the clarity of the argument treatment, the critical and uncompromising attitude of the phenomenon, in symbiosis with knowledge and elegance of style, a model that is lacking in these dimensions in the social environment. So, through this delicate genre, the author has known how to bring confrontation with memories and evidential-historical challenges. So the reader generously earns what he experiences and aesthetically enjoys the precision of memories of a unique life. Aware and careful that the bond between real life and literature (art in general), is of a special kind and the reality, although it has been difficult and harsh for the writer, has the value of evidence and not interpretation. The novel's structure of this writer has nothing to do with prolixity and it has its own peculiarity of the fable (narrative, character, characters)

Nature of the narrative

It has nothing to do with prolixities

They are novels of characters because they have only one character, excluding "The three sisters" which have two or three complete characters. his book represents hurtful memories and has left in me a profound sentimental feeling, because it talks about the two days of the poet Federik Reshepja, and as it may be known this poet hasn't only written an poem but he has lived it in the bones.

I remember when I have actually seen an interview of Federik Reshepja, and when the interviewer has asked him about what makes him happy and what saddens him, he responded: " I don't know if there is something left in this world to make me happy".

This exact phrase shows loneliness, and was than the center even for the author Petrit Palushi, who had the courage to write and dedicate a book to this poet. It makes you curios by hearing so many interviews that the writer has done with the poet, in those cold winter nights, and someone may think that is the writer who stays near the poet but actually in this case happens the contrary. In this case is the poet that stays near the writer and as he has written: "when I am sad, I write".

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Laboratory testing of women in reproductive age for infections: *M.hominis* and *U.Urealyticum*, through detection OFIG and IGM antibodies

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Abstract

This study aims to test a population group consisting of women of reproductive age (18-46 years) for sexually transmitted infections (STDs): *M.hominis* and *U.urealyticum* by investigating the serum presence of IgM and IgG antibodies. STDs have a large prevalence throughout the world, especially in underdeveloped countries, affecting the health of the population of these countries. Since in most cases the presence of such infections is asymptomatic it is important to identify them as soon as possible not only for the health of the affected person but also for the consequences on the development of babies during pregnancy and the impact on infertility. Immunological methods allow rapid and accurate identification in the serum of patients of IgM and IgG antibodies against *M.hominis* and *U.urealyticum* allowing us to assess the prevalence of these diseases in the population.

A total of 9616 sera analysed (separated in seven years) by type-specific IgM and IgG antibodies against *M.hominis* and *U.urealyticum* in women of reproductive age, with indirect immunofluorescence, at EUROIMMUN ANALYZER instrument. All samples were analysed in the Intermedica laboratory during the years 2011-2017. The prevalence in our study group is about 10,5% for *M.hominis* and about 27,24% for *U.urealyticum*. Anti-*Mycoplasma* IgG antibodies are detected in 9,36% of cases in our study group, while anti-*Mycoplasma* IgM antibodies were found in 1,16% of the analyzed cases. Anti-*Ureaplasma* IgG antibodies are detected in 24,92% of cases in our study group, while anti-*Mycoplasma* IgM antibodies were found in 2,51% of the analyzed cases. For both diseases shows a much higher percentage of women positive for anti- IgG compared to those positive for anti- IgM and this is explained by the t curve that infections follows. The level of *U.urealyticum* antibodies is higher.

Introduction

Mycoplasma hominis and *Ureaplasma urealyticum* are sexually transmitted diseases caused by bacteria belonging to the same family; Family Mycoplasmataceae. As a result, these bacteria have a similar structure to each other. Their body consists of the nucleosome, the cytoplasm containing the mitochondria, and the three saddle cell membrane. Characteristic of these bacteria is the lack of a cell wall. They are one of the smallest bacteria in existence.

They have small genome size, as a result, they lack many metabolic pathways (Pereyre, S., et al. 2009).

M.hominis is polymorphic and forms colonies in the form of fried egg. (Papapanagiotou

I, Kyriazopoulos B, 2004 & Taylor-Robinson, D 1996). *U. urealyticum* forms colonies with a size of 50 μ and for its development it needs the presence of urea (10%) (Papapanagiotou I, Kyriazopoulos B, 2004): which it hydrolyzes to produce ATP (Samir S.2018).

M. Hominis and *U. urealyticum* can be transmitted through sexual contact (via oral, vaginal and anal sex) as well as from mother to her baby through the uterus or vaginal canal. (Ljubin-Sternak, S; Mestrovic, T, 2014). They can also be transmitted from blood products as well as through transplanted tissues as well as from the use of the same syringes with an infected person (Mayer G; Microbiology end Immunology on line). Infections associated with *U. urealyticum* can also be contagious if an infected person coughs in front of our face or if we accidentally touch the nasal or eye secretions of the infected person.

Colonization with *M. hominis* and *U. Urealyticum* can occur during childbirth but in most cases the infection clears up. Only in a small number of cases the colonization continues. Colonization levels increase when individuals become sexually active, approximately 15% with *M. hominis* and 45% - 75% with *U. urealyticum*. Carriers are asymptomatic, but organisms can be opportunistic pathogens. (Mayer G; Microbiology end Immunology online)

Since September 2012, it is estimated that cases of *M. hominis* infection are over 2 million per year in the United States alone. (Waites, K., and Cunha, B. 2013)

From a study done in Italy (Rome) 2013 among women aged 18-55 years who visited outpatient gynecological clinics it resulted that 12.5% of patients were positive for *M. hominis* infection. High percentage of mycoplasma-positive cultures were found in SST clinic patients and for infertile women (R Verteramo et al 2013)

U. urealyticum. can be detected in the vaginal flora in 40% of sexually inactive women and 67% of sexually active women of reproductive age, and 25% of postmenopausal women. (Iwasaka Tet al, 1986)

In the region from a study conducted in Greece the prevalence of *U. urealyticum* among women with chronic urinary symptoms is 52.9% (Baka S, et al 2009), while from another study conducted in northern Greece the prevalence in women was 16.13%. Prevalence decreased with age, so infection was rare in women over 60 (Kotrotsiou Tz, et al 2013)

In Romania the prevalence of *U. urealyticum* in infertile women is 28.46%. Women between the ages of 30 and 35 were the most affected group, followed by the group of 25 and 30. (Bogdan Doroftei et al)

In our country, from a study conducted on women of reproductive age who were presented for specialized medical assistance, at the Maternity Hospital "Mother Geraldine" in Tirana, the overall prevalence of *Mycoplasma Hominis* was 30.4% and that of *Ureaplasma Urealyticum* 54.3%. (Tavo.V, 2013)

M. hominis is a pathogenic microorganism for humans. It is likely to be implicated in many different diseases, but its role is unclear to most of them. (Mayer G; Microbiology end Immunology online). *Ureaplasma* is often part of the human microbiome. Sometimes typical harmless bacteria grow too much and inflame healthy tissues. It creates a colony of bacteria that can lead to infection. ([https:// www. healthline. com / health / ureaplasma](https://www.healthline.com/health/ureaplasma))

Most people with *M. hominis* and *U. urealyticum* are asymptomatic

These bacteria colonize the lower urogenital tract causing urogenital infections in

adults and newborns. (Mayer G; Microbiology end Immunology online). They also colonize the human respiratory tract Problems are usually prevented by the body's submucosa which rarely infiltrates (Public Health Agency of Canada 2011). If someone is treated for infections when there are local symptoms they can be easily cured. If not detected and treated, the infection can spread to other bodyparts and potentially cause damage to different parts of the body.

When left untreated *M. Hominis* and *U.urealyticum* among others cause pelvic inflammatory disease (Ljubin-Sternak, S; Mestrovic, T; 2014; Mastromarino, P; et al 2013 & Rivera TJA et al 2004). And bacterial vaginosis (Huang C, et al 2015 & <https://www.Healthline.com/health/ ureaplasma>) leading to complications in pregnancy, recurrent miscarriage and infertility in women (Hillitt, KL; et al, 2017). Premature rupture of membranes, premature birth, intra-amniotic infection, placental colonization, low birth weight, and normal birth with an increased risk of developing bacterial vaginosis are some of the other risks posed by infection with these bacteria (Rivera TJA et al 2004)

M.hominis also causes infertility in men (Health Grades Incorporated. 2013 & Public Health Agency of Canada 2011). Studies have also shown that men with infertility have higher detection rates of *U.urealiticum* in semen than fertile men (Rodríguez, C.S, et al 2018)

These diseases are suspected to be the cause of neonatal infections such as conjunctivitis, respiratory problems, fever, meningitis, abscesses and congenital pneumonia, which occurs a few hours after birth. ("Mycoplasma Hominis" MSDS online, Pereyre, S. et al 2009 & Rivera TJA et al 2004)

Material and methods

A total of 11,339 sera were analyzed (divided into seven years) for IgG and IgM-specific anti-Mycoplasma and anti-Ureaplasma antibodies in women of reproductive age, by indirect immunofluorescence test on the EUROIMMUN ANALYZER. All samples were analyzed in the Intermedica Laboratory. Samples were taken from two state maternity hospitals, as well as from several private gynecological clinics in Tirana. For each patient, after filling in a form with personal data, 5cc of blood was taken in a gel tube from which, after centrifugation for 10 min at 25,000 rpm, serum was extracted. The test was performed within two hours of taking the blood. The principle of indirect immunofluorescence test has been developed exclusively for the in vitro determination of human antibodies in serum or plasma. Determination can be performed qualitatively or quantitatively. Cells infected with *M. hominis* or *U. urealyticum* (depending on the test to be performed) and non infected cells are incubated with the diluted patient sample. If a positive reaction is obtained this indicates that specific antibodies of the IgG and IgM classes have joined the antigens. In a second step, the antibodies attached to the antigens bind to the fluorescence-labeled anti-human antibodies and become visible on a fluorescence microscope.

Results and discussions

In accordance with the purpose of the study, 11339 serums (divided into seven years, 2011-2017) were analyzed for the presence of specific anti-*M.hominis* IgG,

IgM antibodies and the presence of specific anti-U.urealyticum IgG, IgM antibodies in women of reproductive age, by indirect immunofluorescence test on the EUROIMMUN ANALYZER

These results were obtained at the end of the study

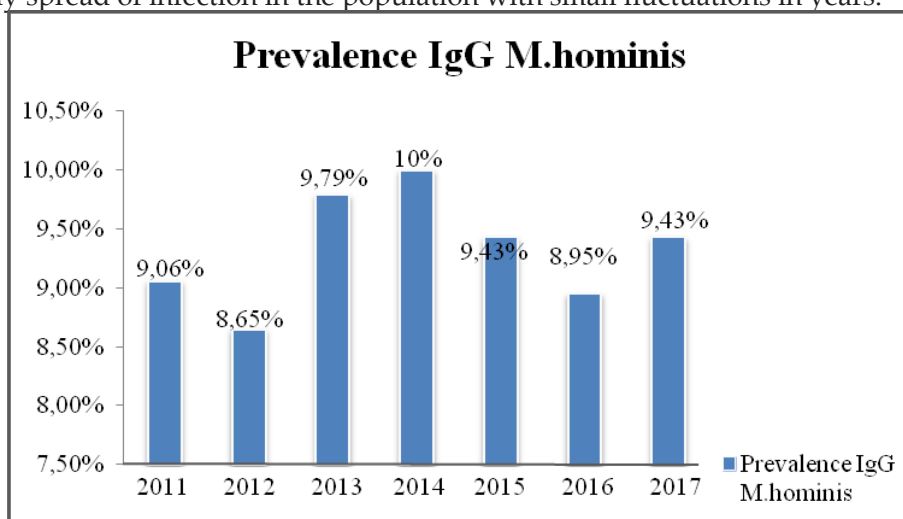
For anti M.hominis - IgG: In the study group, in the period 2011-2017, the

Year	Tested for IgG	Positive (in no)	Positive (in %)
2011	1004	91	9,06%
2012	1098	95	8,65%
2013	1441	141	9,79%
2014	1550	155	10%
2015	1824	172	9,43%
2016	2068	185	8,95%
2017	2354	222	9,43%
Gjithsej	11339	1061	9,36%

Table 1: Seropositives to anti-M.hominis IgG

presence of IgG antibodies to *Mycoplasma hominis* is observed in 9,36% of cases. The percentages over the years of anti-M.hominis IgG antibodies are presented in the **Table 1**.

From the graphic presentation of the data (**Graphic 1**) it is noticed that we have a steady spread of infection in the population with small fluctuations in years.



Graphic 1: Prevalence of women positive for anti-M.hominis IgG

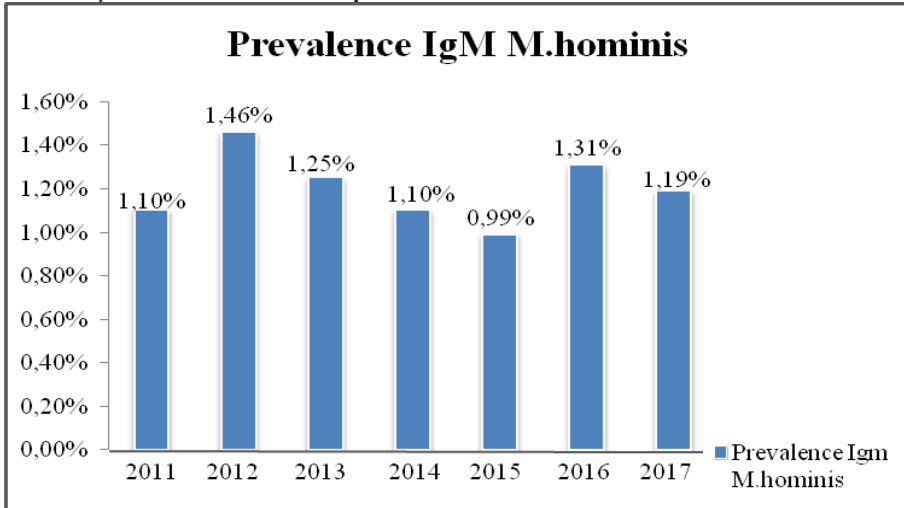
For anti M.hominis IgM: In the study group, in the period 2011-2017, the presence of IgM antibodies to *Mycoplasma hominis* is observed in 1,19% The data are presented in **Table 2**

Year	Tested for IgM	Positive (in no)	Positive (in %)
2011	1004	11	1,1%
2012	1098	16	1,46%
2013	1441	18	1,25%
2014	1550	17	1,1%

2015	1824	18	0,99%
2016	2068	27	1,31%
2017	2354	28	1,19%
Gjithsej	11339	135	1,19%

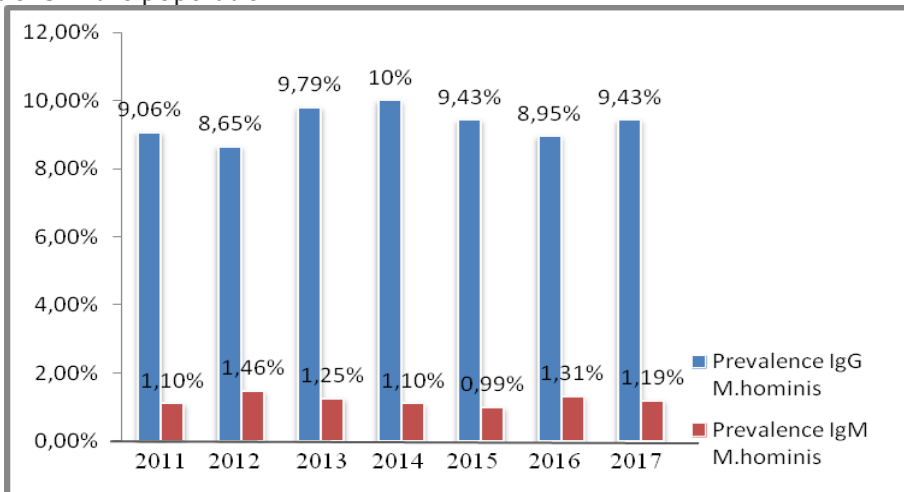
Table 2: Seropositives to anti-M.hominis IgM

The data are presented in the **Graphic 2:**



Graphic 2: Prevalence of women positive for anti-M.hominis IgM

As can be seen from the graphic, the percentage of women positive for IgM is stable with small fluctuations from year to year which indicates a low level of primary infections in the population



Graphic 3: Comparison of the percentage of women positive for anti-M.hominis IgM and IgG antibodies in the study population

The comparison of the results obtained for the percentage of women positive (**Graphic 3**) for IgM and IgG shows a much higher percentage of women positive for anti-M.hominis IgG compared to those positive for anti-M.hominis IgM and this is explained by the et curve that M.hominis infection follows

In our country, from a study conducted on women of reproductive age who were presented for specialized medical assistance, at the Maternity Hospital “Mother Geraldine” in Tirana, the overall prevalence of Mycoplasma Hominis was 30.4% (Tavo.V, 2013)

In our study the prevalence of M.hominis is about 3 times smaller as our study does not include only women with obvious symptoms who have received hospital treatment. Our study population generally includes healthy women

The prevalence of *M.hominis* in our study group is slightly smaller than that in the neighboring country: Italy where from a study done in Italy (Rome) 2013 among women aged 18-55 years who visited outpatient gynecological clinics it resulted that 12.5% of patients were positive for. M.hominis infection. (R Verteramo et al 2013)

Also the prevalence in our study group is about 5% smaller than that reported in the world is about 15% (Mayer G; Microbiology end Immunology online)

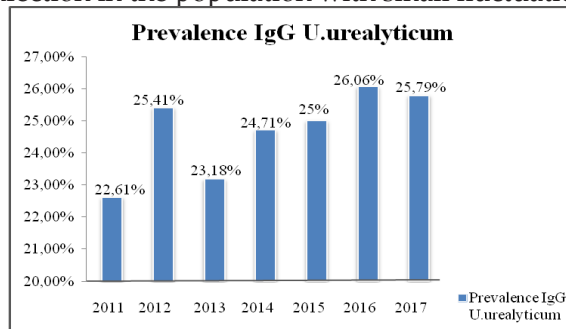
This small change in prevalence may come as a result of different diagnostic methods in these studies as well as as a result of the inclusion in our study group of healthy, asymptomatic women.

For anti-U.Urealyticum IgG: In the study group, in the period 2011-2017, the presence of IgG antibodies to *Ureaplasma urealyticum* is observed in 24,92% of cases. The percentages over the years of anti-U.urealyticum IgG antibodies are presented in the **Table 3**.

Year	Tested for IgG	Positive (in no)	Positive (in %)
2011	1004	227	22,61%
2012	1098	279	25,41%
2013	1441	334	23,18%
2014	1550	383	24,71%
2015	1824	456	25%
2016	2068	539	26,06%
2017	2354	607	25,79%
Gjithsej	11339	2825	24,91%

Table 3: Seropositives to anti-U.urealyticum IgG

From the graphic presentation of the data (**Graphic 4**) it is noticed that we have a steady spread of infection in the population with small fluctuations in years.



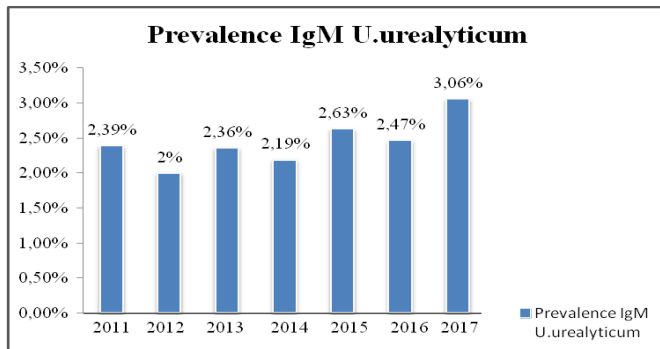
Graphic 4: Prevalence of women positive for anti-U.urealyticum IgG

For anti U.urealyticum IgM: In the study group, in the period 2011-2017, the presence of IgM antibodies to *U.urealyticum* is observed in 2,51% The data are presented in **Table 4**

Year	Tested for IgG	Positive (in no)	Positive (in %)
2011	1004	24	2,39%
2012	1098	22	2%
2013	1441	34	2,36%
2014	1550	34	2,19%
2015	1824	48	2,63%
2016	2068	51	2,47%
2017	2354	72	3,06%
Gjithsej	11339	285	2,51%

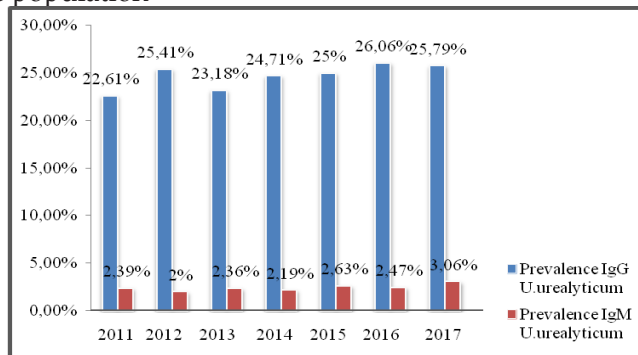
Table 4: Seropositives to anti-U.urealyticum IgM

The data are presented in the **Graphic 5:**



Graphic 5: Prevalence of women positive for anti-U.urealyticum IgM

As can be seen from the graphic, the percentage of women positive for IgM is stable with small fluctuations from year to year which indicates a low level of primary infections in the population



Graphic 6: Comparison of the percentage of women positive for U.urealyticum IgM and IgG antibodies in the study population

The comparison of the results obtained for the percentage of women positive (**Graphic 6**) for IgM and IgG shows a much higher percentage of women positive for anti- U.urealyticum IgG compared to those positive for anti- U.urealyticum IgM and this is explained by the curve that *U.urealyticum* infection follows

In our country, from a study conducted on women of reproductive age who were presented for specialized medical assistance, at the Maternity Hospital "Mother

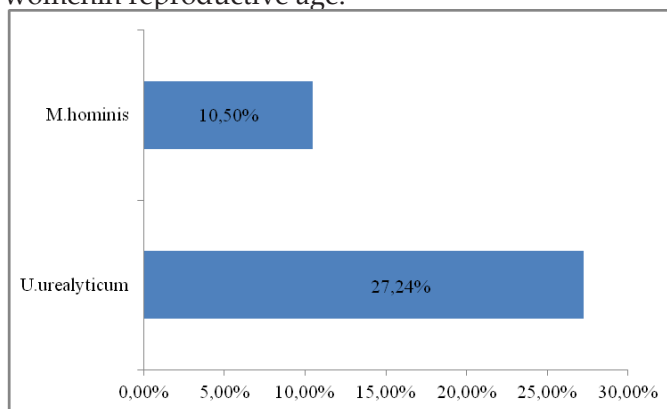
Geraldine" in Tirana, the overall prevalence of *Ureaplasma urealyticum* was 54,3%(Tavo.V, 2013)

In our study the prevalence of *U.urealyticum* is smaller as the study does not include only women with obvious symptoms who have received hospital treatment. Our study population generally includes healthy women

In the region from a study conducted in Greece the prevalence of *U.urealyticum* among women with chronic urinary symptoms is 52.9% (Baka S, et al 2009), while from another study conducted in northern Greece the prevalence in women was 16.13%. Prevalence decreased with age, so infection was rare in women over 60 (Kotrotsiou Tz, et al 2013)

Also the prevalence in our study group is smaller than that reported in the world is about 45-75% (Mayer G; Microbiology end Immunology online)

This change in prevalence may come as a result of different diagnostic methods in these studies as well as as a result of the inclusion in our study group of healthy, asymptomatic women in reproductive age.



Graphic 7: Compare the prevalence of the two diseases

If we compare the prevalence of the two diseases in the study and in our country as well as in the world, *U.urealyticum* (27,24%) has a higher prevalence than *M.hominis* (10,5%) This is also influenced by the fact that infections associated with *U. urealyticum* can also be contagious if an infected person coughs in front of our face or if we accidentally touch the nasal or eye secretions of the infected person.

Conclusions

From the above study we reached the following conclusions:

About 26 % of women of reproductive age tested in the period 2011-2017 have been in contact with *M.hominis* infection and % have been in contact with *U.urealyticum* as well as have developed Antibodies to it.

Anti- *M.hominis* IgM antibodies were detected in 1,16 % of women included in our study group, whereas anti- *M.hominis* IgG antibodies were detected in 9,36 % of women of cases..

Anti- *U.urealyticum* IgM antibodies were detected in 2,51% of women included in our study group, whereas anti- *M.hominis* IgG antibodies were detected in 24,92 % of women of cases.

For both diseases shows a much higher percentage of women positive for anti- IgG

compared to those positive for anti- IgM and this is explained by the t curve that infections follows.

The level of U.urealyticum antibodies is higher.

If someone is treated for infections when there are local symptoms they can be easily cured. If not detected and treated, the infection can spread to other parts of the body and potentially cause problems in pregnancy, recurrent miscarriage in women and infertility in both sexes.

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EU Law Transposition - Into the new collective investment undertakings legislation in Albania

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Abstract

The rapid development of the investment funds in Albania, necessarily required an updated legislation, harmonized with latest EU law provisions, offering an expanded range of CIU structures for the public, better governance rules, fair and not misleading marketing communication, enhanced transparency, and better investors protection. In 2020, Albanian Parliament has approved the new Law no. 56/2020 “On Collective Investment undertakings”, setting a comprehensive legal framework which will boost the capital markets development in Albania.

The main purpose of this article is to examine the level of harmonization of the Albanian recently introduced law on collective investment undertakings with EU law governing this sector. Starting with a short overview of the previous legislation and the main characteristics of the investment funds development, the paper then continues the analyses of EU directive transposition and main issues identified during harmonization process; new structures of CIU-s introduced by the law and key features of each of them. In conclusion, the paper comes up with some general conclusions regarding the adequacy and compliance of the new legal regime with international standards.

Keywords: collective investment undertakings, investment funds, open-ended, closed -end, directives, harmonization.

I. Introduction

Collective Investment Undertakings provide a vehicle for private citizens of all economic classes to participate in the capital market and the economic development of the country. Trust and dynamic growth of investment funds is important because they represent not only an alternative savings product for investors, but also a source of demand for new corporate and financial instruments, which can help develop local capital markets.

Collective investment undertakings in Albania were regulated by the Law no. 10 198, “On collective investment undertakings” approved by the Parliament of the Republic of Albania in 2009. Immediately after the adoption of the law, AFSA drafted the relevant set of by-laws, which would enable the implementation of the law in practice.

Only in 2012 was licensed the first management company of Collective Investment undertakings (in the form of investment funds) following by the first investment fund with public offer, opened to the public and Depositary Bank.

Thus, the first management company launched within the same year two investment funds, denominated respectively in local currency and euro as well. Then, other management companies have joined the market, being licensed by the Regulatory

Authority, all offering more or less the same typology of investment funds. Hence, the investment fund (CIU-s) was developing rapidly in Albania. This shows that the Albanian public was eager for new investment alternatives. Furthermore, indicates an increased trust from the investors side on these investment vehicles, in their governance and transparency, as well as the attractiveness of the capital markets products (even though not yet developed) as a place to invest their savings. Currently there are 11 public offering investment funds, open-ended fully operating in Albania, and 1 alternative investment fund (not yet operational but licensed by AFSA) managed by five asset management companies. The market is regulated and supervised by Albanian Financial Supervisory Authority.

II. CIU Legal regime until 2020

Law no. 10 198 dated 10.12.2009 “On collective investment undertakings” repealed the law no. 7997, dated 26.7.1995 “On investment funds”. It introduced a new mentality at the time, on the licencing criteria, functioning, governing and transparency of collective investment undertakings in Albania including the companies that will manage the CIU-s assets;

According to the law, there were two forms of Collective Investment Undertakings introduced, which included:

1. Investment Funds as open-ended funds established on the basis of a public offering contract, (they are a pull of assets owned by the unit-holders) invested according to the risk diversification principles. Investment funds can be created and managed by a management company, after obtaining the relevant license from the Financial Supervisory Authority;
2. Investment companies (are close-ended funds), functioning as joint stock companies which can be with public or private offers. The object of their activity is the investment of funds in securities and other assets in order to distribute investment risk and to give to shareholders the profit from the management, and where the rights of the investors are represented by the shares of this company. The minimum amount of capital required must be not less than 300,000 EUR, or the equivalent in albanian currency.

In addition, the law defined the requirements for the CIU-s marketing within the country, rules for delegation of functions from the management company, local sales and distribution activity of the foreign CIU-s established outside Albania, also a range of limits on investment and borrowings of the CIU-s.

III. Key features of the Investment funds in the market

During around 10 years period of activity, collective investment undertakings have shown the following key features:

1. Almost all of them are established as open-ended funds not closed-ended funds.
2. All managed by local asset managers.
3. 8 out of 11 investment funds are managed by the companies owned by second tier banks.
4. Asset management company owned by one of the biggest banks in the country, still dominates the markets.
5. Funds investment policies are designed mainly focused on conservative investments (like

government and corporate bonds) and a few of them have equity investments;

6. Utilized channels for distributing CIU units are usually Banks and in few cases insurance companies.
7. There are upper legal limits for the fee charged to the CIU-s, anyway the fees charged remain high compared to EU countries.
8. Most of the management companies also manage the voluntary pension funds (third pillar) as well.

IV. New legislation Alignment with EU directives

The rapid development of the investment funds in Albania, necessarily required an updated legal framework in place, introducing different ranges of CIU-s to the public, thus investors having more choices and more possibilities to diversify their portfolio.

Furthermore, the government approach is to set better governance rules for the CIUs and management companies, (including also strong fit and proper requirements for the key personnel), fair and not misleading marketing communication to the investors, enhanced transparency, and the investors protection. Thus, it was time to harmonize the legal framework with the latest developments in the Acquis Communautaire on the CIU-s industry.

European Union has approved a set of directives covering the CIU-s activity, aiming to harmonize and improve the legal environment to this sector, mainly consisting of:

- Directive 2009/65/EC "On the Coordination of Laws, Regulations and Administrative Provisions related to Undertakings for Collective Investment in Transferable Securities (UCITS), 85/611 / EEC, (broadly known as UCITS in different numbers) was first introduced in 1985. It has been amended many times representing the main framework of CIU-s in EU.
- Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011, On Alternative Investment Fund Managers AIFMD, another EU important legal tool, was implemented to better regulate alternative investments after the 2008-09 global financial crisis. The directive aims to protect investors as well as reduce some of the systemic risk that these types of funds can pose to the economy.

Thus, in drafting the new law on collective investment undertakings, which was approved in 2020 by Albanian parliament, a combined harmonization with both abovementioned Directives was taken into consideration.

UCITS Directive regulates publicly offered open ended funds that invest within certain limits, required to have licensed management companies and depositary banks (who safekeep the assets of the undertaking and supervise key aspects of the operation of the undertaking). This is a framework which is designed to ensure that publicly offered open ended undertakings invest predominantly in liquid (listed and traded) assets, comply with exposures on investment limits designed to ensure spread of risk and comply with limits on borrowing.

On the other side, AIFMD governs the managers of all funds that are not UCITS, requiring them to have a licensed Alternative Investment Fund Manager and a depositary Bank. An Alternative Investment Fund is essentially defined as any fund which does not meet UCITS requirements, meaning all funds, whatever their legal or operational structure or investments or borrowing. This Directive does not directly regulate the Alternative Investment Fund itself and no limits are placed on fund investment or borrowing, thus providing a much lower level of investor protection.

However, given the particular structure of the existing investment funds in the market, a complete harmonization of Albania new legislation with both directives, it was estimated that

it would have a negative impact on the market, where 50% of the funds would not be able to comply with the UCITS Directive due to the illiquid nature of some of the majority of their investments. Considering these funds under AIFMD regime, will legitimate the lower level of investor protection.

To avoid such to happen, based on the lessons learned from the other countries experiences, which were also found in such a situation, at the moment when the directive had entered into force, a partial harmonization was assessed as right option until Albania joins EU.

This approach requires that funds which are publicly offered to comply with the same requirements as UCITS, but they are subject to differentiated investment and borrowing powers; A similar approach is seen in many other European Union countries.

The different structures of the collective investment undertakings introduced by the new law are as follow:

- Publicly offered collective investment undertakings meaning licensed local undertakings publicly offered, which may have different forms as below:
 - i. investment funds, established on contractual basis mostly present in Albanian market, not fully compliant with UCITS requirements because the securities they invest are not listed or traded since there is a lack of stock exchange functioning.
 - ii. interval funds in contractual form, sell and redeem of units apply only twice a year;
 - iii. closed ended undertakings in corporate (investment company with fixed capital) form and contractual (investment fund) form which are suited to making illiquid investments such as real estate.
 - iv. Umbrella undertaking means an open ended or interval collective investment undertaking which, to the extent as may be approved may be divided into a number of sub-funds in which unitholders are entitled to exchange rights in one sub-fund for rights in another and “sub-fund” shall be construed accordingly.
 - v. Master-feeder structures meaning an open-ended collective investment undertaking or sub-fund of an open-ended collective investment undertaking dedicated to investing not less than 85% of its assets in participations in one other specified open ended collective investment undertaking or sub-fund (the ‘master collective investment undertaking or sub-fund’) are other structures regulated by the new legislation.

Furthermore, a specific regulation on “Master-feeder structures “has been approved by Albanian Financial Supervisory Authority; These legal provisions comply with the Commission Directive 2010/42/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council “On certain provisions concerning fund mergers, master-feeder structures and notification procedure”

All the funds listed above would be Alternative Investment Funds under the regime of Alternative Investment Fund Managers Directive (AIFMD) since they are funds which do not meet UCITS Directive investment requirements, which means that they should be operated by alternative investment fund managers and depositaries. However, the Law defines that any fund that is publicly offered should have a UCITS regime licensed management company as well as Depositary.

UCITS under the Law are considered a sub-category of open ended publicly offered funds which invest in a way that is more restricted than that identified in the Law.

- Alternative investment funds which are offered to professional clients only. AIF-s may be open ended, interval or closed ended investment funds, closed ended

investment companies or limited partnerships: these are Alternative Investment Funds under the AIFMD and are solely governed by its requirements.

- Foreign undertakings publicly offered to be marketed in Albania need to be (Known) by Albanian Financial Supervisory Authority. Such a process is subject to requirements settled by the law, and the automatic ‘recognition’ of foreign UCITS is required once Albania is a member of the European Union. This is defined in the transitional provisions of the new law.

The new Albanian law on CIU-s provides different legal provisions regarding:

- the licensing and regulation and supervision of alternative investment fund management companies managing alternative investment funds offered only to professional clients
- management companies which are licensed by the Authority to manage publicly offered funds in Albania.

The same approach applies also to Depository Banks of Alternative Investment Funds and Publicly Offered Collective Investment Undertakings.

Another Directive transposed to the Albanian law on CIU-s is the Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 “On insider dealing and market manipulation (market abuse). The article 16 of the Law and the AFSA Regulation no. 2, dated 27.01.2021 “On the functioning of CIU-s established in Albania” govern *inter alia* the prevention of insider dealing, conflict of interest in asset management company, the obligation to monitor staff transactions etc.

MIFID Directive- partially transposition regarding the client categorisations, Professional client – broadly – institution with financial licence or large company: can be offered any type of fund. Retail client – any client that is not a professional client: can be offered only funds eligible for public offer.

The new legal regime provides enhanced investor protection through strengthening the role and competencies of Regulatory Authority and stronger rules for better governance from asset management companies.

V. Conclusions and recommendations

1. To conclude, the new legislation on collective investment undertakings in Albania, may be considered harmonized with EU law and international standards even though the transposition of the two main directives UCITS & AIFMD for many existing market reasons remained partial. Anyway, the main concepts introduced, governance and “modus operandi” of the collective investment undertaking are broadly in compliance with EU legislation and international standards.

2. New law on CIU-s defines that until Albania joins the EU, a single license for management company of both alternative investment funds (the most of existing funds in Albanian can be considered as alternative investment funds) and of publicly offered funds including UCITS will be used; Depository Bank will be subject to the same rules. This approach avoids any cost burden to the existing CIU-s and management companies. Once Albania is a member of the European Union, the strict regimes and rules as required by UCITS will be automatically applied.

3. Improved protection of investors in collective investment undertakings through more comprehensive regulation of marketing and operation and widening and enhancing the enforcement powers of the Authority. In addition, stronger rules

for better governance from asset management companies have been introduced. However, there is a specific need to enhance the Regulatory technical capacities. Continuous trainings and capacity building would be recommended.

4. Expanded range of collective investment undertakings that can be operated in Albania to provide more opportunities for market development and better alternatives to investors. Hence, public financial education is increasingly important, empowering citizens to make sound investment decisions through diversification of products.

5. Foreign undertakings publicly offered to be marketed in Albania need to be (known) by Albanian Financial Supervisory Authority. Such a process is subject to requirements settled by the law, and the automatic 'recognition' of foreign UCITS is required once Albania is a member of the European Union.

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Commission Directive 2010/43/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organizational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company.

Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in

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Commission Directive 2007/16/EC of 19 March 2007 implementing Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards the clarification of certain definitions.

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organizational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

Legitimacy of NATO military intervention in Kosovo

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Abstract

The discussion on humanitarian intervention, and more specifically, whether and under what circumstances international law allows military intervention in another country, for humanitarian reasons, is neither new nor a simple one. The key issue is to reconcile the principle of state sovereignty of states, the principle of non-interference in the internal affairs and prohibition of the use of armed force, with the real protection of human rights in extreme situations of their violation and with the maintenance of peace and of security in the world.

In his annual report to the UN General Assembly in 1991, UN Secretary-General Perez de Cuellar emphasized that the principle of non-interference in the internal affairs of a state could no longer be considered by the international community as a protective barrier against the systematic and widespread violation of human rights. The notion of sovereignty, in fact, cannot include extermination campaigns, or the forced exodus of the civilian population, with the sole purpose the controlling of conflicts or uprisings. So, in his discussion, the UN Secretary General analyzed the problem related to the legitimacy of the humanitarian intervention and the fact what should be the position of the international community in cases of serious human rights violations, systematically observed within a state.

In doctrine the debate takes place, questioning the role and functions of the United Nations after the Cold War, given the growing difficulties of managing the many conflicts in the world. During the Cold War period, due to the impossibility of the normal functioning of the Security Council, caused by the vetoes exercised by its permanent members, cases of unilateral armed interventions for humanitarian purposes were observed. As an example, recall the Tanzanian intervention in Uganda in 1969, the US intervention in Granada in 1983 and the intervention in Panama in 1989.

The end of the Cold War also marked the end of the country's internal jurisdiction, in terms of fundamental human rights. Resolution no. 688 (1991), on the protection of the Iraqi Kurds and subsequent humanitarian interventions in Somalia (1992) and Haiti (1994), seemed to recognize the Security Council's right to authorize member states or regional organizations to intervene in a sovereign state, when the violation of human rights, posed a threat to world peace, in the sense of Article 39 of the Charter of the United Nations. It seemed, therefore, that the problems related to the legality of the (armed) intervention of a humanitarian nature could be resolved and merged within the framework of the Collective Security System of the Charter.

The purpose of this paper is to assess whether NATO intervention in Kosovo, in March 1999, should be considered legal, in terms of international law. Particular attention will be paid to this case of armed humanitarian intervention, which will be analyzed from the perspective of the prohibition of the use of force, referring in particular to the practice of states and that of the United Nations.

Keywords: Kosovo, NATO, sovereignty, humanitarian intervention, armed intervention, Security Council, UN, human rights.

Background

From the point of view of public international law as currently applied by the United

Nations, the province of Kosovo is an administrative unit located on the southeastern border of the Republic of Serbia. It has a population of 1,935,259 inhabitants, of whom about 92% are Albanians, 4% are Serbs, 2% Bosnians, 1% Turks and 1% Romans.¹

The origin of the Kosovo crisis is generally traced back to the battle of Fushë Kosovë / Kosovo Polje in 1389, when the Ottomans won against the Serbs, who were determined to separate the province from their empire. The memory of this battle continues to play an important role in today's Serbian politics².

In 1989, there was a revision of the FRY Constitution and the abolition of autonomy status for the province of Kosovo and the establishment of Serbian control over Kosovo's internal affairs. In addition, the teaching of the Albanian language in high schools was reduced and public funding for the Albanian language media was blocked.

The war that started in Yugoslavia in March 1990 and especially the very violent events in Bosnia and Herzegovina, diverted the attention of the international community from the case of Kosovo. At the time of the signing of the Dayton peace, the issue of Kosovo was not taken into account by the Westerners.³

The crisis resumed in 1997, with fierce clashes between the KLA army and Serbian military forces. A year later, after much fighting, Serb units, and especially the Belgrade Interior Ministry secret service, responded with large-scale and sustained attacks, forcing over 200,000 Kosovo Albanians to flee their villages and hide through the forests and mountains of the area. According to reports from international organizations, entire families of KLA activists were exterminated.⁴

As a result of these events, on 31 March 1998, the Security Council, acting on the basis of Chapter VII of the UN Charter, adopted Resolution 1160, imposing an embargo on the supply of weapons and military equipment, as for the Federal Republic of Yugoslavia, as well as for the KLA. In addition, the resolution called on the parties to reach a political solution to the crisis, and although condemning the excessive use of force by Serb security forces and acts by Kosovar rebels, the crisis was not clearly defined as a threat to peace.

¹ The data are from the 2021 census.

² In 1878, at the Congress of Berlin, Montenegro and Serbia achieved a formal recognition of independence, by the great powers of Europe. In the same year, the League of Prizren was created in Kosovo, which demanded the unification of all Albanian-speaking areas. Thus, a conflict arose between Kosovo Albanians, who aspired to a union of Kosovo with Albania, and Serbs, who referred to their ties to Kosovo and to holy sites for their religion and culture. After the first Balkan war, in 1912, Serbia managed to win over Kosovars and their reasons, while Albania declared its independence in Vlora. In 1946, the Constitution of the FRY declared the autonomous province of Kosovo, and after Tito's death in 1980, Kosovo Albanians began to seek the status of the Republic, even if included in the Yugoslav federation. From that moment on, ethnic coexistence in the province began to become even more difficult. KRIEGER, *The Kosovo Conflict*, cit. f. xxxi; DE FELICE, DRAGO, BOROLI, (prepared by) *Kosovo in the Encyclopedia of World History*, Novara, 1995, p. 184, 728.

³ Kosovo Albanians, disappointed and dissatisfied with the situation that was being created, began to abandon peaceful means to resolve the crisis. This allowed the gradual formation of the "Kosovo Liberation Army" (KLA). For a detailed description of the facts, see PICONE, *La Guerra del Kosovo e il Diritto Internazionale Generale*, in *Rivista di Diritto Internazionale*, 2000, p. 309; RONZITTI, *Raidi aerei contro la Federal Republic of Yugoslavia and the map of the United Nations*, in *Rivista di Diritto Internazionale*, 1999, p. 476; SIMMA, *NATO, the UN and the Use of Force: Legal Aspects*, in *European Journal of International Law*, 1999, p. 1.

⁴ Reports on the Drenica clashes from Human Rights Watch: "FRY: Humanitarian Law Violations in Kosovo", October 1998, in KRIEGER, *The Kosovo Conflict*, cit. f. 91.

In addition, Resolution 1160 encouraged the countries of the “Contact Group” (created by the foreign ministers of France, Germany, Italy, the United Kingdom, Russia, the United States) to continue efforts to reach an agreement between the parties of a substantial autonomy for the province of Kosovo.⁵

The situation, however, worsened even more. The intensification of fighting between the Yugoslav army, Serbian paramilitary groups and Albanians resulted in many casualties among the civilian population and an influx of refugees to the border areas. The Security Council intervened again and, on 23 September 1998, adopted Resolution 1199, in which, after clearly acknowledging the presence of a threat to peace and security in the region, pursuant to Chapter VII of the Charter, it requested the FRY to cease fire, withdrawing its security forces from the province and allowing the free entry of operators and humanitarian observers. The penultimate paragraph of the resolution contained a warning: if the Federal Republic of Yugoslavia did not take the concrete measures required by Resolution 1199 and the previous one, the Security Council would consider taking other actions and measures to safeguard or restoring peace and stability in the region.⁶

The refusal of the Serbian side to reach a solution to the conflict in the manner determined by the Security Council, forced NATO, through its Secretary General, Solana, to declare that the allies were ready to use force against the FRY, if the government of Belgrade would not accept the demands of the Security Council.⁷

Fear of armed action prompted the Yugoslav government to accept two agreements. The first agreement with the Organization for Security and Co-operation in Europe (OSCE) was intended to allow the deployment of a mission of 2,000 unarmed observers. The second agreement with NATO, in order to allow control of Kosovo’s skies, to support the OSCE mission.⁸

These agreements were welcomed by the Security Council, through the adoption of Resolution 1203 of 24 October 1998. After confirming the continuing threat to world peace and security in the region, the resolution closed with “endorsing and supporting” the above-mentioned agreements.⁹

In late January 1999, the Contact Group invited the Belgrade government and Kosovars to attend an international conference aimed at reaching a final political solution to the crisis. This conference took place in Rambouillet and ended with a draft agreement for the establishment in Kosovo of an autonomous ad interim political structure, administered by the UN, for a period of three years. However, this agreement was categorically rejected, both by the FRY and by Kosovars, who nevertheless, after efforts, were persuaded to sign it.¹⁰

⁵ Ronzitti, *Raids aerei*, cit. f. 476.

⁶ Resolution 1199: “(Security Council) decides consider to consider further action and additional measures to maintain or restore peace and stability in the region”.

⁷ The statements are reproduced in KRIEGER, *The Kosovo Conflict*, cit. f. 289, NATO, Statement by the Secretary General following decisions on the ACTORD, NATO HQ, 13 October 1998.

⁸ The texts of the agreements are given in KRIEGER, *The Kosovo Conflict*, cit. f. 289 (Holbrooke Agreement) and p. 188 (Agreement on the OSCE Kosovo Verification Mission, 16 October 1998. At the same time, talks continued between the Contact Group and the FRY to reach a political solution to the crisis.

⁹ The doctrine has pointed out the dubious validity of these agreements, as they were carried out under threat of use of force. The rest of the doctrine, however, has defended the idea that Resolution 1203, and its way of accepting agreements, has done nothing but confirm and legitimize them. In this sense, see RONZITTI, *Raids aerie*, cit. p. 477.

¹⁰ The text of the Rambouillet agreement is given in KRIEGER, *The Kosovo Conflict*, cit. p. xi.

Seeing the FRY's opposition to accepting Rambouillet and following the news of the January 16 Racak massacre, where 45 civilians were executed, including women and children, accepted by the international organizations themselves as being carried out by Serbian security forces,¹¹ forced the Group of Contact to interrupt talks and OSCE to withdraw observers. On March 24, 1999, the Atlantic Alliance launched an airstrike campaign, also known as the Determined Force.

On March 26, two days after the bombing began, Russia proposed to the Security Council the adoption of a draft resolution condemning NATO military action, calling it a threat to world peace and security. Immediate cessation of the use of force against the FRY was also demanded. This draft resolution, also supported by Belarus and India, was rejected by the Security Council by 12 votes to 3.¹²

NATO airstrikes continued for 77 days, until June 10, 1999. NATO Secretary-General Solana halted the attack when the European Supreme Command of the North Atlantic Alliance confirmed the start of the withdrawal of Serb troops, as was the case. adopted in Security Council Resolution 1244, adopted on 10 June 1999. This resolution endorsed and endorsed the peace plan, presented by Finnish President Ahtisaari, as EU envoy, and by the Special Representative of the Russian Federation, Chernomyrdin. This plan was sent to the FRY government on 2 June.¹³

This resolution, after noting what had been stated in previous Security Council resolutions and after expressing regret that it had not been in full compliance with their demands,¹⁴ appreciates and makes its own the principles of the peace plan. above.¹⁵ Resolution 1244 also authorizes the establishment of a peacekeeping force (KFOR), under the command of the North Atlantic Alliance, consisting of the militaries of NATO member states and Russia, as well as the establishment of an interim mission of UN in Kosovo (UNMIK), as provided for in the Rambouillet agreement.¹⁶

1.1 Theoretical Background – NATO Military Intervention

NATO military intervention in Kosovo raises some legal issues, as it was not carried out within the framework of the collective security system, provided by the United Nations Charter. In fact, NATO undertook an action that involved the use of armed force, without being given prior and clear authorization by the Security Council.

NATO and its member states have made some excuses to prove the legitimacy of military action against the FRY. On the one hand, they have insisted on the introduction

¹¹ Racak Massacre Reports: Human Rights Watch; OSCE Troika, Press Release; UNHCR Press Release; UN Security Council, President Statement; Report of the EU Forensic Expert Team on the Raçak Incident; EU, Statement of the Presidency of the European Union on the Raçak Massacre; Islamic Group, Statement on the Situation in Kosovo; these, as well as other documents, are brought to KRIEGER, The Kosovo Conflict.

¹² See draft resolution at KRIEGER, The Kosovo Conflict, cit. p. 432.

¹³ See "Peace Plan", included in the summary of KRIEGER documents, The Kosovo Conflict, cit. p. 360.

¹⁴ Resolution 1244, Preamble: "(The Security Council) Recalling its resolutions 1160 (1998), 1199 (1998), and 1239 (1999); regretting that there has not been full compliance with the requirements of this resolutions.

¹⁵ Resolution 1244, Preamble: "(The Security Council) Welcoming... the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999".

¹⁶ For a review of the mandate, objectives and organization of the United Nations Interim Administration Mission in Kosovo, see summary of documents, KRIEGER, The Kosovo Conflict, cit. f. 567-571.

of military action in the Security Council resolutions that focused on Kosovo, and on the other hand, they have repeatedly stated that air strikes would be undertaken in order to prevent a humanitarian catastrophe caused by violence and crime. of the Serbian and Yugoslav military forces, against the Kosovo Albanian population.¹⁷ In statements issued during the crisis period and especially in the days before and after the start of the bombing, NATO Secretary General Solana has repeatedly stated that the military operation “Determined Force” was aimed at countering the repressive methods of the police. of Belgrade and was not directed against the Yugoslav people, who had long been isolated in Europe, because of the policy of his government.¹⁸ The need to resolve the humanitarian emergency in Kosovo was repeatedly stated by Solana as a moral obligation from which the North Atlantic Organization would not evade.

Even the states that spoke in favor of NATO action, on various occasions have noted the humanitarian element. In a debate in the Security Council on 24 March 1999, shortly after the news that the Atlantic Alliance had launched airstrikes against the Federal Republic of Yugoslavia, representatives of various states supported the legitimacy and need for NATO action, which was intended to end the humanitarian catastrophe I am carrying out in Kosovo. In statements made during that debate, the Slovenian delegate underlined the fact that the development of the crisis in Kosovo and the failure of diplomatic measures had made military action inevitable, while the US delegate, underlining the dire humanitarian situation and the large number of Kosovars in Albania, Bosnia and Macedonia stressed that in this context, NATO action should be considered justified and necessary to stop the violence and prevent an imminent humanitarian catastrophe.¹⁹ Delegates from Canada, the United Kingdom, the Netherlands, as well as other countries present, stated that the Atlantic Alliance’s intervention was intended to prevent the aggravation of the humanitarian situation. Even in the statements issued by the governments of the states involved in Operation Determined Force, before the respective parliaments, importance was given to the humanitarian element. We recall the statement of the Dutch Foreign Minister, who stressed that the humanitarian tragedy in Kosovo had given no choice to the international community and the use of force was the appropriate measure needed to end the humanitarian catastrophe.²⁰

Similar statements were made by the German and Spanish governments, with the President of the French Republic emphasizing that NATO’s action was based on the fundamental values of democracy and respect for human dignity.²¹

Regarding the position of the Italian government, Prime Minister D’Alema in his speech in the Chamber of Deputies, two days after the start of the bombing, admitted that the “Determined Force” operation was undertaken without the authorization of

¹⁷ RONZITI, *Raidi aerei*, cit. p. 478.

¹⁸ In a statement issued on March 24, 1999, Solana stated: “NATO is not waging war against Yugoslavia. We have no quarrel with the people of Yugoslavia who for too long have been isolated in Europe because of the policies of their government... We must stop the violence and bring an end to the humanitarian catastrophe now taking place in Kosovo. We have a moral duty to do so”. Statements are brought to KRIEGER, *The Kosovo Conflict*, cit. p. 304.

¹⁹ Extras from the Debate of the Security Council... 24 March 1999, KRIEGER, *The Kosovo Conflict*, cit. p. 424.

²⁰ Extras from the Debate of the Security Council... 24 March 1999, KRIEGER, *The Kosovo Conflict*, cit. p. 424.

²¹ Extras from the Debate of the Security Council... 24 March 1999, KRIEGER, *The Kosovo Conflict*, cit. p. 426.

the Security Council, but also stressed that the Council paralysis was as a result of the exercise of the right of veto by some permanent members and that, as the UN Secretary-General had asserted, the use of force was inevitable in some circumstances.²²

A second argument used by NATO to justify its action is the assertion that the use of force was carried out in the framework of resolutions adopted by the Security Council in the management of the Kosovo crisis.

In various statements, the Secretary General of the Atlantic Alliance, Solana, referred to Resolutions 1160 (1998), 1199 (1998) and 1203 (1998), emphasizing that the action taken by NATO is completely legitimate, because it is in logical follow-up to Security Council resolutions, as the aim pursued by the North Atlantic Treaty Organization is to guarantee peace in a region shaken by many years of war and not to wage a war against the Federal Republic of Yugoslavia.

Returning to the debate within the Security Council on 24 March 1999, delegates from various countries noted that the FRY had not complied with the requirements of the Security Council resolutions. Specifically, the Canadian representative stated that Resolutions 1199 and 1203, as well as the agreements signed by the Belgrade government with the OSCE and NATO, had clear legal obligations for the FRY. These obligations consisted of respecting the ceasefire, protecting civilians and limiting the security forces in Kosovo. Violation of such obligations and the impossibility of reaching a diplomatic solution legitimized NATO action.

The US delegate also referred to the lack of implementation of Resolutions 1199 and 1203, to support the legitimacy of the intervention in Yugoslavia. Further references to the cited resolutions were also made by the French representative given by the British one.

In the debate at the Security Council on 24 March 1999, the United Kingdom referred to necessity as an excuse for armed intervention. The British representative noted that in order to resolve the crisis in Kosovo, it was necessary to take extraordinary measures to cope with the humanitarian emergency; hence military intervention was legally lawful.²³

The UK itself also proposed references to some aspects of the right of unilateral humanitarian intervention. The Secretary of Defense, speaking in the House of Commons, supported the idea that the use of force in some circumstances could be justified as an extraordinary measure in support of the Security Council proposals, without any express authorization of the Council itself, when this is the case. The only way to allow the avoidance of a humanitarian catastrophe.²⁴

In summary, the excuses given by NATO member states and Secretary-General Solana are largely based on the fact that in the face of Security Council immobility, a response was needed to end the rape of severe and systematic fundamental human rights. After the exhaustion of diplomatic channels and the inability to implement a resolution that explicitly authorized the use of force, due to a possible veto by Russia and China, NATO would be faced with the situation to act and intervention could not

²² ZAPPALA', Nuovi sviluppi in tema di uso della forza armata in relazione alle vicende del Kosovo, *Rivista di Diritto Internazionale*, 1999, f. 985.

²³ The British delegate, in fact, stated: "Every means short of force has been tried to avert this situation. In such circumstances, and as an exceptional measure on grounds of overwhelmingly humanitarian necessity, military intervention is legally justifiable. The force now proposed is directed exclusively to averting a humanitarian catastrophe and is the minimum judged necessary for that purpose". Statements are given in KRIEGER, *The Kosovo Conflict*, cit. p. 428.

²⁴ Statement given by KIRSCH, *Unilateral Enforcement of the Collective Will: Kosovo, Iraq and the Security Council*, Max Planck Yearbook of United Nations Law 1999, p. 82

be one-sided but collective.

NATO would not pursue the interests of the organization itself, or of the member states, but the collective intervention would be directed to satisfy the common interests of the entire international community, because they would be for the restoration of peace and security in the world, threatened by genocide. and from gross violation of fundamental human rights. The very collective character of the North Atlantic Treaty Organization would allow the fulfillment of the selfish interests of individual states to be avoided.²⁵

1.2 NATO's Military Intervention Legal Framework

The use of force between states is regulated by Articles 2 & 4 of the Charter of the United Nations. The main principle in it is one of the basic norms, on which international law is based. However, read in its complexity, the Charter highlights another goal of the United Nations, which is the protection of fundamental human rights. Analyzing these principles, we conclude that the systematic and large-scale violation of fundamental human rights is today an issue of international interest and no longer an internal matter of individual states.

The two exceptions to the use of force, expressly provided for in the Charter of the United Nations, namely the legitimate defense under Article 51 and the system of use of force authorized by the Security Council under Chapter VII, are inadequate to justify the armed action of NATO member states against the Federal Republic of Yugoslavia.

As for the first point, in fact Kosovo was not an independent state, so the use of force by the FRY could not be considered an attack against a state.²⁶ Therefore, Kosovo could not refer to legitimate defense under Article 51 of the Charter, requesting NATO intervention in its defense. In fact, in the doctrine there have been attempts to justify humanitarian intervention even through a liberal interpretation of Article 51 of the Charter of the United Nations. According to this doctrine, since international law recognizes the individual as an object of law, there is also room for an opportunity to seek self-defense, in turn, against a massive violation of fundamental human rights.²⁷ With regard to the second point, the Security Council could undertake itself, or authorize other states to intervene militarily in cases where a threat to world peace and security was verified. This is what has been verified e.g., in the cases reviewed in the previous chapter. However, none of the resolutions adopted by the Security Council prior to NATO's military intervention contained a clear mandate to use force against the FRY. Nor can the non-implementation of the resolution calling for an immediate cessation of bombing, prompted by the Russian Federation, immediately after the start of hostilities, be considered a clear authorization for the use of force. It would be unreasonable to use the thesis, according to which the non-enforcement of a prohibition decision, is equivalent to an authorization, based on the principle,

²⁵ HENKIN, *Kosovo and the Law of "Humanitarian Intervention"*, *American Journal of International Law*, 1999, p. 826.

²⁶ KIRGIS, *The Kosovo Situation and NATO Military Action*, *Proceedings of the American Society of International Law*, 1999, p. 2. Meanwhile, this author stated that Kosovo should have requested an intervention for collective legal protection, as it is an entity to which the international community has in fact recognized the right to substantial autonomy.

²⁷ WEDGWOOD, *Nato's Campaign in Yugoslavia*, *American Journal of International Law*, 1999, p. 833

according to which, what is not expressly prohibited, is allowed.²⁸

Also, Resolution 1244, although requiring the FRY to implement the peace plan proposed by the "Contact Group" even though it provided for the creation of an international force (KFOR) to be deployed in Kosovo after the bombing, could not be considered an authorization. retroactive to military force engagement, as in the debate before its adoption, representatives of China and the Russian Federation continued to call NATO action illegal. Thus, NATO intervention in Kosovo cannot be justified by including it in the exceptions that are expressly provided by the United Nations Charter.

And yet, with Resolution 1244, the Security Council authorized the establishment of an international security presence in Kosovo, led by NATO itself, with the task of ensuring, with all necessary means, the implementation of the Rambouillet agreement. An important part of the doctrine has regarded this resolution as a retroactive mandate or authorization and moratorium on NATO intervention.

Before giving the legal arguments that justify the intervention in question, many of us are asking ourselves the rhetorical question: How important is it whether NATO armed action in Kosovo was legitimate or not? Someone has declared that such an action is morally right, but legally unjust.²⁹ This is a valid opinion, but in this case another question spontaneously comes to us: If a fact is morally or ethically right and legally unjust, which of the two factors must be reconciled with the other, ethics against the law, or vice versa? During our legal studies, we have learned that law and ethics must go hand in hand and for a community to function well, it is the first to adapt to the second. However, we will further have the opportunity to dwell on this delicate issue. In this case, it is my duty to determine the legal (and not moral) basis on which NATO's military action in Kosovo is based.

Let's start from an observation of the Security Council resolutions on Kosovo. We have seen how these resolutions had not created any legal basis detached from NATO action. However, this does not mean that these resolutions were irrelevant to whether NATO had acted legitimately or not. On the contrary, those resolutions established a part of the basic legal structure, within the borders of which NATO also acted.³⁰

In fact, such resolutions, adopted in the framework of Chapter VII of the Charter, were dictated by the finding that in Kosovo was observed a situation that posed a threat to world peace and security. These resolutions showed, moreover, that such crises created a humanitarian catastrophe. Specifically, Resolution 1160, of 31 March 1998, condemned the excessive violence by Serbian forces, but also the acts committed by the KLA. Resolution 1199 of 23 September 1998, referring to the excessive and indiscriminate use by Serbian security forces and the Yugoslav army, called for immediate action to improve the humanitarian situation. Finally, Resolution 1203 of 24 October 1998 reiterated the Security Council's view of the situation in Kosovo. It is important to note that these resolutions were all adopted long before NATO bombing began and that the FRY never managed to meet Security Council requirements. This was also clarified by Resolution 1244, of 10 June 1999. So, it is precisely this inaction, which constitutes an important element, to explain the NATO intervention, which aimed to force the FRY to comply with the imposed obligations

²⁸ RONZITTI, Raids aeri contro la Repubblica Federale di Jugoslavia e Carta delle Nazioni Unite, *Rivista di Diritto Internazionale*, 1999, p. 481.

²⁹ SIMMA, *Nato, the UN and the Use of Force*, cit. p. 6.

³⁰ GREENWOOD, *Humanitarian Intervention: The case of Kosovo*, *Finnish Yearbook of International Law*, 1999, p. 156.

by the Security Council.³¹ Such inaction was highlighted by NATO Secretary-General Solana and members of the Atlantic Alliance, who offered support for the military intervention.

Despite these, we emphasize that no Security Council resolution has ever expressly authorized the use of armed force to resolve the Kosovo crisis. Any initiative in this regard would have been thwarted by China and Russia, which would use their veto power. So the justification for NATO intervention must be found elsewhere.

Therefore, we must seek to answer these questions: does international law recognize the possibility of humanitarian intervention in cases of serious emergencies? In case of an affirmative answer, can the situation in Kosovo, before the airstrikes, constitute a case of humanitarian aid, such as to justify the exercise of this right?

In previous discussions we have analyzed cases in which a significant part of a country's population has been the victim of acts of aggression by its own government (recall the case of the Kurdish minority in Iraq). In addition, we have examined cases in which the suffering of the population has been the result of the government slipping into anarchy (recall the case of Somalia). In both cases, there has been intervention by the international community and the main objective has been to restore the normal living conditions of the oppressed populations.

Part of the doctrine denies the fact that a norm of customary law has been established that legitimizes interventions for humanitarian purposes. This group claims that the Charter of the United Nations, in fact, contains the express prohibition of the use of force, while it has not expressed any exception for armed intervention for humanitarian purposes.³²

Such a rigid vision of international law has been challenged, however, by an equally strong doctrine.³³ In fact, this type of analysis does not take into account both the basic principles on which the Charter of the United Nations is based and the current development of customary international law. In particular, we have noticed that both the Charter and international law are not built exclusively on the principles of non-interference and respect for the sovereignty of states. In most cases, it has turned out that these two principles are not of primary importance to international law when it comes to the protection of fundamental human rights.

With regard to customary law, in the first paragraph we have analyzed several cases of humanitarian intervention and have concluded in favor of the existence of a

³¹ FALK, *Kosovo, World Order, and the Future of International Law*, American Journal of International Law, 1999, p. 847. Some authors have compared Resolution 1244 with Resolution 688, which had to do with the intervention in Iraq. In this sense, see FRANCK, *Lessons of Kosovo*, American Journal of International Law, 1999, p. 857.

³² SPINEDI, *Use of NATO force in Yugoslavia and international law*, Quaderni Forum, 1998, p. 26; VILLANI, *The war of Kosovo: a humanitarian war or an international crime ?*, *Volunteers and Third World*, 1999, p. 30; RONZITTI, *Raidi Aerei*, *Rivista di Diritto Internazionale*, 1999, p. 480. The latter author asserts that humanitarian motives, although they may not justify an armed intervention, may well be an important element in excluding the fact that the use of force may be regarded as an act of aggression.

³³ CHARNEY, *Anticipatory Humanitarian Intervention in Kosovo*, American Journal of International Law, 1999, p. 834; HENKIN, *Kosovo and the Law of Humanitarian Intervention*, American Journal of International Law, 1999, p. 825; REISMAN, *Kosovo's Antinomies*, American Journal of International Law, 1999, p. 860; KIRGIS, *The Kosovo Situation*, cit. f. 2; CASSESE, *Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community ?*, *European Journal of International Law*, 1999, p. 10. This author condemns the fact that in international law there is no norm that allows humanitarian intervention, but claims that in customary law, such a norm is being created.

customary norm, which confirms it. Meanwhile, regarding the practice of the Security Council, we have noticed how in the case of Resolution 688, for the Kurdish crisis and also in the cases of Somalia and Haiti, the Security Council, after noting the presence of a threatening situation for world peace and security and after a warning to the offending states, to implement its decisions, has always authorized the transition to the use of force against these states.

In the case of Kosovo, the Security Council has acknowledged in several resolutions the threat to world peace and security and, as in the cases mentioned above, has warned the FRY that in case of disobedience to its decisions, action would be taken. further and other actions, with the aim of restoring peace in the region. But the most logical decision, which should have followed these warnings, was never taken, due to the veto of China and the Russian Federation.

Looking at the events from this point of view, we affirm once again that the international community felt the need for a norm of humanitarian intervention in extreme cases, in international law.

This norm, in order to be fully accepted, must respect certain restrictions and conditions:

- a. there must be (or be in danger of being created) a serious humanitarian emergency, involving the mass loss of lives;
- b. military intervention should be necessary, as the only means to end the aforementioned process;
- c. The Security Council must have been unable to reach a decision on the suspension of the massacres due to disagreements between the permanent members;
- d. The action taken must be proportionate to the aim sought to be achieved and must respect the norms of armed conflict.³⁴

Having determined the norm that would allow humanitarian intervention, as well as its restrictions, let us verify whether these restrictions have been respected in the concrete case of Kosovo.

Regarding the first condition, in the doctrine there were no doubts about the existence of a humanitarian catastrophe in Kosovo. This humanitarian crisis was confirmed long before the NATO bombing began and the repeated Security Council resolutions, as well as the constant reports of non-governmental organizations operating in Kosovo. The second condition has brought to the doctrine a greater opportunity for discussion. Some commentators have pointed out, that armed intervention has been a disproportionate and highly hasty means; the crisis had to be managed through diplomatic and political action.³⁵ To support this opinion, he mentioned the numerous efforts of the international community to rectify the tragic situation created in Kosovo. These efforts are reflected in the 9 resolutions adopted by the United Nations General Assembly, which begin seven years before the bombing began, from 18 December 1992 until 1999, in the 7 reports of the UN Commission on Human Rights

³⁴ FLINTERMAN, BAEHR, LUBBERS, WELLENS, *Humanitarian Intervention*, The Hague, 2000, p. 29; CASSESE, *Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?* *European Journal of International Law*, f. 27

³⁵ VILLANI, *La guerra del Kosovo: una Guerra umanitaria o un crimine internazionale?* *Volontari e Terzo Mondo*, 1999, f. 32, 38; SPINEDI, *Uso della forza da parte della NATO in Jugoslavia e diritto internazionale*, *Quaderni Forum*, 1998, f. 31; PICONE, *La "Guerra del Kosovo" e il diritto internazionale generale*, *Rivista del Diritto Internazionale*, 2000, p. 349.

(UNHCR?) And in the 4 resolutions of August 1992, in the 4 reports of the United Nations High Commissioner for Human Rights, as well as in the reports of NGOs such as Amnesty International, Human Rights Watch and Medecins sans Frontieres. To these documents are added the most concrete efforts, made at the 6 conferences on Yugoslavia, both by the United Nations and the Council of Europe, in the years 1991-1996 and over 40 meetings held to impose economic and political sanctions on the FRY. In addition, we must remember the Rambouillet Conference, along with its preparations for a period of more than a month, and the Paris Conference. To close this list, we must also emphasize all the unilateral efforts and initiatives, carried out by the institutions of the European Union, to find a peaceful solution to the crisis. Some of these political and diplomatic initiatives have on several occasions yielded temporary results, prompting the Yugoslav government to take steps to alleviate the crisis. But as the international community shifted its focus from the conflict, the situation changed, becoming even more explosive.

The NATO military attack took place when the Federal Republic of Yugoslavia refused to comply with the obligations imposed by the Security Council resolutions, namely the bankruptcy of the Rambouillet Conference and the Paris Conference. As we have seen from the statements of most non-NATO countries, during the Security Council meetings, it was the common opinion that all non-military efforts had been fully carried out and to bring peace to the region, the only solution remained armed action.

The third condition concerns the inability of the Security Council to reach a solution to the crisis. The council could not take the logical action the situation required, due to the veto of China and the Russian Federation.

Finally, it is necessary to consider the last limitation, ie whether the use of force by NATO was proportionate. According to a general opinion, the rule of proportionality is such that it cannot be measured by quantitative criteria. So, a perfect symmetry between action and counteraction cannot be required. The attacking state can take the counteraction in depth, in order to force the attacker to stop his damaging action. Also, the use of force for humanitarian purposes should be limited to what is considered necessary to achieve the purpose of the operation. In our case, it was about curbing the violation of fundamental human rights and ensuring the return of refugees to their homes. The doctrine was based on the idea that NATO action, to be proportionate, should be limited to military targets located in the territory of Kosovo.³⁶

This vision can be considered a bit realistic, if we recall that many targets hit by NATO and located quite far from Kosovo, gave great support to the military action of the FRY. NATO had to legitimize itself in attacking these objectives, as its action was aimed at adhering to the principles mentioned above. Moreover, the only hope for forcing the Milosevic government to end its actions against Kosovo was to inflict considerable damage on the country's military apparatus.

But despite this stance, NATO action was not infallible. There were many, in fact, mistakes, both of a technical nature and of an individual nature.³⁷

³⁶ VILLANI, *La Guerra del Kosovo*, f. 35; PICONE, *La "Guerra del Kosovo"*, cit. p. 348

³⁷ Remember the bombing of the Chinese diplomatic headquarters in Belgrade and the bombing of a convoy of Albanian refugees, who were confused by the NATO military, one with a Serbian military convoy.

2. Development of international law, after the intervention in Kosovo

The NATO operation in Kosovo has caused the doctrine to reflect on the nature of modern international law and the values it will uphold.

First of all, the international community is perceiving fundamental human rights as an international issue. There is already a general feeling that these rights cannot be violated without a consequence of punishment.

Second, it has been concluded that any state can feel empowered to take initiatives to ensure that these rights are respected.

Another existing trend is presented by the fact that the international community is increasingly intervening, through international organizations, in internal conflicts, where there is systematic violation of fundamental human rights, both through the United Nations and through non-governmental organizations. government. In addition, the international community is responding to these rapes with progressive methods, beginning with the establishment of observation and monitoring missions and ending with the imposition of economic and political sanctions.

For the first time in the history of mankind, he found himself from the head of state, in the dock to the international court.

So, a value that is becoming more and more important in today's modern world is that of fundamental human rights.

Even, according to part of the doctrine, these new properties must confront the old ineffectiveness of international law. The procedure leading to the adoption of Security Council decisions, the dependence of this body on permanent member states and the selectivity of international crises, in which it is required to intervene, have made this body incapable or unwilling to intervene, in all humanitarian emergency situations. At the debate held at the United Nations General Assembly in September 1999, the representatives of the states discussed the possibilities of a reform in this regard. Greater effectiveness of the Security Council could be crucial to the future of humanity, and in particular to the question of where the world order will be based, on one-sidedness or on collectivity.

Conclusions

NATO member states and part of the doctrine, which has justified military intervention in Kosovo, have supported their thesis, citing a principle not very accepted in international law, such as that of humanitarian intervention. It is therefore no wonder that so much is being discussed about the legitimacy of the intervention.

However, for all the motives we have illustrated above, the transition to the use of armed force, in the case of Kosovo, was a legitimate exercise of the right of humanitarian intervention, recognized by international law and can be considered in accordance with the resolutions relevant of the Security Council.

It would be completely wrong to accept that the Security Council has played a passive role and NATO an active role, pursuing only its objectives. As we have seen above, the Security Council has taken numerous initiatives and its resolutions have clearly identified the problem; causes, consequences and what should be the objectives of the international community. By resorting to the use of force, NATO did not act against these objectives, but for their full implementation.

In addition, at the end of the armed action, NATO addressed the Security Council directly to set the deadlines and future objectives that the international community

should set in Kosovo. Also, the Security Council, under the auspices of the United Nations, established UNMIK and KFOR, which was led by NATO itself. Waiting to see the international community and its new values reconcile, through a Security Council reform, we conclude with a recent remark by Cassese, who said: "In the current system of international law there are three values that regulate relations between states: peace, self-determination and human rights. "Whenever conflicts or tensions arise between these values, peace must always be the ultimate and overriding factor."³⁸

Final Considerations

From the analysis carried out in the previous paragraphs, it is seen that in the last decade, the international community has paid special attention to the protection of human rights. The recent practice of the states and the Security Council has confirmed what was foreseen, in 1991, by the Secretary-General of the United Nations, Prez de Cuellar. In a report to the General Assembly, he argued that the concept of sovereignty could not constitute a protective barrier against massive human rights abuses and that the international community could not help but act against campaigns of extermination or forced exodus. of entire populations.

Respect for and protection of human rights are not in fact considered in the applicable international law as an issue that enters the internal affairs of a state, but as a problem that belongs to the entire international community. This interest has been manifested whenever a state has not guaranteed respect for human rights, through various means.

The right-duty for humanitarian aid, deriving from the Geneva Convention of 1949 and above all from the resolutions of the United Nations General Assembly 43/131, 1988, 45/100, 1990 and 46/182, of 1991, constitutes one of the, of course, less invasive aspects of the international community 's attention to respect for human rights. In fact, one can observe the case when due to an armed conflict, a situation of a serious humanitarian emergency is created. From the analysis performed in this paper, it is concluded that whenever such a case is observed, the main responsibility for providing assistance to the civilian population is attributed to the territorial sovereign and in case he is unable to perform this task, other states and international organizations, even non-governmental ones, can intervene to provide the necessary humanitarian assistance.

It is important to specify that humanitarian intervention is subject to rigorous conditions, relating, first, to assessing the real state of the humanitarian emergency. Second, armed intervention must be carried out as a last resort, left at the disposal of the international community, once it has exhausted the diplomatic, political and economic means at its disposal, to stop the rapes. Third, the Security Council must be paralyzed by the exercise of veto power by one or more permanent members. Fourth, armed action must be carried out in compliance with the principle of proportionality. Compliance with the above conditions may be the element that will legitimize, in applicable international law, this type of humanitarian intervention.

The end of the Cold War and the effective assumption by the Security Council of the central role assigned to this body by the Charter of the United Nations, in the context

³⁸ CASSESE, *Ex iniuria ius oritur: Are We Moving toëards International Legitimation of Forcible Humanitarian Countermeasures in the Æorld Community?* European Journal of International Law, 1999, p. 24.

of maintaining peace and security in the world, has only partially solved the problem of respect for it. human rights, in the case of mass and systematic rape.

We reiterate once again that human rights are no longer considered an issue that falls within the internal competences of a state but may constitute the object of the work of the United Nations.

In this perspective, the practice of the Security Council has been developed, which by intervening in the internal conflicts of a country and verifying the existence of a threat to world peace and security, has dealt with serious humanitarian emergencies, progressively expanding tasks assigned to the blue helmets in conducting peacekeeping operations and authorizing member states to take all necessary measures, including the use of force, to achieve the humanitarian objectives contained in resolutions adopted by the Security Council itself.

If Resolution 688 of 5 April 1991 on the protection of the Iraqi Kurds renewed the Security Council's practice that the existence of a threat to peace was observed in a situation of internal conflict and human rights violations, subsequent Resolution 794, of December 3, 1992, for the Somali crisis, marked a fundamental evolution of this practice.

The threat to peace has been observed in the severe humanitarian emergency situations, caused by the lack of humanitarian supplies and the famine, which had hit the civilian population. A limited innovation should be recognized in Resolution 940 of 31 July 1994, for Haiti. The threat of peace was noted in this case, also in connection with the need to restore democratic institutions in Haiti, institutions that had been forcibly overthrown due to the coup.

The analysis shows the will of the Security Council not to decide on the application of the principle of non-violation of territorial integrity, but to intervene in such internal situations of a state when serious violations of human rights are observed.

Such an intervention is carried out not only by assigning humanitarian tasks to the UN peacekeeping forces, but also through the authorization of member states to use force.

In the case of Kosovo, the Security Council reaffirmed several times the existence of a situation of systematic and widespread human rights abuses, and this was defined by this Council as a threat to peace and security in the region. The Security Council could not take the logical step to authorize armed action, as the only means left, to stop these rapes, because it was paralyzed by disagreements between some permanent member states.

The doctrine discusses whether NATO action in Kosovo can be referred to as a precedent for the promulgation of a new customary norm that legitimizes states and international organizations to switch to the use of unilateral armed force for humanitarian purposes. without the authorization of the Security Council, whenever the latter is unable to perform its functions, as a result of the exercise of a veto by the permanent States.

In fact, it is clear that in the absence of rigorous parameters, which limit the self-judgment power of states, a situation similar to that before the Cold War could be created, in which, the interventions classified as humanitarian by the intervening state, were in fact made to satisfy certain political and economic interests.

The doctrine is aware of the dangerousness of such a situation and has determined the fulfillment of strict conditions, to make armed intervention lawful, since the customary norm is in its infancy.

As mentioned, a new element has emerged from the study of state declarations and

the subsequent practice of intervention in Kosovo. In fact, states have, in many cases, emphasized the centrality of the Security Council's role in maintaining world peace and security and the need to overcome the stalemate arising from permanent disputes between member states, where respect for it is at stake. human rights.

The new element that has been born is the will of the states and the entire international community, to carry out a radical reform of the methods by which the decisions of the Security Council are achieved, in the field of maintaining peace and security in the world and necessary procedures, to establish the necessary authorizations, for the exercise of armed actions, in order to protect fundamental human rights.

Violation of these rights relates to the collective security system and to the competence of the Security Council. This is exactly the most desirable case, as it allows to avoid armed interventions arbitrarily imposed by states.

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Human management and their important in market economy

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Abstract

Today in the world, global competition is the basic element to define firms' strategies as a result industrial economy has been experienced to pass toward to knowledge economy. At an age where total quality is of primary importance, efficiency can only be achieved by the successful utilization of human resources. Human resource management is one of the necessary needs of today's business. Human resource management department has a very important role for supply of the human being to main resources of companies. Human resource management department has fundamental role for personnel recruiting, orientation and performance appraisal and so on. Human resource management issues to be addressed at the highest level in the organization and management of strategic decisions are required. Human Resource Management discipline extracted its roots from organizational psychology discipline and proved to be an important practice for managing organizations. The role of this practice has emerged to be strategic with due course of time. This theoretical paper aims to highlight the importance of human resource managers, HR practices and its influencing factors. In addition to that, this article also elaborates the upcoming challenges which are being faced by 21st century HR managers. Author has conducted HR literature analysis in order to present emerging issues, challenges and practices of human resource management discipline in context of 21st century. The main objective of this study is to analyse the effect of HRM.

Keywords: Organizational performance. HRM, global competition etc.

1. Introduction

Human resource management (HRM or HR) is the strategic approach to the effective and efficient management of people in a company or organization such that they help their business gain a competitive advantage.

It is designed to maximize employee performance *in service of an employer's strategic objectives*.^[1] Human resource management is primarily concerned with the management of people within organizations, focusing on policies *and* systems. HR departments are responsible for overseeing employee-benefits *design*, employee recruitment, training and development, performance appraisal, and reward management, such as managing pay *and* employee-benefits systems.^[3] HR also concerns itself with organizational change *and* industrial relations, or the balancing of organizational practices with requirements arising from collective bargaining *and* governmental laws.

The overall purpose of human resources (HR) is to ensure that the organization is able to achieve success through people. HR professionals manage the human capital of an organization and focus on implementing policies and processes. They can specialize in finding, recruiting, selecting, training, and developing employees, as well as maintaining employee relations or benefits. Training and development professionals ensure that employees are trained and have continuous development. This is done through training programs, performance evaluations, and reward programs. Employee relations deals with the concerns of employees when policies

are broken, such as cases involving harassment or discrimination. Managing employee benefits includes developing compensation structures, parental leave programs, discounts, and other benefits for employees.

On the other side of the field are HR generalists or business partners. HR is a product of the human relations movement of the early 20th Century, when researchers began documenting ways of creating business value through the strategic management of the workforce.^[6] It was initially dominated by transactional work, such as payroll and benefits administration, but due to globalization, company consolidation, technological advances, and further research, HR as of 2015 focuses on strategic initiatives like mergers and acquisitions, talent management, succession planning, industrial and labor relations, and diversity and inclusion.

In the current global work environment, most companies focus on lowering employee turnover and on retaining the talent and knowledge held by their workforce. New hiring not only entails a high cost but also increases the risk of a new employee not being able to adequately replace the position of the previous employee. HR departments strive to offer benefits that will appeal to workers, thus reducing the risk of losing employee commitment and psychological ownership.

Today in the world, global competition is the basic element to define firms' strategies as a result industrial economy has been experienced to pass toward to knowledge economy. As being a competitive market development day by day it's very difficult to enhance sustainable growth for the firms' side. All researchers and practitioners are aware of the advantages and disadvantages of a competitive work environment and try to find ways for adapting to competitive conditions. These efforts have mostly focused on human resource management practices in the last two decades especially with the emergence of strategic human resource management approach. No doubt that organization internationally is determined for achievement and high profit those in the same industry. For the purpose of this, organizations have to get and apply their human resource effectively and efficiently. Organizations have to be aware of human resource need to know about HRM more realistically and organizations have to keep their human resource up-to-date. Consequently, manager play significant role for the purpose of achieving company's goal and meet profits, basically the core functions of managers have to manage the human resource in a way that right number in right way. This paper therefore, examines the influence of human resource management that is compensation, employee's development and organizational citizenship behavior on the performance of the organization.

2.Literature Review

Employee development and organizational performance Stiles and Kulvisaechana [1] observed the positive relationship between the human resource development and organizational performance according to the large and expand body of literature. Human Resource management in an independent and intangible variable, market value depends on intangible variable. Shih, Chiang, and Hsu [2] observed that the part of framework of human resource development is retaining and recruiting the perfect employees. The cooperative goals of the organizations can be shared and applied through knowledge, employee's capacity and competence hold by the organization through training and encouraging environment. Expansion in

productivity and business performance expand the Future returns. Future returns depend on the employee's skills and abilities. Personnel training and development and organizational development contribute to unleashing human expertise and to enhance performance. Organizational performance and productivity is positively affiliated with comprehensive training activities. The effectiveness and efficiency of public sector depends on the positive future oriented employee development. The organizational performance depends on the training and development of human resource and the organization spends millions of money for this purpose. Organizational performance depends on the employee development because employee development enhances knowledge base of the organization. There is a positive relationship between business performance and employee development. Performance management programs have impact on this relationship. Performance management programs include the incentives plans, feedback mechanism. This study suggests that low level of performance management programs and low employee development decrease the industrial performance. The employee development depends on the two important measures, training and promotion. There is a significant relationship between investment in employee development and business performance. The factors effecting the employee development include the selection strategies, recruitment, evaluation of performance and planning procedure. There is an indirect relationship between employee development and organizational performance, relationship include the human resource practices.

3.Human Resource Management (HRM) practices

As the world is becoming more competitive and unstable than ever before, manufacturing-based industries are seeking to gain competitive advantage at all cost and are turning to more innovative sources through HRM practices (Sparrow, Schuler, & Jackson, 1994). HRM practices have been defined in several aspects. Schuler and Jackson (1987) defined HRM practices as a system that attracts, develops, motivates, and retains employees to ensure the effective implementation and the survival of the organization and its members. Besides, HRM practices is also conceptualized as a set of internally consistent policies and practices designed and implemented to ensure that a firm's human capital contribute to the achievement of its business objectives (Delery & Doty, 1996). Likewise, Minbaeva (2005) viewed HRM practices a set of practices used by organization to manage human resources through facilitating the development of competencies that are firm specific, produce complex social relation and generate organization knowledge to sustain competitive advantage. Against this backdrop, we concluded that HRM practices relate to specific practices, formal policies, and philosophies that are designed to attract, develop, motivate, and retain employees who ensure the effective functioning and survival of the organization.

4.The Central Role of HR Professionals in Sustainability

Among all functional and professional groups within an organization, HR specialists in particular can be singled out as being best placed to take on a central role in the art and science approach to sustainability [3]. Human Resource Development (HRD) Converse to the process-based HRM, HRD is a series of activities that support

behavioral change and learning opportunities for employees (Haslinda, 2009). HRD activities aim to develop employee skills and resilience to the current and future demands of the organization. The overall objective of HRD activities is to achieve high performance (Haslinda, 2009). Haslinda (2009) provides for specific examples of development activities to include training and development, feedback and appraisal, career planning and development, and change management.

5. Human Development

This paper consolidates literature to define learning, or development, as a cyclical process which starts with a trigger or a problem. Russ-Eft, Watkins, Marsick, Jacobs, & McLean (2014) suggest that various perspectives aid in understanding and analyzing the problem or situation to develop alternative solutions. During and after implementation of one or more alternatives, the outcomes create new knowledge which is pooled for future decisions (Russ Eft et al., 2014).

6. Human Resource Management

Some theorists contend modern business management stems from five periods, which can be characterized by external forces, that ultimately altered the way management responded over the long term (Darmody, 2007; Liebhold, 1995; Nadworny, 1957). The five periods include the industrial growth, scientific management, human relations, systems, and organizational culture (Rodríguez-Ruiz, 2014). However, other theorists such as Sleight (2009), extend HRM earlier, directly connecting it to the trade period and human development. While an official HRM milestone may not be defined, the precluding events are clear. The craftsman and trade apprenticeship era extended into the early 1800s and fostered the introduction of the Industrial Revolution in the late 1800s. According to Darmody (2007) and Liebhold (1995) theorists such as Fredrick Taylor and Frank and Lillian Gilbreth emerged with a goal to increase productivity through process management of the organization's human resources. Taylor and the Gilbreths introduced concepts of efficient workflow and optimal conditions (Darmody, 2007; Liebhold, 1995; Nadworny, 1957).

7. Scope of HRM

As HRM has tools of a system which attracts, develops, motivates, and retains the effective functioning related with the people managing, the scope of HRM is very wide [4]. Researches in behavioral sciences show that new trends in managing workers and advances in the field of training have expanded the scope of HR function in recent years [5].

8. Emerging Challenges of HRM in 21st Century:

Powerful changes in global economy have reshaped the whole strategies of HRM and compose those into new form. Due to the dynamic environment, the relationship of employee- employer is also being reshaped and it made the organization change the way how to manage and motivate the employees. For organizational effectiveness,

there is need to get creativity and innovation by using workforce while providing them training for their skill improvement, adaptability and responsiveness and expanding the way of thinking [6].

Conclusion

Human resource management (HRM), as a key player in the creation and development of a highly productive workforce, lies in the center of the debate on the competitiveness of businesses (LEPAK et al., 2006). Practices that promote employee motivation and effort, knowledge, skills, and abilities, and opportunities for employee's contribution (JIANG et al., 2012) generate favorable conditions for the development of resources and capabilities that create value for organizations (BARNEY; WRIGHT, 1998), contributing to their performance and to the emergence of sustained competitive advantages (HUSELID, 1995; WRIGHT; MCMAHAN; MCWILLIAMS, 1994). This set of practices has been called, among other denominations, high-performance work systems (HPWS), following a line of study initiated by Huselid (1995). However, human development is traced to the pressures and demands of a subsistence lifestyle. HRM likewise formed from recognition of human resources as an organizational asset and the regulatory pressures of government and union interactions during the Industrial Revolution. The evolutionary trend supports two fundamental principles: (1) that human resources are the biggest asset to an organization; and (2) social and human development is necessary to persist in a changing environment [7].

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CEFTA and its transformation

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Abstract

Today, more than ever, under the mirror of the international situation, it must be understood that regional cooperation is not a beautiful and distant speech but a reality that generates solutions to international problems.

The process of European Union enlargement seen from the perspective of Albania and the Western Balkans is a challenge that requires the creation of the necessary mechanisms to assist aspiring countries in meeting the required criteria; with the aim of achieving this objective, the Central European Free Trade Agreement (CEFTA) has been established. The increase in trade in goods and services, assistance in eliminating trade barriers between the Parties, as well as the harmonization of the regulatory framework with the European Union and international standards have been improved for the Western Balkan countries that have acceded to this agreement.

With the continuous changes in political, technological, and economic relations between states, there arises the need to improve the legal framework and measures envisaged to address these new challenges.

This work aims to address the current situation as well as the needs for improvement in the recognition of conformity assessment procedures across the CEFTA region, strengthening conformity assessment bodies, facilitating the release and customs clearance of goods, further institutional coordination to facilitate trade, and enhancing a risk management system for cargo inspection.

Keywords: Central European Free Trade Agreement (CEFTA), conformity assessment procedure, enlargement of the European Union, facilitation of customs clearance and customs duties, inter-institutional coordination in the field of trade.

Introduction

Currently, economic cooperation is undoubtedly one of the most important challenges to be addressed at the European level. However, the appropriate methods for translating theoretical concepts into concrete initiatives are still unclear. This comes as a result of the numerous interpretations assigned to the concept by various actors involved in international cooperation.

Overall, economic cooperation is a concept that is continuously used as an example for industrial, financial, or production cooperation. Literature on this topic can also be found, sometimes it is old or not written much about it. The situation becomes more difficult in defining the terms that states give in their policy documents. These definitions vary from state to state but also from the time period we refer to.

In its first sense, the concept of international cooperation is almost automatically linked with the English word "aid". This comes as a result of history where five decades ago, the idea of cooperation began to develop on the international scene and later came to be understood as aid through grants from the more developed countries

to others which, due to their income levels and insecure standards of living, can be classified as underdeveloped.¹

Today, the concept of international cooperation is recognized and defined by all actors alike. This is mainly in response to the increasing complexity of the issue, which currently combines the concept of aid and solidarity with that of trade promotion and political interests.

In this aspect, international cooperation is understood as “a series of actions aimed at coordinating policies or combining efforts to achieve common objectives in the international sphere”.

Economic cooperation is increasingly at the center of discussions among various actors. The Parliamentary Assembly of the Council of Europe has placed emphasis on promoting economic cooperation throughout Europe and globally. In recent years, countries in Central and Eastern Europe have also been in its focus.

In an analysis of its impact, we can take, for example, Resolution 1093 (1996) on EFTA activities, where the Assembly urged EFTA Member States to ensure better market access for exports from Central and Eastern Europe to the European Economic Area. Also, in Resolution 1101 (1996) on WTO and the implementation of the Uruguay Round agreements, the Assembly highlighted the increase in the number of regional trade agreements. It is essential that these instruments be consistent with the principles and objectives of WTO, so as to avoid a drift towards protectionism and a series of unmanageable bilateral agreements.

After the dissolution of the Council for Mutual Economic Assistance (CMEA), aiming at creating a new economic framework in May 1990 three countries: Czechoslovakia, Poland, and Hungary met for the first time in Bratislava.

“The Declaration on Cooperation between the Republic of Hungary, the Federal Republics of Czech and Slovak, and the Republic of Poland on the road to European integration”,⁴ confirmed the aim of these states to build on common ground and to create a common approach to Western institutions. As its fundamental pillar, it decided: the restoration of independence, democracy, and freedom of each state, as well as full integration into the European political, economic, security, and legislative order.

The responsible ministers signed the Central European Free Trade Agreement (CEFTA) on December 21, 1992, in Krakow. The agreement came into force on July 1, 1994, after ratification by several signatory states. The main aspiration is to “*intensify cross-border movements of factors of production*”.

Until then, international cooperation had been dependent on the interests of the USSR. Therefore, the industrial policy of the CMEA promoted “parallel development” in Central Europe, where each country was assigned specific tasks, bureaucratically determined within the ‘socialist camp’ that rarely reflected market needs.

After understanding the importance and need for larger trade among themselves, in 1991, these countries decided to stop and reverse the decline in cross-border trade and revive economic ties by concluding a free trade agreement. The idea of starting negotiations for free trade had already been raised in February 1991 at the aforementioned meeting of the Visegrád Group leaders of the then Czechoslovakia, Poland, and Hungary. Eight months later, at the Krakow meeting, the parties decided to conclude a free trade agreement. Through these agreements, a system of reciprocal

¹ Fierro María, Juan, et al. Economic cooperation task force: Enrique o’Farrill 1999.

preferences was guaranteed for the country involved and the EU in the field of goods transportation (in the case of industrial products, the aim was the gradual introduction of free trade). In this way, each Central European country faced a different situation in the markets compared to other states in the region in relation to the EU.

With all these considerations in mind, a free trade agreement in Central Europe should meet the following objectives:

- to halt the decline in cross-border trade, to revive economic ties through reciprocal trade liberalization, and to reap common benefits from a potential market of over 100 million inhabitants;
- to grant other countries in Central Europe the same preferences as those given to EU Member States as a result of Association Agreements;
- to evaluate the capacity for cooperation in a region that had just undergone a transition towards democracy and a market economy.²

To summarize, CEFTA's goal was to correct a dramatic situation, in which many domestic products and imports from other Visegrad countries were being squeezed by a shrinking demand while economies contracted and competition from the EU intensified. Unlike European Agreements, which are asymmetric (in the sense that one party may be given more protection than the other), CEFTA is symmetrical.

More flexible and modern rules of origin of goods for improving export competitiveness

In the field of economic cooperation, CEFTA focuses on goods trade. Its fundamental objective is the liberalization of cross-border trade in various fields.

CEFTA has led to a significant reduction in trade costs through a reduction in tariffs and non-tariff barriers, thereby facilitating the creation of value chains. Furthermore, the trade agreement replaced 32 bilateral trade agreements that existed between various parties at the time of its signing. Over time, the agreement has been enriched with new protocols as cooperation between the parties has increased.³

In the doctrinal analysis conducted on trade agreements, we conclude that the bilateral agreements that existed before CEFTA were not very effective and did not contribute much to trade. Due to their bilateral nature, they lacked enforcement and broad implementation in practice (Kaloyanchev et al., 2018). Petreski (2018) demonstrated that under CEFTA, parties had increased their trade by at least 74% due to enhanced cooperation encouraged by the agreement.

Grieverson et al. (2021) analyzed the effect of CEFTA on exports. They showed that exports had increased overall by 37.7%; and this effect jumped to 70% if Serbia, the largest trading economy of CEFTA, was excluded from the sample.

Due to its focus on export-oriented origin of goods, CEFTA has undergone continuous transformation. CEFTA parties have been implementing cumulation rules for preferential origin of goods since February 2023, alongside the rules of the Pan-Euro-Mediterranean Convention (PEM).⁸ In anticipation of the revision of the PEM Convention, the majority of PEM contracting parties, including CEFTA, the EU, and

² The Visegrad Group: The Czech Republic, Hungary, Poland and Slovakia | Visegrad Declaration 1991.

³ CEFTA: Trade and Growth Patterns Fifteen Years since Establishment. 2023.

EFTA, allow companies to benefit from the updated and simplified rules of origin and implement cumulation rules on a bilateral basis. The new rules are more flexible with the aim of reducing administrative burden, making trade simpler, and offering more opportunities.

With its implementation, this transformation has brought about a reduction in administrative bureaucracy and an increase in trade volume by establishing more flexible and simpler product rules.

More flexible tolerance rules: Increasing the share of non-preferential materials in finished products from 10% to 15% based on the net weight for agricultural products, while for industrial products (except textiles), tolerance is set at 15% of non-originating materials based on the ex-works price of the final product.

The EUR.1 or the certificate of origin is a unique type of origin verification and is sufficient for a period of 10 months instead of 4 months.

Options are also foreseen to agree on the implementation of a registered exporter system and to agree on the use of electronically issued and/or delivered certificates of origin.

The Situation of Albania

Since the adaptation of the Action Plan for the Common Regional Market 2021-2024, Albania has been very active in working with the CEFTA Secretariat to implement measures. All these measures aim to reduce barriers to trade among CEFTA parties. However, due to the current political situations in Albania, not all measures have been implemented. In the analysis conducted on Albania, the following pillars are seen as challenges and difficulties:

- Conformity assessment: Albanian exporters are facing issues with conformity assessment in the regional market, due to the need to meet additional documentation and marking requirements, even though the exported products bear the CE mark. Work is needed in the field of quality infrastructure, especially in developing a framework for the recognition of conformity assessment results for industrial products among CEFTA parties.
- Export of animal by-products: Albanian exports of animal products are still at low levels. This is due to the fact that for the export of such products to the EU, it is necessary to have an “authorized laboratory” according to EU requirements. To expand the export potential of various types of products to CEFTA parties, a framework is being developed for enterprises in sectors authorized for trade between CEFTA parties and harmonized rules for veterinary certificates for human consumption products as well as the standardization of veterinary requirements and certificates.
- Export of fruits and vegetables: The decision of the CEFTA KP for 2020 on facilitating the trade of fruits and vegetables has not been implemented.
- Accredited food laboratories for food safety. The Food Safety and Veterinary Institute is the only accredited laboratory in Albania.
- Cross-border waiting time: Waiting time at truck border points is still very high. Albanian customs, police, and food safety administrations operate 24/7, while other border countries (CEFTA/ EU members) have different working hours. Also, cooperation needs to be strengthened in harmonizing working hours with

Greek agencies operating at the Kakavija border.

- Cooperation with the cross-border at Kapshtica: At this border crossing point, there is another situation that creates a vacuum in customs service for businesses operating in the Customs Branch of Kapshtica, the lack of veterinary and phytosanitary services at the Greek customs border, penalizing Albanian businesses because this service is only offered one day a week.

Open Balkans: In parallel with the regional integration agenda within the Berlin Process, Albania, together with Serbia and North Macedonia, has initiated the Open Balkans Initiative, which aims to accelerate the creation of a common economic space among these countries. This initiative is inclusive for all Western Balkan countries and the three leaders have invited Bosnia and Herzegovina, Kosovo, and Montenegro to be part of it. Kosovo remains an important trading partner for Albania. Kosovo is the second largest exporter and the sixth largest importer in the world. Over the years, various agreements have been signed at the governmental and guiding levels to remove trade barriers and facilitate trade between businesses on both sides. To facilitate deeper trade integration, the agreement on the implementation of mutual facilitations in customs procedures and/or entry/exit of goods was signed (November 2021) and entered into force in September 2022; Customs administrations have signed the protocol for the reciprocal recognition of seals to reduce vehicle stay time at the Morinë/Vernicë crossing. Also, customs administrative tariffs for seals, weighing, and parking have been lifted for products originating from Kosovo. For customs issues, cooperation between the respective administrations has been very close. At the Port of Durrës, as of October 1, 2022, all goods destined for Kosovo are cleared there. Also, Protocol "On the recognition of seals/seal and related actions" no. 11634 dated 17.06.2022 and no. 15370 dated 24.08.2022 "On the implementation of release procedures for duty-free circulation in the Kosovo customs at the Durrës and Porto Romano customs offices for goods with the final destination Republic of Kosovo" have been approved between the two customs administrations.

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