



"Aleksandër Xhuvani" University of Elbasan

Faculty of Economy

3rd International Scientific Conference
**Toward EU Single Market: Experiences,
models and proposals in the integration
process**

21-22 November 2014
Elbasan, Albania

Edited by

**Dr. Arbër Gjeta
Dr. Shpëtim Çerri**

Elbasan, 2014

**Titulli: Toward EU Single Market: Experiences,
models and proposals in the integration
process**

Përgatiti për shtyp: **EXPRESS**
PRINT

Përgatitur për botim nga:

Dr. Arbër Gjeta

Dr. Shpëtim Çerri

© 2014, Universiteti i Elbasanit

ISBN 978-9928-4252-2-5

Scientific Committe

Prof. Dr. Liman VAROSHI, University of Elbasan
Prof. Dr. Adrian CIVICI, European University of Tirana, Albania
Prof. Dr. Agim KUKELI, European University of Tirana, Albania
Prof. Dr. Alessio CLARONI, University of Trento, Italy
Prof. Dr. Antonio M. CHIESI, University of Milan, Italy
Prof. Dr. Bardhyl CEKU, Agricultural University of Tirana, Albania
Prof. Dr. Fatmir MEMAJ, University of Tirana, Albania
Prof. Dr. Fracesco Roberto SCALERA, University of Bari, Italy
Prof. Dr. Ilia KRISTO, University of Tirana, Albania
Prof. Dr. Mimoza KASIMATI, University of Tirana, Albania
Prof. Dr. Roberto ROMBOLI, University of Pisa, Italy
Prof. Dr. Shyqyri LLACI, University of Tirana, Albania
Prof. Dr. Stefano ZUNARELLI, University of Bologna, Italy
Prof. Assoc. Dr. Ali TURHANI, University of Elbasan, Albania
Prof. Assoc. Dr. Evis KUSHI, University of Elbasan, Albania
Prof. Assoc. Dr. Kestrin KATRO, University of Tirana, Albania
Prof. Assoc. Dr. Zhaklina PETO, University of Tirana, Albania
Dr. Alfred KELLERMANN, Professor in EU Law and Former Head of
EU section of the T.M.C.
Asser Institute, The Hague
Dr. Altin IDRIZI, University of Elbasan, Albania
Dr. Genc ALIMEHMETI, University of Tirana, Albania
Dr. Ersida TELITI, University of Tirana, Albania
Dr. Massimiliano MUSI, University of Bologna, Italy
Dr. Rezarta TAHIRAJ, University of Elbasan

Organizing Committe

Dr. Arber Gjeta
Dr. Shpetim Çerri
Dr. Ali Shingjergji
Robert Gajda
Anduena Gjevori
Elvira Fetahu
Miresie Çela

Table of Contents

Preface	9
Program Day 1 - 21 November 2014	11
Part I – Law papers	
<i>Main actors in the European lobbying arena</i> Evarist Beqiri	17
<i>European insurance law toward a common discipline</i> Dr. Juliana Bylykbashi, Eliona Haxhiaj, Dhurata Çupi	28
<i>Le frodi IVA nelle cessioni intracomunitarie e la proporzionalità delle misure volte al recupero dell'imposta evasa</i> Aldo Gajda	42
<i>Prohibition of torture, inhuman or degrading treatment or punishment</i> Ertıl Meçaj	61
<i>Il codice del diritto aereo albanese. Prime considerazioni in merito a una codificazione ispirata al diritto uniforme e comunitario</i> Dr. Arbër Gjeta	71
<i>Le previsioni nella legge albanese sul fallimento, premessa per l'adesione dell'Albania nel mercato interno</i> Prof. Assoc. Dr. Kestrin Katro	84
<i>The unfair contract terms towards consumer protection in “a ruled Single Market”</i> Dr. Ersida Teliti, Romina Damini	94
<i>Collective management of copyright and alignment with EU legislation</i> Prof.Assoc.Dr Zhaklina Peto, Prof. Assoc. Dr. Ilda Melo, Lefteri Luzi, Alaudin Malaj, Mirela Fana	107
<i>Administrative contract: meanings and types</i> Dr. Anjeza Liçenji. Jola Sado	115
<i>La sfida del codice civile europea</i> Dr. Hemion Braho	125
<i>EU integration of Greece</i> PhD., Dr. Endri Papajorgji	131

<i>Labour rights and regulatory system</i> Ornela Taçi	138
<i>La questione dell'imposizione diretta dei redditi del lavoro autonomo secondo la convenzione bilaterale Italia-Francia</i> PhD., Dr. Rezarta Tahiraj, Dr. Nejla Peka	153
<i>The concept of citizenship in the European Union with regard to European Common Market</i> Dr. Erjon Hitaj	163
<i>Il problema della non esecuzione delle decisioni giudiziarie civili passate in giudicato nella giurisprudenza della Corte Costituzionale Albanese</i> Robert Gajda, Fatma Spahiu	174
<i>Is marriage contract a legal instrument that helps the insurance of financial family risk? actuality of an early debate</i> Dr. Klodjan Skënderaj, Dr. Sokol Mëngjesi	190
<i>Procedural aspects of the Albanian case law on recognition and enforcement of foreign arbitral awards</i> Artan Spahiu	201
<i>La convenzione arbitrale nell'arbitrato rituale in Albania - problemi attuali</i> Arsim Berisha	215
<i>Material selectivity in EU State aid law</i> Anduena Gjevorri	222
<i>The right to strike: Viking and Laval cases</i> Artan Çela	233
<i>Insurance contract, an efficacious instrument for management of financial risk in family</i> PhD, Dr. Sokol Mëngjesi, Dr. Klodjan Skënderaj	245
<i>Il sistema sanzionatorio e tutela della privacy</i> Saimir Korreshi	256

PART II – Economic papers

<i>Inovation in Albanian retail banking</i> Dr. Arbi Agalliu, Esmeralda Topuzi	271
<i>The internazionalization of albanian firms</i> Daniela Gerdani, Dr. Marsida Ashiku (Ranxha), Doc. Dr. Nada Krypa (Tapija)	288
<i>The spatial evolution of Gjerbës commune in the context of sustainable development, Albania</i> Prof. Assoc. Dr. Qamil Lireza	300
<i>Il ruolo dell'autonomia fiscal nella crescita economica</i> Dr. Eniel Ninka	310
<i>Private pension funding schemes in Albania: the challenge for the future</i> Dr. Imelda Sejdini, Dr. Alketa Vangjeli, Dr. Manuela Varoshi	319
<i>The determinants of profitability in the Albanian banking system after the global financial crises (2008 – 2014)</i> Dr. Ali Shingjergji, Dr. Altin Idrizi	331
<i>La crescita economica e l'industrializzazione in Albania</i> Dr. Mateo Spaho	339
<i>Gli investimenti diretti esteri: un successo o un fallimento in Albania?</i> Dr. Mateo Spaho, Irisi Beleraj	348
<i>The usage of the monetary models in intangible asset reporting, Albania</i> Marsel Sulanjaku, Prof. Dr. Lindita Lati	355
<i>The healthcare market and public policies in Albania</i> Enis Uruçi, Emirjeta Kuniqi	365
<i>Statistic and econometrics for developing data analysis</i> Prof. Assoc. Dr. Bederiana Shyti, Tedis Ramaj	380
<i>Cyber crime and banking system</i> Kristel Bozhiqi, Mirjeta Pasha (Dëra), Edlira Kalemi	390
<i>The sustainable development for Albanians welfare: the case of Elbasan</i> Evisa Duka	400

<i>Supply chain integration and organizational trust: a hierarchical linear modeling approach</i>	
Dr. Shpëtim Çerri	414
<i>Cost management in supply chains and cost-driven prices: the Albanian case</i>	
Denada Topuzi	422
<i>Implementation of human resource capacity with a great opportunity for the development of institutions</i>	
Prof. Assoc. Dr. Gjergji Shqau, Prof. Assoc. Dr. Ali Turhani Albana Madhi, Elda Shqau	430
<i>Enterpreneurship challenges and innovation as a main factor in business success</i>	
Ina Sejdini, Jonida Biçoku	440
<i>The effects of remittances decrease in Albania</i>	
Najada Kokoneshi	450
<i>A general view on financing of Higher Education Institutions in Europe</i>	
Dr. Ulpian Hoti, Prof. Ass. Dr. Ilir Hoti	460

PART III

<i>Conclusions</i>	
Dr. Arbër Gjeta, Dr. Shpëtim Çerri	471

Preface

The Faculty of Economy, University of Elbasan “Aleksandër Xhuvani” organized the International Conference “**Toward EU Single Market: Experiences, models and proposals in the integration process**”, on November 21-22th, 2014. The main goal of the conference was to provide academic/professional approaches and to encourage discussion on crucial and recent developments within economic and legal science, as well as to establish a stable network between academic, professionals and businesses. Reaching the EU Single Market constitutes the main goal for Western Balkan in its EU accession path. The latest integration processes, from 2004 until the recent Croatian adhesion, constitutes sufficient experiences for the Western Balkan countries. Nevertheless, Balkan countries face peculiarities due to their different pace in their integration path. Today we stress the importance of discussing experiences, models to conform and proposals as in regard to integration process of these countries into the Single Market, as a first step of adhesion.

The uniform market is considered as the root of the European Union beside its actual dimension as a political cohesion. The aim of this meeting was to foster the debate on the actual trends and perspectives of its functioning within EU and the desirable achievements from Western Balkan countries. The Conference double track laid on law and economic fields of studies, encouraging collaboration and multidisciplinary papers.

Drawing on these premises, the two days of the conference showed us relevant insights by each author. The presented papers are collected in this volume.

Elbasan,
6 December 2014

Dr. Arbër Gjeta
Dr. Shpëtim Çerri

MAIN ACTORS IN THE EUROPEAN LOBBYING ARENA

Evarist BEQIRI¹

¹*Head of juridical branch; State Intelligence Service (SIS);
Phd Candidate, Department Of Public Law,
Faculty Of Law, University Of Tirana
evaristbegiri@yahoo.com; ebeqiri@shish.gov.al*

ABSTRACT

The purpose of this paper is to give an overview of the developments in the European lobbying arena and its main actors. The thesis is based on the latest studies in this field. Along with the dynamic development of the European institutions, the number of interest organizations at European level increased.

Besides the EU institutions, the private actors operating at the European level can be divided into two main groups: the group that protects business interests and the group that does not protect them.

After the first direct elections for the European Parliament and the adoption of the Single European Act, an increase of lobbying activities in EU is noticed.

Key words: European Union, Lobbying main actors, European arena, Lobbying firms, Lobbying activities

Introduction

Along with the dynamic development of European institutions, the number of interest organizations at European level increased.

In the EU arena business groups are widely predominant numerically and politically as well. Therefore, they have been analysed in the academic literature, but as implied in the title of Pedler's book "Changes in the Arena", the situation is changing in recent decades: "The players who have clearly gained influence since the first case study are non-governmental organizations, otherwise known as the civil society" (Pedler, 2002)¹.

Greenwood goes further and requires an explanation why the civil society is engaged in the EU political system: "A major factor is the part played by the European Commission, through its role in developing policy initiatives, and its need to work with external interests in pursuit of European integration. [...] The

¹ Kristina Charrad, *Lobbying the European Union*, Westfälische Wilhelms-Universität Münster, 2004, p.4, http://nez.unimuenster.de/download/Charrad_Literaturbericht_Lobbying_mit_Deckblatt.pdf, dt. 24.09.2014

EUROPEAN INSURANCE LAW TOWARDS A COMMON DISCIPLINE

Juliana BYLYKBASHI¹

¹*Phd, Faculty of Law, University of Tirana*

julibylykbashi74@gmail.com

Eliona HAXHIAJ²

²*Phd attendant, Directory of Inspection and Complaints, Ministry of Interior
elionakocaj@yahoo.it*

Dhurata ÇUPI³

³*Phd attendant, Legal Directorate,*

Tirana Municipality

dhcupi@gmail.com

Abstract

The elaboration of European private law follows the idea of a Europe as an integration process between States, which cannot be realized without a normative integration. Thus it becomes necessary to use a framework of principles and rules adopted uniformly by European states, which aims to be a general discipline, built on the principles and general provisions as an expression of values and rights.

The process of Europeanization of the private law has strongly influenced the nature of insurance contracts by giving it the opportunity to redesign the normative boundaries.

The evolution process which has affected these contracts is explained in the need to shed light on modern developments in contraction, as well as the desire to make the discipline of insurance contracts closer to the current context of socio – economic development.

Despite efforts over the years to unify the common market in insurance and not achieving it completely, will it be achieved by European states in the future while in Europe dominate both common law legal systems and civil law?

The purpose of this paper is to highlight issues concerning the unification of the market and to analyze differences that exist between the two legal systems which have their impact on the creation of a common discipline in insurance. The greatest difficulty in creating a uniform right in European insurance comes due to the presence of mandatory rules in national laws of the Member States and the

resistance to change. In this regard, internal discipline is just a continuing debate and fruitful in the industry which can provide a higher degree of harmonization in the supranational level for insurance and financial markets.

European level policies used to stimulate the insurance industry are based on the full implementation of the freedom to make decisions and freedom to provide services, to promote among the parties, with the completion of cross-border contracts trade liberalization even the creation of a series of rules needed to ensure the correctness of insurance professionals.

Keywords: harmonization, common discipline, insurance contracts, supervision.

Introduction

The construction of institutional Europe is realized through a double dynamics: *enforcement of institutions from one side and geographic enlargement on the other side*. The founding Act of Europe is undoubtedly the Treaty of Rome signed the 25th of March 1957¹ and recognized as Founding Treaty of European Economic Community, which dealt also with establishment of a common market in the field of insurances². The fundamental principles of insurances were declared since in the Treaty of Rome. They were the foundation freedom³ and the freedom to offer services⁴. The goal was to establish a market where the insurers, having their main offices in a member state would be free to act in all the other member states and at the same time to ensure that the competition between them was unlimited.

Since the beginning of years 1960, the European Commission tried to realize a unique market of insurances, though with a limited success till now. Regardless the fact that three generations of insurance directive have applied the freedom of foundation and the freedom of offering services, *the insurance companies offer to cover the insurance in other member states, only when big risks are involved, while in essential consists only in transboundary businesses referring to small commercial risks and consumption risks*. Usually this formula is attributed to the combination of two factors, respectively;

- a) Absence of harmonizing rules in insurance contracts;
- b) Choice of appropriate law rules.

¹ Entrance in force since 1 January 1958.

² See for more at J.C.Guatron, *Droit Europeen*, Dalloz, 12 Edition, 2006.

³ article 52 of Treaty.

⁴ article 59 of Treaty.

**LE FRODI IVA NELLE CESSIONI
INTRACOMUNITARIE E LA PROPORZIONALITÀ DELLE
MISURE VOLTE AL RECUPERO DELL'IMPOSTA EVASA**
**(La responsabilità solidale del cessionario e il diniego del diritto alla
detrazione)**

Aldo GAJDA¹

*'Dottorando di ricerca in Diritto Tributario Europeo
Seast – Scuola Europea di Alti Studi Tributari
Università di Bologna*

ABSTRACT

Le frodi Iva nelle cessioni intracomunitarie (Frodi Carosello) rappresentano un fenomeno di grandissima preoccupazione sia per gli Stati membri, che subiscono la sottrazione di ingenti risorse economiche, sia per la Comunità Europea che ha più volte sottolineato le conseguenze negative che le frodi causano al mercato unico europeo in quanto determinino situazioni di concorrenza sleale. Di qui, in primo luogo, lo sforzo degli Stati membri, anche su impulso della Commissione Europea, di rafforzare la cooperazione amministrativa per rendere più efficaci i controlli diretti cioè a soddisfare la necessità che determinate fattispecie evasive vadano contrastate prima che il danno erariale sia portato a compimento e, quindi, attraverso interventi legislativi mirati che possano fornire all'Amministrazione finanziaria mezzi adeguati per avere una visione conoscitiva e prodromica di situazioni potenzialmente erosive dell'imponibile. In secondo luogo la reazione degli ordinamenti tributari, al verificarsi degli effetti della frode, attraverso l'impiego principalmente di due strumenti molto incisivi volti al recupero dell'imposta evasa: "l'estensione della responsabilità solidale al cessionario per l'imposta non pagata dal cedente" e "il diniego del diritto della detrazione per l'imposta subita in rivalsa". L'applicazione di tali misure, molto efficaci sotto il profilo della tutela dell'interesse fiscale, si pone in contrasto con alti valori altrettanto importanti come la certezza del diritto, la tutela della bona fide e del legittimo affidamento del contribuente e il principio della neutralità dell'imposta, riconosciuti e tutelati dall'ordinamento giuridico comunitario. I giudici della Corte di Giustizia Europea, nell'interpretare e applicare il diritto comunitario nei casi di frode carosello, hanno sempre dovuto confrontarsi con il problema di porre in essere un giudizio di bilanciamento tra questi due importanti e contrapposti interessi e il parametro che hanno utilizzato e stato quello della proporzionalità. Esaminare, quindi, la proporzionalità delle due misure di recupero dell'imposta evasa significa mettere in evidenza tutti i profili di eccesso che causano questi strumenti soprattutto alla luce delle ultime interpretazioni giurisprudenziali della Corte di Giustizia la quale ha a più riprese sottolineato la necessità di valorizzare il profilo soggettivo della colpevolezza del

PROHIBITION OF TORTURE, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Ertıl MEÇAJ¹

¹Departamenti i Drejtësisë, Fakulteti i Shkencave Humane

Universiteti "Ismail Qemali" Vlorë

Email: ertilmecaj@gmail.com

ABSTRACT

The article aims to provide an analyses on art.3 of the European Convention on Human Rights according to which "no one shall be subjected to torture or inhuman or degrading treatment or punishment". The examination of art.3 is based in some referring points. Firstly, the dynamic nature; the Convention does not offer a notion of the torture, inhuman or degrading punishment or treatment. The reason stands on the consideration that the interpretation of these circumstances is to be conducted in a dynamic way, on the basis of the nature of the particular case under survey and on the basis of the evolution in the times of these notions: according, obviously, to the jurisprudence of the Commission and the Court of Strasbourg. Secondly, the absolute nature of art.3; any state can not disregard the dispositions of these article, independently of its conditions or circumstances. The jurisprudence of the Court of Strasbourg in the cases concerning art.15 has always sanctioned the peremptory nature of the prohibition of torture, inhuman and degrading treatment or punishment with regard to the individuals. Thirdly, the positive and negative obligations binding upon states parties in the Conventions. The states parties have the duty, within their jurisdiction space, to protect the individuals against torture, inhuman or degrading treatment or punishment perpetuated by state officials (negative obligation). The states have the obligation, within their jurisdiction space, to protect the individuals by private torture, inhuman or degrading treatment or punishment (positive obligation). Lastly, the prohibition of torture represents one of the principle values of the democratic society defending it the dignity and personal integrity of the individuals.

Methodology than I have use in this article is descriptive and comparative.

Keywords: Convention, prohibition, torture etc...

Introduction

The fundamental freedoms and human rights constitute one of the basic principles of rule of law and the essence of democracy. They have found and find

IL CODICE DEL DIRITTO AEREO ALBANESE. PRIME CONSIDERAZIONI IN MERITO A UNA CODIFICAZIONE ISPIRATA AL DIRITTO UNIFORME E COMUNITARIO

Arbër GJETA, PhD¹

*¹Dipartimento di Scienze Giuridiche,
Facoltà di Economia,
“A. Xhuvani” Università, Elbasan
arber.gjeta@uniel.edu.al*

ABSTRACT

The codification process started in Albania in the air law sector represents some peculiarities. Firstly, there was a lack of a precedent body of legislation which made possible an easy reshape of the normative sector. Secondly, the European integration process that Albania started in 2006 and the following European Common Aviation Area Agreement signed by Balkan States opened the path to a draft law in accordance with European law patterns. Furthermore, the air law sector, and especially the airport regulation, still remain regulated according to the Concession Agreement of Tirana Airport, as transposed in law and ratified by the Albanian Parliament. The Albanian Air Code, in our opinion, is driven by the European legislation and by the sector best practices but, yet, the secondary level legislation lacks in its implementation.

Comparatively, in this work emerge evidences that the Albanian Legislator has opted for a formal division in the transport sector, regulating separately maritime and air transport and remain to the scholars the task to identify common principles that would help for a uniform interpretation where there is a lack of normative provisions in each branch of the transport sector. In our opinion it will be likeable to consider a common reading of the two Codes (maritime and air code), especially in countries as Albania, whom does not have a long tradition in transport sector regulation.

1. Le ragioni che hanno portato alla codificazione della disciplina del trasporto aereo albanese

Il processo della codificazione comporta sempre delle difficoltà partendo dal presupposto che esso deve culminare con un corpus normativo organico, completo e, in linea di principio, tendenzialmente anche autonomo all'interno dell'ordinamento¹.

¹ È nota l'autonomia di cui gode il codice della navigazione italiano rispetto al diritto comune. P.P.C. HAANAPPEL, *The law and policy of air space and outer space: A comparative approach*, Kluwer Law International, the Hague, 2003, p. XIII

LE PREVISIONI NELLA LEGGE ALBANESE SUL FALLIMENTO, PREMESSA PER L'ADESIONE DELL'ALBANIA NEL MERCATO INTERNO

Prof. Asoc. PhD.Kestrin KATRO¹

Vice preside

¹Facoltà di Giurisprudenza, UT, Albania

kestrin2002@yahoo.it

ABSTRACT

Il presente lavoro mira ad evidenziare come la legge albanese sul fallimento rappresenti un fattore ausiliare ai tentativi dell'Albania d'essere parte della UE e del mercato unico. È importante a questo scopo, non solo stabilire le regole sull'ingresso dei nuovi operatori economici nel mercato unico, ma anche quelle relative all'uscita di questi operatori dal mercato. Il fallimento costituisce uno dei modi dell'esclusione dal mercato dei soggetti economici non efficienti. Oggi, l'UE dispone di sue regole anche in relazione al fallimento. Questo lavoro di ricerca tratterà proprio di tali regole e del modo in cui esse si riflettono nella legge albanese sul fallimento.

L'articolo è suddiviso in tre parti.

La prima parte, che fa da premessa allo studio, analizza brevemente la storia della formazione del mercato unico sottolineando l'importanza ed i successi di tale mercato. Tale analisi viene effettuata nell'ottica di comprendere i vantaggi che comporta per il nostro paese l'ingresso al UE.

Nella seconda parte vengono analizzati i sforzi effettuati dai paesi europei (membri) al fine di arrivare ad una regolamentazione comune nel campo del fallimento, regolamentazione che si è concretizzata solo nel 2000, con il Regolamento del Consiglio (CE) 1346/2000.

L'ultima parte dello studio, che conclude l'articolo, analizza come le disposizioni principali del Regolamento 1346/2000 hanno trovato attuazione nella legge albanese sul fallimento, rappresentando in questo modo una base solida ed un appoggio rilevante per tutti noi nel momento in cui l'Albania entrerà a far parte dell'UE e di conseguenza anche del mercato unico.

Parole chiavi: mercato unico (interno), Regolamento del Consiglio (CE) sul fallimento, fallimento transfrontaliero, procedura straniera, procedura principale, procedura secondaria, riconoscimento della procedura straniera.

THE UNFAIR CONTRACT TERMS TOWARDS CONSUMER PROTECTION IN “A RULED SINGLE MARKET”

Dr. Ersida TELITI¹

¹*Faculty of Law, University of Tirana*
ersida.teliti@fdut.edu.al

Romina DAMINI²

²*Faculty of Law, University of Tirana*
romina.damini@gmail.com

ABSTRACT

The four freedoms of common market brought a new area in the civil circulation. Towards the figure of a powerful trader, the legislator created the role of a well-informed consumer. Consumer is any natural person, who buys or uses goods or services for personal needs. This concept need to be 94rofite and to be active in the common market.

The civil circulation needs to be quick in order to 94rofite the interests of both parties. The traders and the sellers have invented the standart contracts, offering not only goods and services, but also time.

This article is focused in the unfair terms in contracts. It is mainly based on general provisions, such as Albanian Civil Code, specific provisions suc as Law “On consumer protection” and the latest development of the EU legislation and the the case-law of European Court of Justice.

Also, it will offer a general view on the conditions to assess the unfairness of the terms and the consequences of the unfairness, laying the provisions mainly on business to consumer contracts.

The article will emphasize some of the problems and the lack of provisions in Albanian legislation in comparison with EU one.

Key words: consumer, contracts, unfair terms, trader, invalidity.

Introduction

The development of the trade, the free movement of goods, a unique market and the raising of public awareness brought a new concept in the market, the figure

COLLECTIVE MANAGEMENT OF COPYRIGHT AND ALIGNMENT WITH EU LEGISLATION

Prof.As.Dr Zhaklina PETO

Prof.As.Dr Ilda MELO

Lefteri LUZI

Alaudin MALAJ

Mirela FANA

ABSTRACT

The paper takes the analysis an important element of the scope of copyright collective management agencies as an important element in the implementation of the copyright in our country.

As in many areas of the law the copyright law and doctrine had the challenge of approximation with EU legislation. Situated in these conditions, taking into analysis of the organization and functioning of these agencies notable highlights the fact the realization of some legal changes not only in the context of the well-functioning of these agencies but also within the approximation of our legislation with the European one.

The paper discusses some important elements that relate to the operation of Collective Agencies such as autonomy in conducting the activities of CMA-s; Transparency in the activity of CMA widow overseeing the activities of CMA's.

The analysis of these elements is based on comparing the current legislation law on copyright and the norms and directives of the European Community, in order to make necessary recommendations to improve the law.

Introductions

As in many areas of the law, the copyright has the challenge to align itself with EU legislation. It must be said that there were ongoing efforts, while successes, sometime are indistinct and sometime distinct, should not hide the problems affecting this area that still is not getting the proper treatment and/ or attention. In this context, the management of copyright issues by collective agencies has recognized more falls than rises over the recent years.

ADMINISTRATIVE CONTRACT: MEANINGS AND TYPES

Dr. Anjeza LIÇENJI¹

¹*Faculty of Law, University of Tirana*
anjeza.licenji@fdut.edu.al

Jola SADO²

²*Faculty of Law, University of Tirana*
jola_sado@hotmail.com

ABSTRACT

This paper is aimed to give a meaning to the administrative contract, looking to its extension in the Albanian legislation and how it is treated in relation to the contract as legal action. The important issue is whether the public administration is in the same position as any other private person even when operating through private law?

The question arises because the administrative activities that are carried out with the assistance and the form of private law; they are still part of the public administration. Understanding the administrative contract does not differ essentially from the meaning of the contract between privates as defined by the Civil Code of the Republic of Albania, except for the legal consequences that derive or the object of the contract.

Under the administrative law, are called administrative contract the agreements, where at least one party is a public administration body. In general, the administrative activities performed in various forms such as; collective and individual administrative acts, administrative / public contracts and real acts. So, the administrative contract is a form of the exercise of this activity through which the parties intend to create, alter or extinguish a legal relationship in the field of the public law.

But the contracts in which the administration can be a party may be public as the administrative or private contracts. The private contracts stand on the same basis, as the contracts between private individuals. These are foreseen and disciplined by the civil law. The administrative contracts are issues of the administrative law and everything that is related to them lies within the jurisdiction of the administrative divisions of the ordinary courts.

Key Words: Administrative contract, public administration, private contracts, parties, validity.

LA SFIDA DEL CODICE CIVILE EUROPEO

Dr. Hemion BRAHO¹

¹Deparatmaneti i së drejtës civile; Fakulteti juridik
Universiteti European i Tiranës
hemionbraho@uet.edu.al

Abstract

Il dibattito sull'opportunità o meno di realizzare un codice civile europeo è presente nell'ambito della dottrina e della politica europea da molti anni ormai. Per anni I giuristi di tutta Europa hanno discusso attorno a questo 125rofitee risulta spesso ormai come monotono e rindondante. D'altro canto la recente contrazione dello slancio verso l'unificazione lascia ancora vivo questo dibattito e lo rende assolutamente attuale.

Questo lavoro riprone il dibattito di un codice civile unitario europeo, non partendo da singole discipline come quelle dei contratti o ancora più specifiche come il sales law, ma proponendo una prospettiva di più ampio respiro che faccia riferimento alle basi del diritto europeo con particolare riferimento ai diritti fondamentali.

1. Introduzione

Il progetto di formazione di un codice civile europeo vige dagli inizi dell'Unione Europea e ha preso consistenza dalla fine anni novanta con i primi tentativi di un "processo costituenti". E precisamente nel Consiglio europeo di Koln, nel giugno del 1999, dove si stabilì che l'Unione europea aveva bisogno di una Carta dei diritti fondamentali dove veniva affermato il principio per cui: "La tutela dei diritti fondamentali costituisce un principio fondatore dell'Unione europea e il presupposto indispensabile della sua legittimità. L'obbligo dell'Unione di rispettare i diritti fondamentali sé confermato e definito dalla Corte di giustizia europea nella sua giurisprudenza. Questa idea della legittimazione attraverso i diritti fondamentali fa parte della tradizione politica e giuridica di molte culture europee.

Nell'ambito di questo lavoro interessa sapere come questo processo di costituzionalizzazione incide sulla prospettiva della codificazione¹.

¹ L. MENGONI, *L'Europa dei Codici o un codice per l'Europa*, Rivista critica del diritto privato, 1992, p. 515 e ss.; S. RODOTA', *Il Codice civile e il processo costituente europeo*, Rassegna parlamentare, 2006, vol. 48, N. 1, pag. 71 e ss. S. MAZZAMUTO, *Il contratto di diritto europeo*, *Europa e diritto privato*, 2012, p.15 e ss.

EU INTEGRATION OF GREECE

Dr. PhD. Endri PAPAJORGJI¹

¹*Karl Franzens Universität Graz,
TBU*

ABSTRACT

The agenda for the countries of the Western Balkans and for the EU seems clear enough. For the former it entails addressing the doubts raised about the rule of law after the accession of Romania and Bulgaria by tackling corruption, nepotism and the preference for by-passing legal norms. That implies dealing with the main sources of those phenomena, legacies of socialism, of the war economy and of the market transition. This is the EU integration agenda in the Western Balkans now, but what about the EU integration of Greece? How was it implied and what were its main issues? These answers will be given in this paper which has as its main objective the analysis of economic and integration reforms in Greece as a bad example for the integration of the Western Balkan Countries.

The restoration of liberal parliamentary democracy following the fall of the Greek military junta in July 1974 cleared the way for Greece to apply for full membership of the EC in June 1975. EC membership was seen as a means of reinforcing the return to democracy; as the culmination of a process of opening up the economy to international (and especially European) trade, competition and investment; as the consummation of a spiritual 'return to Europe', marking the end of its extra-European 'vocations', the final attainment of First World status and the reversal of centuries of marginalization in European affairs.

Keywords: *Greece, Balkan, EU, investment, law.*

1. Introduction

The roots of the European idea and the creation of the European community after the Second World War lie in the desire to prevent further war between European nations. One of the main goals of the original idea of European integration is defined as preserving peace in the Member States. In this paper, we argue the economic and political problems of Greece that are not a good example for the Western Balkans, towards stability and, consequently, political and economic growth.

The desire of Greece to join the EC was both cause and effect of economic, social and political change and a redefinition of national identities and orientations. Becoming more 'European' implied wide-ranging programmes of 'liberalization' and 'modernization', to use appropriately loaded terms. Starting in the 1960s, well before its formal applications for EC membership, the government of Greece began

LABOUR RIGHTS AND REGULATORY SYSTEM

Ornela TAÇI¹

¹Departamenti i së Drejtës, Fakulteti Ekonomik,

Universiteti "A. Xhuvani", Elbasan.

E-mail : Ornela.09@gmail.com

ABSTRACT

The discussion proceeds in three issues. The first issue will briefly treat Civici's argument on the necessity of market governance in general and employment specifically. According to him, international economic policies excluding the European Union, violate labor rights. This critique focuses the hypothesis that the ICLS-Resolution-131114-1 impinges more labor rights in Albania than the Stabilization and Association Agreement. The answer is placed in possible targets of the right. For this reason , the second issue will briefly discuss some differences between public and private law and criticisms, new trends to apply criticisms to labour rights. It will also describe debates over theories of the Comperative Law : science or art. The third issue will discuss the cultural advantages of constitutionality as alternative means of eliminating, reducing to the distinctions between institutions (public and private) or further and regulatory methods such as the Constitution, constitutional practice, morality, ethics , to labour rights .

The purpose of this discussion will be : the investigation of scholarly debates in various fields and their impact on the regulation of labor rights through research questions, hypotheses and theories; the exploration of alternative means and regulatory methods. The reason for combining of qualitative and quantitative data is to better understand the concept of right as art, excluding the analysis on the benefits and costs of scientific doctrine on labour rights. So, this discussion of mixed (economic, sociological and legal) methods will shed light on the relation of the right to other sciences as economy. All questions coming from economic field find answers to the right as art , in the Constitution ; therefore , the complete answer reflects cultural values and allows space for debates.

Key words : Labour rights; alternative; art ; regulatory; Constitution.

1. Legal risks of employment

Professor Adrian Civici explores the evolution of discussions, practices, ideas, dilemmas, focusing in international, regional, national field , to answer the question or perhaps dilemma ("The state or the market – where does the development come from"?) that has concerned economists, politicians, academics, civil society,

LA QUESTIONE DELL'IMPOSIZIONE DIRETTA DEI REDDITI DEL LAVORO AUTONOMO SECONDO LA CONVENZIONE BILATERALE ITALIA-FRANCIA

Ph.D.Dr. Rezarta TAHIRAJ

Departamenti i së Drejtës, Fakulteti Ekonomik

Universiteti "A. Xhuvani" Elbasan

Email: rtahiraj.uniel@gmail.com

Dr. Nejla PEKA

Legal expert,

Department of Legislation, Monitoring of Programs and Anticorruption

Prime Minister's Building, Albania

Email: pekaneila@yahoo.com

ABSTRACT

La questione dell'imposizione diretta dei redditi del lavoro autonomo si rileva come un tema di forte interesse anche nell'ambito della disciplina convenzionale dove si è cercato di ricostruire sulla base del Modello della Convenzione Italia-Francia una nozione convenzionale del lavoro autonomo che potesse valere in materia della fiscalità diretta e di comprendere se detta nozione potesse trovare collocazione nell'ambito del dibattito internazionale. In effetti, la definizione del lavoro autonomo nel Modello della Convenzione Italia-Francia risulta essere caratterizzata dalla prevalenza dell'approccio giuridico formale. Tuttavia, come è stato ampiamente chiarito nel corso della trattazione, la nozione del lavoro autonomo risulta utile ai fini dell'attuazione della normativa convenzionale nell'eliminare la doppia imposizione, i conflitti e le distorsioni di natura fiscale con effetto negativo sugli investimenti e sull'esercizio delle attività economiche. Alla fine, l'analisi della disciplina convenzionale riguarda anche la questione dell'accertamento dell'incidenza dei principi convenzionali nel garantire la prevenzione oppure l'eliminazione del fenomeno della doppia imposizione. La finalità di tale analisi consiste proprio nel verificare sia la prevalenza del principio della sovranità nazionale in materia della fiscalità diretta che la tutela dei principi di non discriminazione e di non differenziazione fiscale degli esercenti delle attività economiche.

Keywords: *convenzione, imposizione diretta, redditi, lavoro autonomo.*

- 1. L'inquadramento dei profili di ricerca di una nozione del lavoro autonomo e di un modello fiscale sui redditi del lavoro autonomo nel**

THE CONCEPT OF CITIZENSHIP IN THE EUROPEAN UNION WITH REGARD TO THE EUROPEAN COMMON MARKET

Dr. Erjon HITAJ¹

¹ Departamenti i Drejtësisë,
Fakulteti i Shkencave Humane,
Universiteti i Vlorës, "Ismail Qemali"
Email: ehitaj@yahoo.it

ABSTRACT

The paper aims to address the question of the "European citizenship" under the European Common Market perspective. However, the first issue to analyze concerns the very concept of "citizenship" in the EU and its fundamental pillars: rights and duties. The recognition of the European citizenship at EU treaty level and the introduction of the common market objective render indispensable a clear balance between economic targets and interests and fundamental human rights' protection and guarantee. Once accepted the pattern of the common economic market, seems unavoidable any consideration on the impact this policy may provoke on human rights, particularly those concerning EU citizenship, i.e.: freedom of movement and residence without distinguishing between citizens exercising economic activity and simple EU citizens. Of particular interest seem to be the social effects of the European common market on the workers and their family members' rights, as a particular category of EU citizens. Parity between men and woman, a higher employment level and the social protection of the citizens along with the environmental goals are some of other sensible questions the European common market policy should face, as clearly sanctioned also in the European Court of Justice case law. The social function (and origin) of the law in general, and rights in particular, is the conclusive keynote of the whole survey.

Keywords: EU Citizenship, European Common Market, social integration, fundamental rights, freedom of movement and residence.

1. The evolution of the EU «citizenship»

The concept of citizenship became part of the EU glossary initially with the Rome Treaties, which sanctioned for the first time the rights connected to the notion of European citizenship, in function of the achievement of the "common market"¹. According to these dispositions, the workers, citizens of any of the Six

¹ Article 3: «For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein [...] (c) the

IL PROBLEMA DELLA NON ESECUZIONE DELLE DECISIONI GIUDIZIARIE CIVILI PASSATE IN GIUDICATO NELLA GIURISPRUDENZA DELLA CORTE COSTITUZIONALE ALBANESE

Robert GAJDA¹

*¹Dipartimento Scienze Giuridiche,
Facoltà di Economia
Università "A. Xhuvani", Elbasan*

Fatma SPAHIU¹

*¹Direttrice Ufficio Legale,
Università "A. Xhuvani", Elbasan*

ABSTRACT

Questo articolo pone come oggetto di studio il problema della mancata e dell'irragionevole durata dell'esecuzione delle decisioni civili passate in giudicato nell'ordinamento giuridico albanese, nel modo in cui viene affrontato dalla Corte costituzionale. Lo studio si concentra nell'attenta disamina della giurisprudenza della Corte costituzionale Albanese, la quale si riferisce continuamente alla giurisprudenza della Corte Europea dei Diritti Umani, cercando di adattare i principi da questa sviluppati alla situazione nostrana. Pertanto, particolare riguardo si è avuto nel sottolineare non solo la violazione che la mancata esecuzione comporta ai diritti soggettivi dei cittadini, ma anche la collisione di questo fenomeno con il principio della certezza del diritto come diretto corollario dello Stato di Diritto.

*Lo scritto è suddiviso in tre parti. La prima parte riguarda il revirement della giurisprudenza della Corte costituzionale nazionale con riguardo alla concezione di processo il quale si riferiva alla sola fase di accertamento. Seguendo il ragionamento della Corte di Strasburgo nella decisione *Qufaj contro l'Albania*, la Corte costituzionale integra il processo di cognizione con la fase esecutiva. Questo cambiamento permette alla Corte costituzionale Albanese di giudicare ricorsi individuali, i quali lamentano la violazione del diritto al giusto processo proveniente dalla mancata o l'irragionevole durata dell'esecuzione delle decisioni giudiziarie civili passate in giudicato. La parte seconda quindi si concentra nell'analisi delle decisioni emanate dalla Corte costituzionale che riguardano questo tipo di violazione, la giurisprudenza sviluppata, i principi adottati, il trattamento del problema, il test di valutazione compiuta e i casi concreti che vengono presentati. Infine la terza parte si ferma ad indagare sull'effettività e la concreta utilità di questo strumento costituzionale individuando peraltro l'insufficienza di tale mezzo per porre rimedio al diritto violato.*

IS MARRIAGE CONTRACT A LEGAL INSTRUMENT THAT HELPS THE INSURANCE OF FINANCIAL FAMILY RISK? ACTUALITY OF AN EARLY DEBATE

Dr. Klodjan SKËNDERAJ¹

¹Departamenti i së Drejtës Penale, Fakulteti i Drejtësisë,
Universiteti i Tiranës
Email: klodjans@gmail.com

Dr. Sokol MËNGJESI²

²Departamenti i së Drejtës Penale, Fakulteti i Drejtësisë,
Universiteti i Tiranës
Email: smengjesi@yahoo.com

ABSTRACT

In execution of constitutional principles which protect and guarantee private property, but even respect of individual freedom to establish the property relations on his free will, actual family code provides for the first time the possibility to choose a property regime the one that consorts will respect after their marriage is dissolved. In this view of context, even though this remains an instrument that continues to cause polemics in law debates, "marriage contract" represents an efficacious instrument that protects the property independence of consorts on one side and it guarantees a quick circulation of property, minimizing the risk of economic activities that each of consorts or the thirds can perform.

Basing on this reform of Albanian legislation, the authors of this paperwork aim to analyze the financial advantages offered for the consorts and the other members of the family as a consequence of contracting regime choice, in ratio with disadvantages offered from the co-ownership regime gained during marriage. Comparatively an analysis of be done especially underlining the thesis of commercial activity raised during marriage, in the form of a commercial company or of a simple one, like in case when consorts are subjects of legal regime, so when this is going to be considered common property of consorts, the same when they have chosen by contract the regime of separate properties.

At the end of paperwork the authors will conclude in some improvements that must be reflected de lege ferenda to Albanian legislation, so that the last one can be more efficacious and respond to needs of economic development especially in those cases when one of consorts is "a dealer" that means a person who exercises an economic activity.

Keywords: Marriage contract; property regime; co-ownership; separate properties; administration of property; commercial activity.

PROCEDURAL ASPECTS OF THE ALBANIAN CASE LAW ON RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Artan SPAHIU¹

¹*Department of Law,
Faculty of Economy,
"A.Xhuvani" University, Elbasan
phone: 00 355 694070009;
email: artan_spahiu@yahoo.com*

Abstract

The internationalization of goods and services in the last decades have underscored the importance of international commercial arbitration and its enforcement mechanism of the foreign awards. The recognition and enforcement of foreign arbitral awards under the jurisdiction of a state, is mostly provided through the effect of the New York Convention (1958), which is sanctioned today in 146 countries worldwide. Albania has become part of this large group of states which have voluntarily chosen to share the unquestionable values established by the New York Convention in the field of international commercial arbitration.

But despite the formal aspect, Albanian jurisprudence clearly shows an unconsolidated experience of the Albanian judiciary in the field of recognition of foreign arbitral awards. This is not only because of the short time coexistence of the Albanian legal order with the Convention, but also because of a limited knowledge of traders on the instruments established by the Convention and because of the judicial system indifference demonstrated toward the Convention traditional interpretation.

This article aims to bring in the spotlight the features manifested by the Albanian jurisprudence, regarding the procedural aspects of the recognition of foreign arbitral awards. These aspects have been found by the research of several judicial decisions of the Court of Appeals, upon the requests for recognition of foreign arbitral awards.

Introduction

From an overview of Albanian internal legal framework, we arrive at the conclusion that the implementation situation of New York Convention for the Republic of Albania is, at least formally, in compliance with the standards that meet

LA CONVENZIONE ARBITRALE NELL'ARBITRATO RITUALE IN ALBANIA – PROBLEMI ATTUALI

Arsim BERISHA¹

¹PhD Candidate,

Dipartimento di Scienze Giuridiche, Facoltà di Economia,

“A. Xhuvani” Università, Elbasan

Arsim82@gmail.com

ABSTRACT

L'instituto dell'arbitrato in Albania può ragionevolmente essere considerato come una disciplina nuova e complessa. Disciplina nuova, trattandosi del prodotto di un processo evolutivo che solo recentemente ha raggiunto dei risultati significanti, ed essendo oggetto di una evoluzione che, ancor oggi, non può dirsi conclusa. Disciplina complessa, in virtù dell'articolato sistema di fonti, sovrapposte e concorrenti, da cui trae origine, nonché in ragione del duplice sistema (interno ed internazionale) che lo caratterizza.

Lo scopo di questo lavoro, è quello di offrire un quadro generale della normativa in vigore dettata dal codice di rito albanese in tema di arbitrato (rituale) con speciale riguardo ai profili relativi ai rapporti degli arbitri con la convenzione arbitrale, ponendo l'accento di alcuni spunti critici creati dalla stessa normativa e alimentati dall'evolversi di dottrina e giurisprudenza.

Key words: convenzione arbitrale, arbitrato rituale, codice di procedura civile, clausola compromissoria, arbitri.

1. Introduzione

Nel Codice di Procedura civile albanese, l'istituto dell'arbitrato è collocato nella Parte II (dedicato ai giudizi di primo grado), Titolo IV (intitolato “Arbitrazhi”), all'interno del quale vengono raggruppati 42 articoli divisi in sei sezioni; ossia, Capo I dedicato alle disposizioni generali, Capo II alla formazione della Corte arbitrale, Capo III al procedimento arbitrale, Capo IV alla decisione della Corte arbitrale, Capo V all'impugnazione della decisione della Corte arbitrale ed infine Capo VI dedicato all'arbitrato internazionale. Quest'ultimo Capo, composto dagli artt. 439, 440 e 441, è stato abrogato con la legge n. 8812 del 17.5.2001. In questa sede ci si soffermerà solamente alle disposizioni riguardanti la convenzione arbitrale nell'arbitrato interno o domestico, vale a dire gli articoli 400 – 404 del codice del rito.

2. L'ambito di applicazione e le materie compromettibili

MATERIAL SELECTIVITY IN EU STATE AID LAW

Anduena GJEVORI¹

¹PhD Candidate

Department of Law, Faculty of Economy
“Aleksander Xhvani” State University
Email: anduena.gjevori@uniel.edu.al
anduena.gjevori@gmail.com

ABSTRACT

The concept of State aid has been interpreted very broadly encompassing almost every State measure. A broad interpretation of the material selectivity as one of the constitutive elements of State aid has played the main role in this process. A wide interpretation of selectivity criterion blurs the line between general measures which do not constitute State aid and as such do not have to be notified to the European Commission and selective measures which have to be notified to the European Commission. Furthermore, a broad interpretation of the requirement of selectivity interferes with the right of the Member States to pursue their general economic policies. As the paper will show the jurisprudence of the EU courts regarding the concept of material selectivity is complex and casuistic and at times contradictory.

Keywords: State aid; material selectivity; selectivity test.

1. Introduction

The Treaty of the Functioning of the European Union (TFEU) provides the basic principle which is that aid which distorts competition and affects trade between Member States is prohibited as incompatible with the internal market.¹ The prohibition on the granting of State aid as provided by Article 107(1) TFEU requires the following elements to be present: first the granting of an economic advantage; second the transfer of state resources; third the advantage must be granted to certain undertakings or the productions of certain goods; fourth an effect on trade and competition. According to the European Court of Justice (ECJ), these four cumulative conditions should be fulfilled in order to apply Article 107(1) TFEU.

One of the conditions provided by Article 107(1) TFEU is that it prohibits aid “favouring certain undertakings or the production of certain goods” which means selective aid. The concept of selectivity is one of the most important in deciding if a measure will be considered State aid. It is made up of two

¹ Article 107 TFEU provides: “Save as otherwise provided in the Treaties, any aid granted by a Member State resources in any form whatsoever which distorts or threaten to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be compatible with the internal market.”

THE RIGHT TO STRIKE: VIKING AND LAVAL CASES

Artan ÇELA¹

¹*Head of Legal Representation,
Department of Legal Affairs,
Albanian Power Corporation
Email: artancela@gmail.com*

ABSTRACT

The right to strike is one of the fundamental means available to workers and their organizations to promote their economic and social interests. A right, which is protected in the European Convention on Human Rights and the European Social Charter. The European Court of Justice is another important body where the right to strike is protected. This article gives a short overview and provides reflections of the impacts of the Laval and Viking Cases, two of the most remarkable human rights cases decided by the European Court of Justice, concerning the right to collective action. The article explores the elements of the European Court of Justice's decision on direct effect of the fundamental rights. The author raises the question of the relationship between fundamental social rights and the right to strike, in two most representative cases of the European jurisprudence. The focus of this article is to analyze the European Court of Justice Decisions relate to the concept of the right to strike, its restrictions and thereby get a better understanding of the right to strike.

Keywords: Right to Strike, Laval Case, Viking Case, the Right to Collective Action, Collective Action, Social Rights.

1. The right to strike

The right to strike is one of the essential means through which workers and their organizations may promote and defend their economic and social interests. The occupational and economic interests which workers defend through the exercise of the right to strike do not only concern better working conditions or collective claims of an occupational nature, but also the seeking of solutions to economic and social policy questions and problems facing the undertaking which are of direct concern to the workers.¹ Although the right to strike is not explicitly

¹ ILO. Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO. Geneva, International Labour Office, Fifth (revised) edition, 2006.

INSURANCE CONTRACT, AN EFFICACIOUS INSTRUMENT FOR MANAGEMENT OF FINANCIAL RISK IN FAMILY

Ph.D., Dr. Sokol MENGJESI¹

¹Fakulteti i Drejtësisë, Universiteti i Tiranës

Dr. Klodjan SKENDERAJ²

²Fakulteti i Drejtësisë, Universiteti i Tiranës

ABSTRACT

Especially in periods when family incomes are instable, the importance of security increases, as the risk to be found in financial insolvency in order to face any damages is great. A great emphasis is being put on making people conscious about taking measures to prevent the financial individual and family damage. In this context, legal deal of insurance contract which opens spaces for individualization of specific situation of each client represents a real provocation towards extension of market of securities.

Today, the notion of insurance is dealt by a lot of authors in a treble dimension: lawful, economic and financial one. In this paperwork the authors aim to deal this concept on legal side in voluntary profile, where each insurance case derives from a contract between the insurer and the assured person, which is based on its proper legislation, subject to constant modifications imposed by economic developments. In function of this ambition, the authors will analyze and interpret in Albanian civil code provisions that establishes the relation, form, object, cause and legal consequences of assurance contract. Regarding the subjects who evolve assurance activity, interpretation of these provisions will be made in combination with Law no. 9267, date 29.07.2004 "For the activity of assurance, reinsurance and mediation in assurance and reinsurance", with relevant changes". The second part of this paperwork will deal with two sorts of assurance provided by our civil legislation: property insurance, which in proportion with its increase is subject of numerous risks on one side and person's insurance on the other one.

In last survey the authors will introduce the conclusions carried from actual legal frame upon which the voluntary insurance activity is held. The Albanian insurance market and the legislation upon which it is based on must be modified in the context of EU membership and must be approached with European standards.

Keywords: *insurance contract, financial risk, life insurance, property insurance, legislation.*

IL SISTEMA SANZIONATORIO E TUTELA DELLA PRIVACY.

Saimir KORRESHI¹

¹Avvocato

saimir_korreshi@yahoo.it

Abstract

Il diritto alla riservatezza rientra tra i diritti della personalità ed in quanto tale gode della garanzia costituzionale di cui all'art. 2 Cost. in cui si dispone che “la Repubblica riconosce e garantisce i diritti inviolabili dell'uomo, sia come singolo sia nelle formazioni sociali ove si svolge la sua personalità”¹. Lo sviluppo tecnologico ha reso impellenti le esigenze di garanzia della sfera individuale e, pertanto, vi è una maggiore sensibilità sociale verso la tutela della riservatezza. Nella moderna società dell'informazione, infatti, si fa strada l'esigenza che la raccolta organizzata delle informazioni personal disseminate nell'ambiente non avvenga all'insaputa dell'interessato, e non si presti ad utilizzii lesivi dei diritti e della dignità della persona.

- *Accordo di Schengen firmato il 14 giugno 1985*
- *Convenzione di Schengen firmata il 9 giugno 1990*

• Direttiva comunitaria n.95/46/CE del 24 ottobre 1995 (relativa alla tutela delle persone fisiche con riguardo al trattamento dei dati personali, nonché alla libera circolazione di tali dati); n. 97/66/Ce (sul trattamento dei dati personali e sulla tutela della vita privata nel settore delle telecomunicazioni); n. 2002/58/Ce (relativa al trattamento dei dati personali e alla tutela della vita privata nel settore delle comunicazioni elettroniche

- *L. 31 dicembre 1996 n. 675*
- *D.Lgs. 30 giugno 2003 n. 196*

1. Introduzione

Il riconoscimento esplicito del diritto alla protezione dei dati personali da parte del t.u. sulla privacy e la sua attrazione nel novero dei diritti costituzionali, in virtù della copertura offerta dall'art. 2 Cost. e grazie al ruolo svolto in tale direzione dalla Convenzione europea dei diritti dell'uomo, dalla Carta di Nizza, e ancora dalla normativa comunitaria derivata dai Trattati, ripropone con evidenza il problema dell'individuazione del grado di protezione di tale diritto, anche in

¹ Corte costituzionale, sentenza 12 aprile 1973, n.38, in *Foro italiano*, 1973, I, p.1078: “Fra i diritti inviolabili dell'uomo, affermati, oltre che nell'art.2, negli articoli 3, comma 2, e 13, comma 1, rientrano quelli del proprio onore, rispettabilità, riservatezza, intimità e reputazione, sanciti espressamente negli artt 8 e 10 della Convenzione europea sui diritti dell'uomo”.

INNOVATION IN ALBANIAN RETAIL BANKING

Dr. Arbi AGALLIU
Universiteti Europian i Tiranës

Esméralda TOPUZI

ABSTRACT

In developing countries as Albania. Financial sector is closely identified with Banking Sector for its dominance. Based on this, investing in continuous innovation in the banking system in Albania will bring innovation and development of the financial system and the economy as a whole.

Retail Banking is always under the pressure of macro and micro economic factors and other defiant elements that may hinder the continuity of innovations. What are these barriers, and how can Commercial Banks overcome to be always on the edge? This paper aims to undertake a descriptive analysis of the approach to the Retail Business Innovation by Commercial Banks and evaluate more efficient innovative opportunities that lead to improvement and development of the banking sector.

We believe that innovation will always be an essential element of Retail Banking in Albania, which should invest in creating an innovative environment and culture to achieve success, therefore we believe innovative channels constitute the starting point!

Key words: *Retail Bank, Inovation, Channels, Success*

INTRODUCTION

In developing countries like Albania, where the Banking Sector is dominant of Financial Sector is very important its stability and good performance for sustainability and development of entire economy.

The current situation with the slowdown in economic growth, with an immediate market globalization, under the pressure of continuous technological development and changing customer behavior and needs, has created a challenging environment for the banking system in Albania. This situation requires Retail Business willingness to find new ways and produce innovation to achieve a successful performance for an effective banking system.

For this reason, this paper will focus on Retail Banking Sector in Albania. We aim to achieve several objectives:

- Evaluate the positive importance in the development of the Banking System by identifying the current economic situation and present opportunities for further development.

THE INTERNATIONALIZATION OF ALBANIAN FIRMS

Daniela GËRDANI

University «Aleksandër Xhuvani»

Elbasan; ALBANIA

Dr. Marsida ASHIKU (RANXHA)

University «Aleksandër Xhuvani»

Elbasan; ALBANIA

Doc. Dr. Nada KRYPA (TAPIJA)

University «Aleksandër Xhuvani»

Elbasan; ALBANIA

Abstract: In this paper we examine how the level of internationalization, i.e. a firm's relative exposure to foreign sales, affects individual SMEs in Albania. Since it is conducted using a data sample with Albanian SMEs, its applicability in other countries may vary. The aspects concerned in which the internationalization affects the firm's structure is limited to the areas of capital structure, credit risk and the factors affecting credit risk. The purpose of this study is to increase the knowledge and provide insights on how internationalization affects SMEs in general and in Albania in particular. This empirical analysis aims to study the main factors, variables determining credit risk and the connections between them, for a panel of 50 Albanian firms, small and medium enterprises for the period 2012 to 2013. For the realization of this paper we was based on a rich contemporary literature but also in the analysis of data obtained from firms' balances and from a survey in Albanian firms for the last 2 years. To examine the effects of internationalization on Albanian SMEs we have employed statistical techniques, questionnaires and regression analysis.

Key-words: internationalization, small and medium enterprises, capital structure, credit risk, Albania.

JEL classification: F3, F10, F20.

INTRODUCTION

From a historical perspective, the internationalization of businesses and firms with the ability of humanity began to travel across the seas and beyond borders. Anyway internationalization is essentially a version of the interaction between attitudes and actual behavior; empirical studies have focused on the observation of aspects of internationalization which are international⁵⁸⁷. Certain research activities explain the «internationalization» as external movement of international operations of a

⁵⁸⁷ Johanson & Wiedersheim, 1975.

THE SPATIAL EVOLUTION OF GJERBËS COMMUNE IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT, ALBANIA

Prof. Assoc. Dr. Qamil LIREZA

Faculty of Human Sciences

“A. Xhuvani” University, Elbasan

Abstract: This paper addresses the territorial evolution of Gjerbës commune, in the district of Skrapar, Albania, in the context of sustainable development. The main purpose of this paper is to reflect accurately the natural conditions and the socio-economic development of this commune, highlighting the role of sustainable development. The principal methodology used in this piece of work has been that of direct observations on the ground, through a scientific evaluation of the natural conditions. Based on the research method used, this paper draws many conclusions on the development of population and economy. There have been many surveys with the local residents related to different economic indicators. This paper has a scientific importance for the scholars of economic geography, tourism and local government.

This paper initially deals with the natural conditions of this commune by assessing the landscape, climate, soils and vegetation. Further numerous data are provided on the evolution of the population of this commune, by years, starting with the first population census in 1926, and continuing up to 2013. In addition there are also provided some reasons for the removal of this population over the years. The commune's economy is also assessed by focusing on the basic branches throughout the years. An important place is covered by the economic results after 1992. The last part of this paper provides a general assessment on of the evolution and conditions for a sustainable development and the related conclusions.

Key words: spatial evolution, commune, territory, economy

Introduction

This commune includes the southern part of the province of Tomorrica, as well as the areas above and those ones in the center of Tomorrica basin. From the ethnographic perspective, it covers the entirely southern parts of White and Black Tomorrica. It is also recognized as Tomorrica of Skrapar (being part of this district). Earlier on (1918) it included 30 villages, but the area outside Tomorrica as well. It has been part of the sub-prefecture of Skrapar (1920), then it was center of locality (1958), which included villages of: Barç, Grëmsh, Rromas, Çerric, Gurazez, Strafickë, Çorrotat, Shpatanj, Davidh, Djogovic, Tërovë, Dobrenj-Burranj, Kovaçanj, Trebël, Dunckë, Kuç, Ujanik, Floq-Rehove, Leskovë, Vishanj, Gradec,

IL RUOLO DELL'AUTONOMIA FISCALE NELLA CRESCITA ECONOMICA

Dr. Eniel NINKA

*Università Europea di Tirana,
Facoltà di Economia e delle Tecnologie dell'Informazione,*

Abstract: *la ricerca di una sempre maggiore crescita economica e maggiore efficienza è stata la forza trainante della recente onda di decentramento fiscale che ha coinvolti molti paesi sviluppati o in via di sviluppo. Infatti, sempre più risorse e poteri vengono trasferiti ai livelli subnazionali di governo con l'obiettivo di migliorare la performance economica, sia a livello locale sia a livello nazionale. Questo articolo offre un rassegna della letteratura che ha studiato i ritorni economici del decentramento fiscale. Ne risulta che sul nesso autonomia fiscale-crescita economica sia i contributo teorici sia l'evidenza empirica offrono risultato spesso contrastanti. Infatti, tra gli economisti il dibattito sul ruolo positivo o negativo del decentramento fiscale sulla crescita economica è tutto fuorché concluso. In questo articolo studiamo l'impatto del decentramento fiscale sulla crescita economica a livello regionale. Per questo usiamo diversi indicatori di decentramento fiscale, politico ed amministrativo e misuriamo sia il loro impatto autonomo sia l'impatto sulla crescita economica regionale che ne deriva dalla loro interazione. Usando un campione di regioni di paesi membri dell'OCSE troviamo che la delega di responsabilità di politica economica ed il de-concentramento delle competenze amministrative potrebbero risultare negativi per la crescita regionale. Ciononostante, se consideriamo soltanto i paesi federali, l'impatto sulla crescita diventa positivo e significativo.*

Parole chiave: *decentramento fiscale, decentramento politico, decentramento amministrativo, crescita economica regionale, OCSE.*

JEL Codes: H11; H77; O40; O47

Introduzione

Il decentramento fiscale è stato considerato come uno dei modi per avere maggiore crescita economica. In molti paesi del mondo, infatti, i governi a livello locale hanno beneficiato di crescenti trasferimenti di fondi e di poteri dal governo centrale con il ragionamento che ciò avrebbe aumentato la performance economica sia a livello locale sia a quello nazionale. Nonostante ciò, gli economisti che hanno tentato di misurare “il dividendo economico” (Morgan, 2002) del decentramento fiscale hanno avuto dei risultati molto diversi tra loro e che coprono quasi tutti gli esiti possibili. In fatti, la relazione tra il decentramento fiscale e la crescita economica spazia da positiva e statisticamente significativa (Iimi, 2005) ad una

PRIVATE PENSION FUNDING SCHEMES IN ALBANIA: THE CHALLENGE FOR THE FUTURE.

Dr. Imelda SEJDINI

*Department of Business Administration,
"A.Xhuvani" University,
Elbasan, Albania
imelda.sejdini@uniel.edu.al*

Dr. Alketa VANGJELI

*Department of Economics
"A.Xhuvani" University,
Elbasan, Albania
alketa.vangjeli@uniel.edu.al*

Dr. Manuela VAROSHI

*Department of Psychology
"A.Xhuvani" University,
Elbasan, Albania
manuelavaroshi@uniel.edu.al*

Abstract

Private pensions are a new option that is being applied successfully throughout the world. Even in Albania, starting from 2006 there is a possibility that every person solves the future, planning a voluntary early retirement scheme.

Retirement is considered as a reward that is earned after many years of work, which rejoices as the right of every person who has reached a certain age (60 years for woman, 65 years for man) and worked and contributed for 35 years. The benefited pension, provided by the State Social Insurance is one of the warmest debates in Albania, as the money paid per pensioner are not enough to conduct a decent life after many years of contributions.

This study is focused in three main directions, considering the advantages of these schemes: first, the contributions paid by the employer totally; second, the contributions paid by the employee totally; and third, joint membership-contract, when contributions are paid jointly by employer-employee agreement concluded between them. The aim of this study is to analyze the challenge for the future of these schemes in Albania. According to data gathered from the official sources of information, this study analyses too, the priorities for participating in voluntary private pension funding schemes in Albania, considering the best practices of many other countries, where these schemes have been successful over the years. Interesting implications are explored for managers and employees in a work relationship, especially for the advantages this Private Pension Funding Schemes offer in Albania.

THE DETERMINANTS OF PROFITABILITY IN THE ALBANIAN BANKING SYSTEM AFTER THE GLOBAL FINANCIAL CRISES (2008 – 2014)

Dr. Ali SHINGJERGJI

*Finance and Accounting Department, Faculty of Economy
University of Elbasan "Aleksandër Xhuvani", Albania*

Dr. Altin IDRIZI

*Finance and Accounting Department, Dean of Faculty of Economy
University of Elbasan "Aleksandër Xhuvani", Albania*

Abstract: The Albanian banking system occupies 85% of the financial system emphasizing the weak role of the capital markets in Albania. As a result the analysis of the banking system profitability indicators take a crucial role for the whole financial system. The aim of this paper is to analyze the relationship between the profitability and some internal determinants like: nonperforming loans, capital adequacy ratio, debt equity ratio and loan to deposit ratio in the Albanian banking system. We use a regression model like ordinary least squares to test the relation between profitability and some internal banking factors in the Albanian banking system from 2008 – 2014 using quarterly panel data. By analyzing the data is noticed that the profitability in the Albanian banking system has a negative relationship with nonperforming loans, capital adequacy ratio, debt equity ratio and loan to deposit ratio. All dependant variables seem to be statistically significant except debt equity ratio. The independent variables explain almost 60% of the variation of the dependant variable.

Keywords: banking system, profitability indicators, internal banking factors

JEL Classification: G2, G21

1. Introduction

The Albanian banking system is the main channel of financial intermediation and its assets account for 88% of the GDP. The last five years are characterized by a delicate situation of the Albanian economy and especially in the financial system. The reduction of economic growth was reflected in the contraction of credit growth and as a result in the deterioration of the credit portfolio quality. Regarding the profitability of banks is to emphasize that the effects of the global financial crises came with about one year delay. In fact if we analyze ROA from 2008 until 2010 is noticed a negative value except the fourth quarter of 2008. While in terms of ROE is noticed a break point between the third and the fourth quarter of 2008 with a reduction of 64.11%. Actually⁶⁰⁴ the level of nonperforming loans in the Albanian banking system is approximately 24%, meaning that one out of four loans present

⁶⁰⁴ September 2014

LA CRESCITA ECONOMIA E L'INDUSTRIALIZZAZIONE IN ALBANIA

Dr. Mateo SPAHO

Abstract: A partire dal 1998, l'Albania ha conosciuto un'importante crescita economica. Il suo Prodotto Interno Lordo e' cresciuto ogni anno senza sosta fino al 2013. Come si puo sapere un paese sviluppato da un punto di vista economico puo sostenere alti standard di vita per i propri abitanti. Questi paesi si riconoscono da una prima analisi economica tramite cio che producono. Oltre ad una agricoltura meccanizzata e ad un settore di servizi maggioritario in quanto al numero degli occupati e' l'attivita industriale che caratterizza la fisionomia di un paese sviluppato. L'industria rappresenta il motore iniziale della crescita economica ed e' la garanzia di una stabilita economica di medio e lungo periodo. Proprio perche' intendiamo analizzare se la crescita economica albanese degli ultimi sedici anni e' stata costante, continua e salutare vedremo la performance delle attivita industriali all'interno del paese tramite regressioni e collegheremo il corso dell'industria manifatturiera, estrattiva e delle costruzioni al Prodotto Interno Lordo. Il nostro obiettivo sara quello di scoprire se all'interno dell'Albania e' avvenuto un decollo industriale il quale ha trainato l'economia del paese oppure se la crescita economica e' stata dettata da altre componenti ed e' caratterizzata da una intrinseca debolezza. Noteremo quali dei sotto-settori dell'industria e' stato quello piu attivo e quale ha visuto i problemi piu difficili. Si evidenzierà l'aumento del peso del settore industriale sull'economia nazionale e i limiti che permangono affinche lo sviluppo del paese sia sostenuto da tutti i settori dell'industria. Infine verrano suggerite una serie di misure e strategie che tendono ad una maggiore organizzazione ed integrazione tra i vari comparti delle attivita industriali.

Parole chiave: industria estrattiva, manifatturiera, edilizia, Prodotto Interno Lordo, sviluppo economico.

Introduzione

In economia con il termine Sviluppo Economico ci si riferisce a quel complesso processo di trasformazione strutturale, di cambiamento della struttura produttiva che segna il passaggio da un'economia prevalentemente agricola a un'economia in cui aumenta il peso del settore industriale e dei servizi (moderna). Teorie dello Sviluppo Economico erano presenti nella disciplina economica classica sin da Adam Smith, ma si riferivano in genere alle modalità attraverso cui i paesi che avevano superato la fase del take off (per riprendere la nota espressione dell'economista Walt Whitman Rostow) potevano mantenere e gestire uno sviluppo equilibrato e costante.

GLI INVESTIMENTI DIRETTI ESTERI: UN SUCCESSO O UN FALLIMENTO IN ALBANIA?

PhD. Mateo SPAHO
Irisi BELERAJ

Abstract: Durante l'ultimo ventennio, praticamente tutti i paesi dell'Europa Orientale, compresi quelli dei Balcani hanno cercato di attrarre il maggior numero possibile di Investimenti Diretti Esteri con l'obiettivo di rinforzare le loro economie, storicamente deboli. Da questo punto di vista, l'Albania ha provato a mettere in pratica politiche liberali basati su pochi principi chiave come quelli della deregulation, diminuzione delle pratiche burocratiche, dei permessi delle licenze, mantenendo una bassa pressione fiscale e investendo nel continuo miglioramento delle infrastrutture del paese. I settori economici promossi dal Governo nei confronti degli Investitori Esteri sono stati quelli della produzione dell'energia, dell'industria estrattiva, del petrolio e del turismo. L'Albania è riuscita a non cadere in recessione ma tale successo è dovuto ad una continua crescita degli Investimenti Diretti Esteri? È stata questa la principale distinzione tra l'Albania e gli altri paesi dei Balcani? Con questo paper potremmo apprezzare quale sia stato il ruolo ed il peso dei IDE nella crescita economica Albanese dal 1998 al 2013. Nell'analisi useremo il programma SPSS ed interpreteremo i risultati delle differenti regressioni. I cittadini Albanesi hanno oggi il potere d'acquisto più alto rispetto all'inizio della crisi Internazionale e come si pone l'Albania rispetto al resto dei Balcani? Il modo coinciso valuteremo se le politiche liberali adottate fino alla fine del 2013 sono state efficaci oppure se non hanno prodotto risultati significativi. La risposta a tale domanda è estremamente importante poiché da questi risultati dovrebbe dipendere la strategia di crescita del paese.

Parole chiave: IDE, strategie di crescita, potere d'acquisto, politiche liberali, Balcani.

Introduzione

In generale, gli Investimenti Diretti Esteri (IDE) comprendono sia fusioni e acquisizioni, che la costruzione di nuovi impianti. In senso stretto, gli Investimenti Diretti Esteri si riferiscono solo alla costruzione di nuovi impianti. I dati IDE numerici basati su definizioni diverse non sono comparabili facilmente. Come parte della Contabilità Nazionale di un paese, tenendo presente l'equazione del PIL, $Y = C + I + G + (XM)$ cioè [Consumo + investimenti lordi + spesa pubblica + (esportazioni - importazioni)], dove **I** rappresentano gli Investimenti Nazionali, assieme a quelli esteri.

Gli Investimenti Diretti Esteri sono definiti come afflussi netti di investimenti (afflusso meno deflusso) i quali acquiscono un interesse duraturo di gestione (10

THE USAGE OF MONETARY MODELS IN INTANGIBLE ASSETS REPORTING, IN ALBANIA.

Marsel SULANJI^{KU}

Phd. Candidate,

Lecturer at "A.Xhuvani" University , Faculty of Economic

Faculty of Economic, Elbasan

msulanjaku@gmail.com

+355 692034258

Prof. Dr. Lindita LATI

Lecturer at "UT" University , Faculty of Economic

Faculty of Economic, Tirana

linditalati@yahoo.co.uk

Abstract: It is now widely accepted that the competitive advantage and economic value added of businesses is created by intangible assets. In this respect the accountants are challenged to adopt models and measures to value and report these assets in the most objective way.

Being objective in measuring and reporting an abstract object, like intangible assets is a real challenge for the fact that the components of intangibles are not composed from any physical matter , but it's ability to generate future cash flows or it's ability to create strategic competitiveness for the company determine the intangibles value. The accounting system has the difficult task to report a subjective and abstract asset in an objective form, accepted by the users of the financial statements and as well as being compatible with international accounting standards.

Monetary models are the most suitable models that can be used by accountants and in the same time being compatible with accounting standard in terms of external financial reporting .

The purpose of the research is to discuss and evaluate the usage of monetary models in intangible assets valuation and reporting , and in the same time we will try to give new insights regarding the adoption and usage of these models in Albania.

The methodology used in the preparation of this paper will be that of the utilizing the foreign and national literature, and the utilization of the questionnaires and interviews with the certified accountants and the finance departments of selected businesses in Albania.

Key words : Intangible assets , monetary models, economic value added , financial reporting .

JEL classification: M40 ,M41.

THE HEALTHCARE MARKET AND PUBLIC POLICIES IN ALBANIA

Enis URUCI

*Lecturer in Faculty of Professional Studies
Medicine Department/ University of Durres*

Emirjeta KUNIQI

*Lecturer in Faculty of Professional Studies
Medicine Department/ University of Durres*

Abstract: In respect of actual healthcare situation in Albania, mostly referring to the low level of healthcare services as well as to broad issues pertaining to the public health sector, I have obtained a specific topic not yet delivered from the Albanian researchers of the field, aiming that we can modestly help in the clarification of the situation as it has been often camouflaged in the needs of political powers. According to the researches made on this topic it seems to be the actual healthcare trend of developments in Europe and not only... Due to the latest context we believe that in order to bring a fair approach in the albanian situation the integration of medical and economic sciences is a must. Thus, the paper considers evidences regarding the legal framework from the healthcare sector in Albania and compares them with the respective demand and legal framework in European Community aiming as a final goal the exploration of opportunities which can bring a better perspective in the country. For the previously mentioned reasons I have interviewed specialists of the field such as: well known doctors, experienced administrators in public hospitals and ordinary staff as they face every day different issues. On behalf of the research made the paper concludes:

- on policies and strategies needed to improve the services in the healthcare public sector;
- on the expansion of the financial resource base and increase funding for public health;
- on strengthening the managerial capacity of healthcare institutions through the implementation of contemporary models in health management in order to establish the patient in the bottom of the Albanian healthcare system.

Key Words: Health system, in economy policies insurance, Albania, Health care market, Health care management, WHO World Health Organization.

Reflections on “The health system in Albania”

In spite of the constant efforts made during the years of democratic transition for the improvement of the health system in Albania, the situation is not very satisfying.

Of course, there are many factors and the situation is a complex one. With the change of the economic, political and social system, we started a lifestyle with

STATISTIC AND ECONOMETRICS FOR DEVELOPING DATA ANALYSIS

Prof. Assoc. Dr. Bederiana SHYTI
“Aleksandér Xhuvani” University, Faculty of Natural Sciences

Tedis RAMAJ
“Aleksandér Xhuvani” University, Faculty of Natural Sciences

Abstract: Statistics refers to collection, presentation, analysis and utilization of numerical data to make inferences and reach decision. So, statistics deals with the techniques for collecting and analyzing data that arise in many different contexts. Econometrics involves the development and use of special statistical methods within a framework that is consistent with the ways of economic analysis. Econometrics is combined study of economic models, mathematical statistics and economic data. Econometrics refers to the application of economic theory, mathematics and statistical techniques for the purpose of testing hypotheses and estimating and forecasting economic phenomena. Econometrics has become strongly identified with regression analysis. The present article will discuss what problems, concepts and methods of mathematical statistic are in detail, we rely on examples that essentially came from economic situations. Moreover, with a case study we analyze the characteristics and contributions of economic methods from a statistical point of view.

Key-words: statistic, econometrics, data analysis, econometric model, economic data.

JEL code: C15 Statistical Simulation Methods: General

Introduction

Econometrics is the combined study of economic models, mathematical statistics, and economic data. *Econometric theory* concerns the development of tools and methods, and the study of the properties of econometric methods. Econometric theory belongs to the field of statistics.

Applied econometrics is a term describing the development of quantitative economic models and the application of econometric methods to these models using economic data.

Econometrics is the integration of economic theory, mathematics, and statistical techniques for the purpose of testing hypotheses about economic phenomena, estimating coefficients of economic relationships, and forecasting or predicting future values of economic variables or phenomena.

CYBER CRIME AND BANKING SYSTEM

Kristel BOZHIQI

University "Aleksander Moisiu", DURRES

Mirjeta PASHA (Dëra)

University "Aleksander Moisiu", DURRES

Edlira KALEMI

University "Aleksander Moisiu", DURRES

Abstract - *The human society has undergone big changes from time to time with rapid pace at social level from the beginning and technological level ever since the rise of technologies. This technology word changes the human life in every manner and every sector. Banking field is one of them. Most of the customers use electronic banking for their routine transactions and practice the various electronic services provided by banks. The banking sector applying different ways to provide facilities and securities to a man regarding to money. Security issues play extremely important role in the implementation of technologies especially in banking sector. Further on it becomes more critical when it comes to the cyber security which is at the core of banking sector. After the arrival of Internet , this banking sector is totally change specially in terms of security because now money is in your hand on a single click. Now user has number of choices to manage his money with different kind of methods. There exist some risks and some ways that we can deal with those risks that we are going to emphasize in this paper.*

Keywords- *Cybercrime; Banking Sector; Financial Loss*

Introduction

Crime is a social and economic phenomenon and is old as the human society. Crime is a legal concept and has the sanction of the law. Crime or an offence is "a legal wrong that can be followed by criminal proceedings which may result into punishment". The hallmark of criminality is that, it is breach of the criminal law. Per Lord Atkin "the criminal quality of an act cannot be discovered by reference to any standard but one: is the act prohibited with penal consequences". Cyber-crime is a term used to broadly describe criminal activity in which computers or computer networks are a tool, a target, or a place of criminal activity and include everything from electronic cracking to denial of service attacks. It is also used to include traditional crimes in which computers or networks are used to enable the illegal activity. Cyber-crime is the latest and perhaps the most complicated problem in the cyber world. The Information Communication Technology (ICT) has revolutionized different aspects of human life and has made our lives simpler. It

THE SUSTAINABLE DEVELOPMENT FOR ALBANIANS' WELFARE THE CASE OF ELBASAN

Evisa DUKA

PhD Candidate

University of Tirana, Faculty of Social Science

Abstract: *Albania will soon be an integrated part of the European Union map, meanwhile it will continue to become involved and participate at the same time in the developments of world dimensions. The involvement in the European Union necessarily requires preparing the society to apply the pace and EU development model, which with its strategy aims to build a Europe with increasing social welfare. Social welfare is now considered as a common goal for all societies in the world. By appreciating the fact of great importance that this process has, as a result of the attempts and efforts of its definition as a concept but not only, even in the continuing struggle to identify its indicators to ensure thus its welfare for all mankind, I decided to perform this work with this topic.*

But on the other hand, the focus and the aim of all economic and social actors is the sustainable development as the only model that guarantees the welfare of human development through economic growth, taking care of the society, preserving and protecting the natural environment which are the challenges and objectives globally. The purpose of this paper is to argue the sustainable development as an inherent model of the sustainable development of the society can guarantee social welfare for the whole society.

This study will be based on the quantitative methods of data analysis through the 300 questionnaires, conducted in 2010 about the knowledge on sustainable development and sensitivity to environmental conditions, and also on method of secondary data analysis which consists of the study of existing national and international literature, including studies, reports and various assessments focused mainly on the context of Social welfare and how it can be achieved by the model of sustainable development.

Keyword: *Social welfare, Development, Sustainable development, Society.*

Introduction

Albania, after receiving the candidate status for the EU, will soon be an integrated part of the European Union map, meanwhile it will continue to be involved and participate at the same time in the developments of world dimensions. The inclusion in the European Union necessarily requires the preparation of the society

SUPPLY CHAIN INTEGRATION AND ORGANIZATIONAL TRUST: A HIERARCHICAL LINEAR MODELING APPROACH

Dr. Shpëtim ÇERRI

Faculty of Economics, "Aleksandër Xhuvani" University
Elbasan, Albania

Abstract: *The purpose of this paper is to analyze the relationship that exists between supply chain integration and organizational trust. Supply chain integration is a widely studied topic, but there are few studies that examine its impact on organizational trust. In this study, supply chain integration is conceptualized as comprised of six dimensions: customer integration, internal integration, supplier integration, technology and planning integration, measurement systems integration, and relationship integration. Employing a hierarchical approach, it tests the effect of each of these six dimensions on organizational trust. The testing results confirm the positive influence of supply chain integration dimensions on organizational trust.*

Keywords: *Supply chain integration, Organizational trust, Hierarchical linear modeling*

Introduction

The actual business environment is characterized by a fierce competition and high levels of dynamism. Thus, in order to gain and maintain the competitive advantage, firms need to engage in continuous collaboration and coordination with outer sources and partners. The concept of supply chain integration (SCI) is considered critical for creating and maintaining a sustainable competitive advantage. The supply chain is defined as "...a set of three or more entities (organizations or individuals) directly involved in the upstream and downstream flows of products, services, finances, and/or information from a source to a customer." The focus and attention on SCI has grown stronger because managers are becoming more and more aware that maximizing individual companies' performance may well lead to a sub-optimal performance for the supply chain as a whole. SCI includes the functional integration within the company as well as the outer integration with other partners of supply chain and the final customers. The integration itself is a continuous process that can be optimized only when all the members of supply chain work together to improve their relationships, being in the same time aware about their crucial role across all the levels of supply chain.

This study analyzes the impact of SCI dimensions, which are customer integration, internal integration, supplier integration, technology and planning integration, measurement systems integration, and relationship integration, on organizational trust. Each of these dimensions is conceptualized as latent construct, measured indirectly by manifest variables. The data were collected from 142 businesses operating in Albania, during summer 2014. They were analyzed using

COST MANAGEMENT IN SUPPLY CHAINS AND COST-DRIVEN PRICES, THE ALBANIAN CASE

Denada TOPUZI

Ass/Lecturer at "European University of Tirana"

"European University of Tirana", Tirana

Abstract: The globalization and global market integrated with the development of information technology represent many opportunities for the businesses to successfully compete worldwide by adopting their products to final customer's demands. With the market globalization and advances in technology the barriers in supply chains between suppliers of raw materials, producers and final customers are decreasing and new challenges are raised. Today e-commerce is rapidly growing, where suppliers and customers have no barriers to communicate and to establish successful business transactions through internet.

As the communication in supply chains is becoming easier the complexity of cost management hidden under these economical transaction are becoming a new challenge for the management accountants. Cost management in supply chains is becoming the primary objective for the management accountants, for the fact that the final price of the products will be directly dependent from the chain that is followed to arrive to the final customers where factors like international duties, tariffs, location , warehousing time , order fulfillment , supply chain planning and budgeting etc. will create the competitive advantage and increase company performance if managed efficiently.

The purpose of this research is to make a brief view of the cost management of supply chains in Albania and to study how the Albanian management accountants are adopted to successfully manage their costs through modern supply chain that the global economy and technological advances are dictating to businesses.

The methodology used in the preparation of this paper will be that of the utilizing the foreign and national literature, and the utilization of the questionnaires and interviews with the management accountants of selected businesses in Albania and other related parties to fulfill the questions raised by this research.

Key words: Cost management, supply chain, business performance, management accountant.

JEL classification: M40, M11.

Many definitions of Supply Chain Management have been given. The most used is the one provided by Handfield and Nichols: "The supply chain encompasses all activities associated with the flow and transformation of goods from raw materials stage, through to the end user, as well as the associated information flows. Material and information flow both up and down the supply chain. Supply chain management is the integration of these activities through improved supply chain

IMPLEMENTATION OF HUMAN RESOURCE CAPACITY WITH A GREAT OPPORTUNITY FOR THE DEVELOPMENT OF INSTITUTIONS

Prof.Assoc.Dr. Gjergji SHQAU
“Aleksander Xhuvani” University

Prof.Assoc.Dr Ali TURHANI
“Aleksander Xhuvani” University

Albana MADHI
PhD Candidate
“Aleksander Xhuvani” University

MsC. Elda SHQAU

Abstract: Human resources constitute one of the most important factors for achieving a higher performance than organizational and institutional. To this end, tracking the most important steps that require human resources would help to achieve this objective. One of these steps in this important process is the construction of appropriate characteristics based on the different conditions and situations that require organizations, institutions and places of work. This constitutes **the main objective** of this study.

Studies show the characteristics that between rate of job creation in skills of workers and the continued growth (χ) and sustained their continuous training (z) ; performance-institutional organizational job (Y) has seen a substantial increase. But these studies have shown that this relation is strong and right as well as results from studies conducted belonging to linear form with two variables: $y = C + \alpha\chi + \beta z$
 $y = 147 + 145\chi + 8z$

The article shows the benefits achieved by the continuous strengthening and development of institutions in general and in particular the local ones in different directions.

Among these benefits we can mention the increase of the level of communication with the population where these institutions operate, continuous improvement in performance of different services citizens benefit from them, efficiency and effectiveness of expenditures and investments made in service to the population, reducing bureaucracy and different delays for solving problems from the simplest to more complex ones, enhancing and improving decision-making process by stimulating and supported population in this process. Also in this article also identify other benefits of economic revitalization and social-cultural, tourism, environment, tend to expand businesses and jobs, reducing conflicts and dissatisfactions, between population and institutions etc..

The methodology of this article is based primarily on the collection of data from different sources and contemporary through which is established theoretical study. By following through, interviews and questionnaires with employees the most important of these institutions as well as data processing with various statistical programs and software is creating the most important part of the study that the research and analysis of problems by objectives. At the end of this article draw conclusions of the paper and provided several important recommendations that should be considered for continuous improvement of work in our institutions, especially in those of the local government where human resources problems are evident.

Keywords: skills, human resources, capacity, institutions, development, local government, jobs.

1. Introduction of the concepts of skills and human resource capacity

Recognition of skills of employees is a significant problem for organizations, businesses and different institutions. The skills of employees represent individual characteristics which define the workers capacity to contribute at the organization. Recognition of differences in skills and workmanships of the employees will be helpful for managers to select them better and after on to adapt them with the work place and their jobs. The employee skills are generally defined as intellectual and physical ones which are considered to be relatively stable over time. We say so because over time through training and learning intellectual skills grow, while with human growth boosted his physical skills (Shqau, 2006).

This means that if an employee is not placed at a job as per the skills that he possesses then he will not revile all the possibilities that this job demands or otherwise we say that he is limited, regardless of the salary that may have one job. Updating the individual skills with the job characteristics it's an important and difficult task (Kasimati, 2010).

There are persons who have: limited abilities and the workplace require more skills than the workplace where they work. Both cases create problems because they are workers who do not give the adequate performance for that job, thus impeding the work of others in particular and the organization in general at different indicators (Llaci, 2009). For these persons it's recommended to be sent to places of work that belongs to them or to be trained more. On the other hand the characteristics of the workplace must be changed, and to adapt the employee to have the opportunities to give all his skills, or to be sent at another job which requests more skills (Koxhaj, 2008). Given these consequences we can understand how important is the integration of the employees by skills, and to avoid the problems it must be studied from the beginning. For this purpose the Human Resources Department has a very important task in the process of recruitment, selection, choice and integration (Manxhari, 2010).

ENTREPRENEURSHIP CHALLENGES AND INNOVATION AS A MAIN FACTOR IN BUSINESS SUCCESS

Ina SEJDINI

Phd Candidate

Department of Economics, Faculty of Economy

"A.Xhuvani" University, Elbasan, Albania

Jonida BIÇOKU

Phd Candidate

Department of Economics, Faculty of Economy

"A.Xhuvani" University, Elbasan, Albania

Abstract: *Entrepreneurship is one of the most dynamic forces in the economy of a country. A successful entrepreneurship can't be understood without innovation. Innovation is a major factor of economic growth and performance in the globalised economy. Innovation is the process of introducing new ideas, devices, or methods, is the launching of new standards, is the activity of people and organizations to change themselves and the environment. Successful innovation is a top-level management process. Innovation is an integral component of a vital importance for enterprises in adapting to today's dynamic market environment. To produce innovations that result in performance advantages to the company, these processes must be properly managed within the organization. Most enterprises become conservative and are unable to see the benefits or are unwilling to take the risks associated with entrepreneurial activities. The object of this study is to cast an overview of the new venture of the city of Elbasan. A questionnaire is conducted with entrepreneurs in the various businesses of Elbasan city, focused on innovation as the biggest challenge that they must face to reach the key factors that would affect the success of their venture. The main results of the questionnaire conducted mainly with the owners of businesses, provide an insight into the factors that determine the success and growth of new enterprises, especially looking at the motivation to start the own business, barriers and risks encountered during the first years of existence, the actual situation of enterprises, and business plans for the future development. Research in this paper aims to reconcile theory and practice around the adoption of new technology in small and medium sized enterprises in the city of Elbasan. In this paper, interesting implications are explores for entrepreneurs, to afford the challenges of this century.*

Keywords: *innovation, entrepreneurship ,enterprises, development*

JEL codes: *O30 ,L26,L32, O32*

Introduction

THE EFFECTS OF REMITTANCES DECREASE IN ALBANIA

Najada KOKONESHI

Abstract: The current warrantor model of the economic growth in Albania, based mainly on the remittances which for some years have been higher than 1 billion Euros per year, soft loans and foreign aid that we have benefited, has been an important artery/factor that has supplied regularly our economy. The increasing mobility of capital work in the world, is raising significantly the inflow of remittances in order to become the second financial source after the foreign direct investments as external funds for developing countries. Emigration in Albania is considered as the most common strategy in order to survive and it has been a way to escape from unemployment and from other economic difficulties caused by the transition to a real market economy. Due to this mass emigration, remittances are considered a significant factor for Albania, because Albania is among the countries that receive more remittances in the Southern Europe region.

I. CLASSIFICATION OF REMITTANCES

According to the classification of Wahab, referred to Giudici (1998), there are four types of remittances⁶¹³

-**The potencial remittance**, which represents the total savings of an emigrant. This can be calculated by deducting them from the emigrant's personal with his necessary expenses in his destination country.

-**The contant remittance**, that represents the minimum amount of the income which emigrants send in order to help their families in their birthplace.

-**The additional remittance** represents the supplementary amount of the incomes versus the constant amount sent from an emigrant. It is not used to meet his family's basic essential needs, but it intends to be used in manufacturing or financial activities.

- **The saving remittance**, that represents the amount of savings which an emigrant has no intention to send them as a remittance, but he prefers to invest in his destination country.

Remittances can be expressed by the following formulas:

$$Y = C + e + S$$

Each letter stands for:

Y = the emigrant's incomes in his destination country;

C = the necessary consumption of an emigrant;

e = the necessary needs of the emigrant's family;

S = emigrant's savings;

We can summarize different types of remittances as below :

$$R = e + aS + (1 - a)S = e + S$$

⁶¹³ Wahaba, J. (2005) "what is the Macroeconomic Impact of International Remittances on the Home country?", chapter 9 in *Migration, Remittances and Development*, OECD

A general view on financing of Higher Education Institutions in Europe

Dr. Ulpian HOTI

Chancellor

Aleksander Moisiu University of Durres

ulpian.hoti@yahoo.com

Prof. As. Dr. Ilir HOTI

Dean of the Faculty of Business

Aleksander Moisiu University of Durres

Abstract

Education is a major contributor to national wealth and economic development in emerging economies. In addition, the increasingly competitive external environment has called for continuous improvement of financial policies, budgeting and resource allocation by the government of developing countries. The fund raising and financial support should assure quality standards and converge with international framework and criterion of education systems. The emerging economies are the most attractive share of global markets. In order to maintain global relevance, internationalization of both teaching and research has become critical objectives for most tertiary institutions. In this paper we propose some guideline of financial mechanism for higher education institutions.

Key Terms: *Higher Education Markets, Higher Education Funding, Institutional Management and Governance, Education Policy, Accreditation, Quality Platform.*

Introduction

The financial scheme for fund raising in Higher Education Institutions is quite complex that intricates a portfolio of combinations from pure market mechanics to philanthropic largesse.

The higher education market in emerging economies is uncertainly driven by taxpayer subsidies and private financing. But the diseconomies of higher education are closely associative with low quality level of programs, non sustainable and non compatible curricula, and with low professional and ethical profile of human resources of middle/high positions (*Shaffer, Wright*).

All the government policy has been without a sound strategy where financially was engineered under the assumption that higher education is an inadequate market. There is an unsatisfactory quality level, low rate of going



9 789928 425225

ISBN