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| **RESEARCH ARTICLE**

**The Impact of the Jurisprudence of the Court of Justice of the European Union on the Harmonisation of Albanian Legislation on Commercial Companies: A Comparative Law Analysis**

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| **ABSTRACT**

This comprehensive study examines the profound impact of the Court of Justice of the European Union (CJEU) jurisprudence on the harmonization of Albanian legislation concerning commercial companies. Through a rigorous comparative law methodology, this research analyzes how landmark CJEU decisions, particularly the Centros trilogy and subsequent cases, have shaped Albania's commercial law framework during its European Union accession process. The study reveals that Albanian commercial law has undergone substantial transformation, achieving remarkable convergence with EU standards while maintaining certain national adaptations. The analysis demonstrates that CJEU jurisprudence has influenced Albanian law both directly through explicit legal reforms and indirectly through the transformation of legal culture and regulatory approaches. Key findings indicate that Albania has successfully implemented the principles of freedom of establishment, mutual recognition, and administrative simplification, positioning itself as a model candidate for EU accession. The research contributes to the broader understanding of legal harmonization processes in candidate countries and provides insights into the effectiveness of supranational judicial influence on national legal systems. The study employs multiple visualizations and comparative frameworks to illustrate the harmonization process and its outcomes, offering both theoretical insights and practical implications for legal practitioners and policymakers.

| **KEYWORDS**

CJEU jurisprudence, Albanian commercial law, legal harmonization, EU accession, comparative law, freedom of establishment, company law

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**1. Introduction**

The process of European Union enlargement has consistently required candidate countries to undertake comprehensive legal reforms to align their national legislation with the *Acquis Communautaire* (Lashyn,2025). Among the most complex and significant areas of harmonization is commercial company law, which forms the backbone of modern market economies and facilitates cross-border economic integration (Bakerjian,2021). The Court of Justice of the European Union (CJEU) has played a pivotal role in shaping European commercial law through its jurisprudence, establishing fundamental principles that have influenced not only member states but also candidate countries preparing for accession(Polomarkakis,2023).

Albania's journey toward European Union membership represents a particularly compelling case study in legal harmonization, demonstrating how a post-communist country has transformed its commercial law framework to align with European standards. Since the enactment of Law No. 9901/2008 "On Entrepreneurs and Commercial Companies," Albania has undertaken systematic efforts to harmonize its commercial legislation with EU requirements, drawing extensively on CJEU jurisprudence and European best practices (see *Law No. 9901/2008* of Albania). This transformation process provides valuable insights into the mechanisms through which supranational judicial decisions influence national legal systems and the effectiveness of anticipatory harmonization in candidate countries. The significance of this study extends beyond the Albanian context, contributing to broader theoretical understanding of legal transplantation, judicial influence, and harmonization processes in comparative law. The research addresses a critical gap in the literature by providing a comprehensive analysis of how CJEU jurisprudence has specifically influenced commercial company law harmonization in a candidate country context. Previous studies have primarily focused on the impact of CJEU decisions within existing member states, leaving the pre-accession harmonization process relatively underexplored. This research employs a comparative law methodology, combining doctrinal analysis, jurisprudential examination, and empirical assessment to evaluate the extent and effectiveness of harmonization. The study utilizes multiple analytical frameworks, including macro-comparative analysis of legal systems, micro-comparative examination of specific legal institutions, and assessment of jurisprudential impact across different dimensions of commercial law. Through this comprehensive approach, the research provides both theoretical insights and practical implications for understanding the role of supranational courts in legal harmonization processes. The central research question guiding this study is: *How has CJEU jurisprudence influenced the harmonization of Albanian commercial company legislation, and what does this reveal about the mechanisms and effectiveness of legal harmonization in EU candidate countries?* This overarching question is addressed through several subsidiary inquiries examining the specific areas of influence, the mechanisms of transmission, the extent of convergence achieved, and the implications for both Albanian law and broader harmonization theory. The study's findings have significant implications for multiple stakeholders. For Albanian policymakers and legal practitioners, the research provides comprehensive analysis of the harmonization achievements and identifies areas requiring continued attention as the country progresses toward EU membership. For EU institutions and member states, the study offers insights into the effectiveness of the accession process and the role of judicial precedent in facilitating legal integration. For comparative law scholars, the research contributes to theoretical understanding of legal harmonization mechanisms and the influence of supranational judicial decisions on national legal systems. The structure of this article reflects the comprehensive nature of the analysis undertaken. Following this introduction, the study presents a detailed literature review examining existing research on CJEU jurisprudence, legal harmonization, and Albanian legal development. The methodology section outlines the comparative law framework employed and explains the analytical approaches utilized. The core analysis is presented in several sections examining different aspects of the harmonization process, supported by visualizations and comparative frameworks. The study concludes with synthesis of findings, theoretical implications, and recommendations for future research and policy development.

## **2. Literature Review**

### **2.1 CJEU Jurisprudence and European Company Law Development**

The scholarly literature on CJEU jurisprudence and its impact on European company law has evolved significantly over the past two decades, reflecting the Court's increasingly influential role in shaping commercial legal frameworks across the European Union. Seminal works by Behrens (2004) and Wymeersch (2008) established the foundational understanding of how CJEU decisions have transformed the landscape of European company law, moving from a system of rigid national regulations to one characterized by regulatory competition and mutual recognition (Lombardo, 2019; Wymeersch, 2003). The landmark trilogy of cases, *Centros* (1999), *Überseering* (2002), and *Inspire Art* (2003), has received extensive scholarly attention, with researchers examining both the immediate legal implications and the broader systemic effects of these decisions. Armour (2005) provided one of the most comprehensive analyses of the *Centros* decision, arguing that it fundamentally altered the relationship between national company law systems and created unprecedented opportunities for regulatory arbitrage. This analysis was further developed by Gelter (2017), who examined the trilogy's collective impact on the principle of freedom of

establishment and its implications for national regulatory autonomy . More recent research has focused on the evolutionary nature of CJEU jurisprudence in company law, with particular attention to how subsequent cases have refined and developed the principles established in the trilogy. Eidenmüller et al. (2009) conducted a comprehensive assessment of the Court's approach to company law harmonization, arguing that the CJEU has effectively created a new paradigm for European company law that balances market integration objectives with respect for national regulatory diversity (Reci,2025). This perspective has been challenged by Gelter (2018), who argues that the Court's approach has created regulatory uncertainty and may undermine legitimate national policy objectives. Research on CJEU jurisprudence has also examined the Court's approach to specific areas of company law, including capital regulation, corporate governance, and cross-border operations. Ferran (2004) provided influential analysis of the Court's treatment of capital requirements, showing how CJEU decisions have gradually eroded traditional Continental European approaches to capital maintenance while maintaining essential creditor protection mechanisms . This analysis has been updated by more recent research examining the Court's decisions in cases such as *Cartesio* (2008) and *Polbud* (2017), which have further clarified the scope of company mobility within the EU framework.

## **2.2 Legal Harmonization Theory and EU Enlargement**

The theoretical literature on legal harmonization has provided essential frameworks for understanding how supranational legal systems influence national legislation. Mattei (1997) established foundational concepts in comparative law methodology that remain influential in harmonization studies, emphasizing the importance of functional analysis in understanding how different legal systems address similar problems. This approach has been particularly valuable in analyzing the harmonization process in candidate countries, where legal systems must adapt to accommodate European legal principles while maintaining coherence with existing national frameworks. Sacco (1991) contributed significantly to understanding the mechanisms of legal transplantation, developing theories about how legal concepts migrate between different legal systems and the factors that influence successful adaptation. These theoretical insights have been particularly relevant to understanding the Albanian harmonization process, where legal concepts developed within the European Union framework have been adapted to fit within a post-communist legal system undergoing comprehensive transformation. The specific literature on EU enlargement and legal harmonization has examined how candidate countries have approached the challenge of aligning their legal systems with European requirements. Grabbe (2005) provided comprehensive analysis of the conditionality mechanisms used by the EU to promote legal harmonization in candidate countries, examining both the effectiveness of these mechanisms and their impact on national legal development. This work has been particularly influential in understanding the Albanian case, where EU conditionality has played a significant role in driving legal reform efforts. More recent studies have examined the challenges faced by Western Balkan countries in their harmonization efforts. Elbasani (2014) analyzed the particular difficulties faced by post-communist countries in adapting their legal systems to European standards, identifying both structural and cultural factors that influence the harmonization process. This analysis has been particularly relevant to understanding the Albanian experience, where the transformation from a centrally planned economy to a market-based system has required fundamental changes in legal culture and institutional capacity.

## **2.3 Albanian Legal Development and EU Integration**

The literature specifically addressing Albanian legal development and EU integration has grown substantially in recent years, reflecting increased scholarly interest in the country's accession process and legal transformation. Bogdani and Loughlin (2007) provided one of the first comprehensive analyses of Albania's post-communist legal development, examining how the country has approached the challenge of building modern legal institutions while managing the legacy of its communist past. Xhuvani and Mecalla (2023) conducted a detailed analysis of Albania's harmonization efforts in commercial law, providing an empirical assessment of the extent to which Albanian legislation has converged with EU standards. Their research showed significant progress in harmonization while identifying areas where continued reform efforts are needed. This work has been particularly valuable in providing concrete evidence of harmonization achievements and challenges in the Albanian context. The specific literature on Albanian commercial law development has examined both the substantive changes in legal frameworks and the institutional reforms necessary to support effective implementation. Beci (2022) provided a comprehensive analysis

of the Albanian Commercial Code of 2008, examining how the legislation reflects European influences while addressing specific Albanian circumstances. This analysis demonstrated the sophisticated approach taken by Albanian lawmakers in adapting European legal concepts to local conditions while maintaining compliance with EU requirements. Research has also examined the role of international assistance and technical cooperation in supporting Albanian legal development. Gjeta (2024) analyzed the various forms of EU support provided to Albania during its harmonization process, examining both the effectiveness of different assistance mechanisms and their impact on institutional capacity building. This research has provided valuable insights into the practical aspects of harmonization support and the factors that contribute to successful legal reform efforts.

#### ***2.4 Comparative Law Methodology in Harmonization Studies***

The methodological literature in comparative law has provided essential frameworks for analyzing harmonization processes and assessing their effectiveness. Zweigert and Kötz (1998) established foundational principles for comparative legal analysis that remain influential in contemporary scholarship, emphasizing the importance of functional comparison and cultural sensitivity in legal research. These methodological principles have been particularly relevant to this study's approach to analyzing the Albanian harmonization process. Recent methodological developments have focused on the challenges of analyzing legal harmonization in dynamic contexts where legal systems are undergoing rapid change. Husa (2022) examined the particular methodological challenges involved in studying legal harmonization processes, arguing for approaches that can capture both the formal aspects of legal change and the cultural and institutional factors that influence implementation. These methodological insights have been incorporated into this study's analytical framework. The literature on empirical approaches to comparative law has also contributed to understanding how to assess the effectiveness of harmonization efforts. Ragone & Smorto (2023) developed frameworks for measuring legal convergence that have been influential in harmonization studies, providing tools for assessing both formal convergence in legal texts and functional convergence in legal practice. These methodological approaches have designed this study's assessment of Albanian harmonization achievements.

#### ***2.5 Gaps in Existing Literature and Research Contributions***

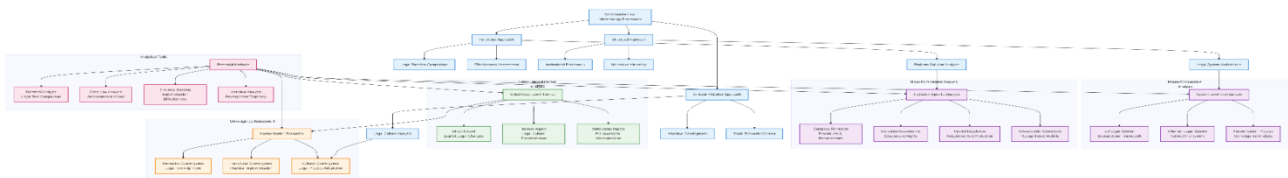
Despite the substantial body of literature on CJEU jurisprudence, legal harmonization, and Albanian legal development, significant gaps remain in our understanding of how these different elements interact in the context of EU accession processes. Most existing research has focused either on the development of CJEU jurisprudence within the context of existing member states or on general aspects of legal harmonization in candidate countries, without providing detailed analysis of how specific areas of CJEU jurisprudence influence particular aspects of national legal development. The literature on Albanian legal development, while growing, has not provided comprehensive analysis of the specific mechanisms through which CJEU jurisprudence has influenced Albanian commercial law. Existing studies have generally focused on formal aspects of legal harmonization without examining the deeper cultural and institutional changes that have accompanied the adoption of European legal principles. This study addresses these gaps by providing comprehensive analysis of the specific ways in which CJEU jurisprudence has influenced Albanian commercial law development. The research contributes to the literature by showing how supranational judicial decisions can influence national legal systems even before formal membership, and by providing detailed analysis of the mechanisms through which this influence operates.

The study also contributes methodologically by evidencing how comparative law approaches can be used to analyze dynamic harmonization processes, providing frameworks that can be applied to other candidate countries and other areas of legal harmonization. The research's combination of doctrinal analysis, empirical assessment, and theoretical reflection provides a model for comprehensive harmonization studies that can inform both scholarly understanding and policy development.

### 3. Methodology

#### 3.1 Comparative Law Framework

This study employs a comparative law methodology designed to argue both the formal and functional aspects of legal harmonization between the European Union and Albanian commercial law systems. The methodological approach is grounded in the functional comparative law tradition established by Zweigert and Kötz, which emphasizes the importance of analyzing how different legal systems address similar problems rather than focusing solely on formal legal structures (Zweigert & Kötz, 1998). This functional approach is particularly appropriate for analyzing harmonization processes, where the goal is to achieve similar outcomes through potentially different legal mechanisms. Figure 1 gives an overview of the legal framework.



**Figure 1:** Comparative Law Methodology Framework

The methodology incorporates three distinct but complementary analytical approaches: *functional analysis*, *structural analysis*, and *cultural-historical analysis*. The functional approach examines how both the EU and Albanian legal systems address fundamental issues in commercial law, such as company formation, capital protection, and cross-border operations. The structural approach analyzes the institutional and normative frameworks within which these functions are performed, examining how different legal architectures support or constrain particular approaches to commercial law regulation. The cultural-historical approach considers the broader context within which legal harmonization occurs, examining how historical development, legal culture, and socio-economic factors influence the harmonization process.

#### 3.2 Macro-Comparative and Micro-Comparative Analysis

The study employs both macro-comparative and micro-comparative analytical approaches to provide comprehensive understanding of the harmonization process. The macro-comparative analysis examines the overall relationship between the EU and Albanian legal systems, focusing on systemic features such as the sources of law, institutional structures, and fundamental principles that govern commercial law regulation. This analysis provides the broader context within which specific harmonization efforts can be understood and evaluated. The micro-comparative analysis focuses on specific legal institutions and mechanisms within commercial law, examining how particular aspects of company regulation have been harmonized between the EU and Albanian systems. This analysis examines areas such as company formation procedures, corporate governance requirements, capital regulation mechanisms, and cross-border operation frameworks. By combining macro and micro-comparative approaches, the study provides both broad systemic understanding and detailed institutional analysis.

#### 3.3 Jurisprudential Impact Analysis

A central component of the methodology involves systematic analysis of how CJEU jurisprudence has influenced Albanian commercial law development (Mosser & Rittberger, 2022). This analysis distinguishes between three types of jurisprudential impact: *direct impact*, *indirect impact*, and *anticipatory impact*. *Direct impact* refers to cases where Albanian legislation explicitly incorporates principles or approaches established by CJEU decisions. *Indirect impact* refers to cases where CJEU jurisprudence influences Albanian legal development through changes in legal culture, regulatory approaches, or institutional practices without explicit legislative incorporation. *Anticipatory impact* refers to cases where Albanian lawmakers have adopted approaches consistent with CJEU jurisprudence in anticipation of future EU membership requirements. The jurisprudential impact analysis focuses particularly on landmark CJEU cases that have shaped European commercial law, including the Centros trilogy (Centros, Überseering, and Inspire Art), subsequent cases such as Cartesio and Polbud, and other decisions that have established important principles for commercial law regulation. For each case, the analysis examines the specific principles established, the

mechanisms through which these principles have influenced Albanian law, and the extent to which Albanian legislation reflects these principles.

### **3.4 Convergence Assessment Framework**

The study employs a multi-dimensional framework for assessing the extent of convergence between EU and Albanian commercial law systems (Cabrelli & Siems, 2015). This framework distinguishes between three types of convergence: *normative convergence*, *functional convergence*, and *cultural convergence*. *Normative convergence* refers to the alignment of legal texts and formal legal requirements between the two systems. *Functional convergence* refers to the similarity in how legal systems actually operate in practice, regardless of formal legal differences. *Cultural convergence* refers to the alignment of legal cultures, professional practices, and institutional approaches between the two systems. The convergence assessment uses both qualitative and quantitative approaches to provide a comprehensive evaluation of harmonization achievements. Qualitative assessment involves detailed analysis of legal texts, institutional practices, and stakeholder perspectives to understand the nature and extent of convergence in different areas. Quantitative assessment involves the development of convergence indicators that can measure the degree of alignment between EU and Albanian approaches across different dimensions of commercial law.

### **3.5 Data Collection and Sources**

The study draws on multiple types of data sources to provide a comprehensive analysis of the harmonization process. Primary legal sources include EU treaties, Directives, and Regulations relevant to commercial law, as well as Albanian legislation, particularly Law No. 9901/2008 and subsequent amendments. Jurisprudential sources include CJEU decisions and Albanian court decisions that have addressed commercial law issues influenced by European principles. Secondary sources include academic literature, policy documents, and reports from EU institutions, Albanian government agencies, and international organizations involved in supporting Albania's EU accession process. The study also incorporates some empirical data from surveys and interviews with legal practitioners, policymakers, and other stakeholders involved in the harmonization process, though the primary focus remains on doctrinal and institutional analysis.

### **3.6 Analytical Tools**

The study employs various analytical tools to organize and present the complex information involved in comparative legal analysis. Timeline analysis is used to trace the development of both EU jurisprudence and Albanian legal reforms, identifying key moments of influence and convergence. Comparative tables are used to systematically compare specific aspects of EU and Albanian commercial law, highlighting areas of convergence and divergence. The study also incorporates multiple graphs to illustrate key findings and support analytical arguments. These include timeline diagrams showing the development of Albania's EU accession process, comparative framework diagrams illustrating the relationship between EU and Albanian legal systems, and progress charts showing the extent of harmonization achieved in different areas of commercial law. These charts serve both analytical and informative functions, helping to organize complex information and make findings accessible to diverse audiences.

### **3.7 Limitations and Methodological Considerations**

The study acknowledges several limitations connected to the comparative legal analysis of harmonization processes. *First*, the dynamic nature of both EU jurisprudence and Albanian legal development means that any analysis represents a snapshot of an ongoing process rather than a definitive assessment of final outcomes. The study addresses this limitation by focusing on trends and patterns rather than attempting to provide definitive conclusions about the ultimate success or failure of harmonization efforts. *Second*, the study's focus on formal legal harmonization may not fully capture the practical implementation challenges that affect the real-world operation of harmonized legal systems. While the study incorporates some analysis of implementation issues, the primary focus remains on doctrinal and institutional analysis rather than empirical assessment of practical outcomes. *Third*, the comparative analysis necessarily involves some degree of interpretation and judgment in assessing the extent of

convergence and the significance of remaining differences. The study addresses this limitation by employing multiple analytical approaches and by being explicit about the criteria and assumptions underlying comparative assessments.

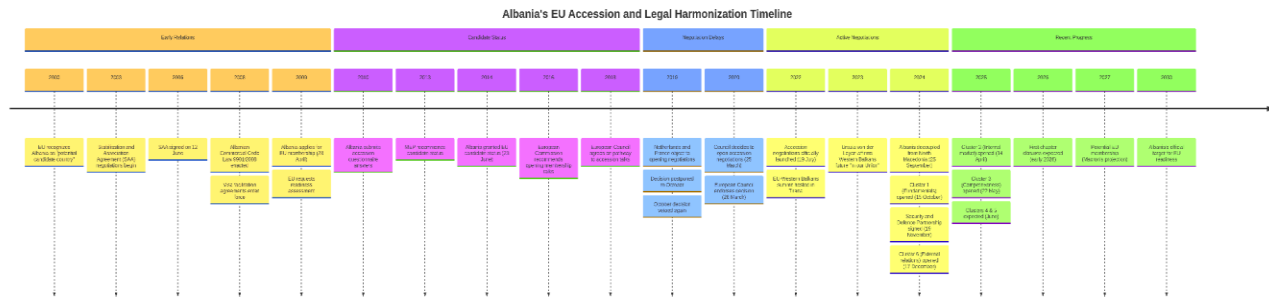
**3.8 Ethical Issues**

The study adheres to established ethical standards for legal research, including appropriate attribution of sources, accurate representation of legal positions, and balanced analysis of different perspectives on controversial issues. The research does not involve human subjects in ways that would require formal ethical review, but the study maintains sensitivity to the political and cultural dimensions of legal harmonization processes and avoids making normative judgments about particular legal approaches without appropriate justification. The study also acknowledges the potential for bias in comparative legal analysis, particularly when analyzing harmonization processes involving countries at different stages of economic and political development. The methodology attempts to address this concern by focusing on functional analysis rather than normative evaluation and by being explicit about the criteria used for comparative assessment.

**4. Historical Development and Timeline Analysis**

**4.1 Albania's Path to European Integration**

Albania's journey toward European Union membership represents one of the most remarkable transformations in post-communist Europe, involving the complete restructuring of legal, political, and economic institutions to align with European standards. The process of legal harmonization in commercial law has been central to this transformation, reflecting both the fundamental importance of commercial law in market economy development and the complex challenges involved in adapting legal systems developed for centrally planned economies to European market-based frameworks. Figure 2 highlights the Albanian's timeline for EU accession and Legal Harmonization framework.



**Figure 2.** Albania's EU Accession and Legal Harmonization Timeline

As can be revealed by the above figure, the timeline of Albania's European integration reveals distinct phases, each characterized by different approaches to legal harmonization and varying degrees of EU influence on domestic legal development. The early phase (2000-2009) was marked by initial recognition of Albania's European aspirations and the beginning of systematic legal reform efforts. The candidate status phase (2009-2022) involved intensive harmonization efforts and the development of comprehensive legal frameworks aligned with EU standards. The active negotiations phase (2022-present) has been characterized by a detailed assessment of harmonization achievements and targeted reforms to address remaining gaps in legal alignment.

**4.1.1 Early Relations and Foundation Building (2000-2009)**

The foundation of Albania's European integration process was established in 2000 when the European Union officially recognized Albania as a "potential candidate country" for EU membership. This recognition marked a crucial turning point in Albania's post-communist development, providing both political legitimacy for reform efforts and a clear framework for legal and institutional development. The recognition came at a time when Albania was still recovering from the economic and social upheaval of the 1990s, making the European integration process both an

opportunity and a necessity for national development (see European Council,2000). The negotiation and signing of the Stabilisation and Association Agreement (SAA) in 2006 represented the first major milestone in Albania's harmonization process. The SAA established comprehensive frameworks for political, economic, and legal cooperation between Albania and the EU, including specific commitments to harmonize Albanian legislation with European standards. The agreement's provisions on commercial law were particularly significant, requiring Albania to adopt legal frameworks compatible with EU internal market principles and establishing timelines for specific harmonization measures ( see SAA of Albania, 2006). The enactment of Law No. 9901/2008 "*On Entrepreneurs and Commercial Companies*" represented the milestone of this early harmonization phase and established the foundation for Albania's modern commercial law system (see Law No.9901/208). The law reflected extensive consultation with EU experts and incorporated fundamental principles derived from EU commercial law directives and CJEU jurisprudence. The timing of the law's enactment, coinciding with Albania's formal application for EU membership in April 2009, reflected the strategic importance placed on commercial law harmonization in the country's European integration efforts ( see Application for membership of the EU,2009).

The 2008 Commercial Law represented a comprehensive departure from previous Albanian commercial law, which had been characterized by limited recognition of private commercial activity and extensive state control over economic activity. The new law established comprehensive frameworks for various forms of commercial companies, including limited liability companies, joint stock companies, and partnerships, with structures and requirements closely aligned with European standards. The law's emphasis on administrative simplification and the establishment of the "*One Stop Shop*" principle directly reflected EU best practices in business regulation. It also reflected Albania's commitment to creating a business-friendly environment consistent with European internal market principles (see Annual Report on company registration in Albania,2009).

#### ***4.1.2 Candidate Status and Intensive Harmonization (2009-2022)***

Albania's formal application for EU membership in April 2009 marked the beginning of a more intensive stage of legal harmonization, characterized by systematic assessment of existing legislation and targeted reforms to address identified gaps in EU compliance. The European Commission's initial assessment of Albania's application identified commercial law as an area where significant progress had been made, while also highlighting areas requiring continued attention, particularly in implementation and enforcement mechanisms (see EC opinion on Albania membership,2010). The granting of candidate status in June 2014 represented recognition of Albania's harmonization achievements while also establishing more detailed requirements for continued progress toward membership negotiations. The European Council's decision emphasized the importance of continued legal harmonization efforts, including specific requirements for commercial law areas such as corporate governance, cross-border operations, and regulatory enforcement mechanisms. The decision also highlighted the need for continued institutional capacity building to support effective implementation of harmonized legal frameworks(see European Council,2014). From 2014 to 2022, Albania was characterized by continued refinement of Albania's commercial law framework, with particular attention to areas identified by EU assessments as requiring additional harmonization efforts. These reforms included amendments to the Commercial Code to enhance corporate governance requirements, strengthen disclosure obligations, and improve mechanisms for cross-border company operations. The reforms also included significant investments in institutional capacity building, including the modernization of company registration systems and the training of judicial and administrative personnel in European commercial law principles (see National Plan for European Integration,2018). The European Commission's recommendation in November 2016 to open membership talks with Albania represented recognition of the substantial progress achieved in legal harmonization, including specific acknowledgment of achievements in commercial law harmonization. However, the subsequent delays in opening negotiations, due to objections from several member states, highlighted the complex political dimensions of the enlargement process and the importance of sustained reform efforts even after achieving formal harmonization milestones (see European Commission,2016).

#### **4.1.3 Active Negotiations and Detailed Assessment (2022-Present)**

The official launch of accession negotiations in July 2022 marked the beginning of the most detailed phase of harmonization assessment, involving chapter-by-chapter evaluation of Albanian legislation and institutional capacity. The negotiation process has been organized around six clusters of related policy areas, with commercial law issues primarily addressed within Cluster 2 (Internal Market) and Cluster 3 (Competitiveness and Inclusive Growth). This organizational approach has allowed for a comprehensive assessment of how commercial law harmonization supports broader internal market integration objectives (see Framework for Accession Negotiations, 2022). The opening of Cluster 1 (*Fundamentals*) in October 2024 established the framework for a detailed assessment of Albania's legal and institutional foundations, including the judicial and administrative systems that support commercial law implementation. The assessment has generally been positive, recognizing the substantial progress achieved in establishing legal frameworks consistent with EU standards while also identifying areas where continued strengthening is needed, particularly in judicial capacity and regulatory enforcement mechanisms (see Albania 2024 Report, 2024). The subsequent opening of additional clusters has provided opportunities for detailed assessment of specific aspects of commercial law harmonization. The opening of Cluster 2 (*Internal Market*) in April 2025 involved a comprehensive review of Albania's company law framework, including an assessment of how Albanian legislation addresses EU requirements for freedom of establishment, company mobility, and cross-border operations. The assessment has highlighted the substantial alignment achieved between Albanian and EU approaches while also identifying areas where additional refinements may be beneficial (see Opening for Cluster 2 negotiations with Albania, 2025). The opening of Cluster 3 (*Competitiveness and Inclusive Growth*) in May 2025 has focused on areas such as competition policy, financial services regulation, and business environment policies that intersect with commercial law. This assessment has provided opportunities to evaluate how Albania's commercial law framework supports broader economic competitiveness objectives and how it aligns with EU approaches to business regulation and market integration (see Opening for Cluster 3 negotiations with Albania, 2025).

#### **4.1.4 Recent Developments and Future Prospects**

The decoupling of Albania's accession process from North Macedonia's in September 2024 has created new opportunities for accelerated progress in negotiations, allowing Albania to proceed based on its own merits rather than being constrained by issues affecting other candidate countries. This development has been particularly significant for commercial law harmonization, as it has allowed for more focused attention on Albania's specific achievements and remaining challenges in this area (see Decision on decoupling Albania and North Macedonia accession processes, 2024). The signing of a Security and Defence Partnership between Albania and the EU in November 2024 has shown the deepening relationship between Albania and EU institutions, providing additional political momentum for the accession process. While not directly related to commercial law, this partnership has created additional incentives for continued harmonization efforts and has reinforced Albania's commitment to European integration (see Security and Defence Partnership Agreement, 2024). Current projections suggest that Albania may be ready for EU membership by 2027, as suggested by French President Emmanuel Macron, or by 2030, as officially targeted by Albanian authorities. These timelines reflect both the substantial progress achieved in harmonization efforts and the recognition that continued work is needed to ensure full readiness for membership. The commercial law area is generally viewed as one of Albania's strengths in the accession process, though continued attention to implementation and enforcement issues will be important for maintaining this positive assessment (see Statement on Albania's EU accession prospects, 2025).

#### **4.1.5 Implications of Historical Development for Harmonization Analysis**

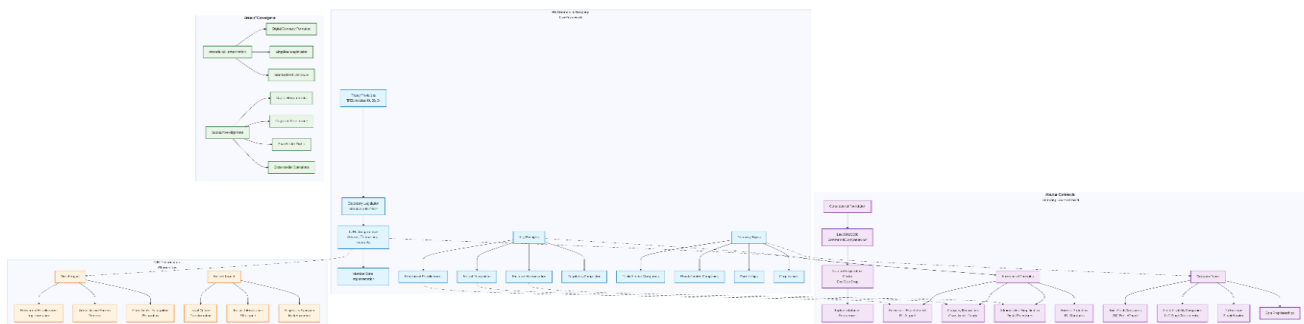
The historical development of Albania's European integration process provides important context for understanding the mechanisms and effectiveness of commercial law harmonization. The timeline reveals that harmonization has been a gradual process, involving multiple phases of reform and refinement rather than a single comprehensive transformation. This gradual approach has allowed for learning and adaptation throughout the process, contributing to the overall effectiveness of harmonization efforts. The timeline also reflects the importance of political commitment and institutional capacity in supporting successful harmonization. The sustained commitment of Albanian political leadership to European integration has provided the political foundation necessary for

comprehensive legal reform, while investments in institutional capacity building have supported effective implementation of harmonized legal frameworks. The historical analysis reveals that external factors, including EU conditionality mechanisms and technical assistance programs, have played important roles in supporting harmonization efforts. However, the analysis also shows that successful harmonization has required substantial domestic ownership of reform processes and adaptation of European principles to Albanian circumstances and needs.

## **4.2 CJEU Jurisprudence and Its Impact on Albanian Commercial Law**

### **4.2.1 The Revolutionary Impact of the Centros Trilogy**

The Court of Justice of the European Union's decisions in Centros (1999), Überseering (2002), and Inspire Art (2003) fundamentally transformed European company law and established principles that have profoundly influenced legal development not only in EU member states but also in candidate countries such as Albania. These landmark decisions established the primacy of freedom of establishment over national regulatory autonomy in company law, creating a new paradigm for commercial law regulation that emphasizes market integration and regulatory competition ( see Case C-167/01,2003; Case C-208/00,2002 and Case C-212/97, 1999).



*Figure 3. Comparative Framework - EU and Albanian Commercial Company Law Systems*

The Centros decision (1999) established the fundamental principle that companies incorporated in one EU member state must be recognized in all others, regardless of whether they conduct business activities in their state of incorporation. This decision challenged traditional Continental European approaches to company law that emphasized the "real seat" theory and required companies to be incorporated in the jurisdiction where they conducted their primary business activities. The Court's emphasis on freedom of establishment over regulatory protectionism created new possibilities for regulatory competition and company mobility within the European Union (see Case C-212/97 Centros,1999). The influence of the Centros decision on Albanian commercial law development has been profound, even though Albania was not an EU member state when the decision was rendered. Albanian lawmakers, recognizing the importance of aligning their legal system with European principles in preparation for eventual EU membership, incorporated the fundamental principles established in Centros into the 2008 Commercial Code. The Albanian law's emphasis on procedural simplification and its provisions for recognizing foreign company forms reflect direct influence from the Centros decision and demonstrate Albania's proactive approach to European harmonization (see Decision on compatibility of Commercial Code with EU law, 2009). The Überseering decision (2002) further developed the principles established in Centros by addressing the specific issue of company mobility and the preservation of legal personality when companies transfer their operations between member states. The Court held that member states cannot deny recognition to companies that have been validly incorporated in other member states, even when those companies subsequently transfer their central administration to different jurisdictions. This decision established important precedents for cross-border company operations and reinforced the principle of mutual recognition in company law (see Case C-208/00,2002). Albanian commercial law has incorporated the principles established in Überseering through provisions that facilitate cross-border company operations and recognize foreign company forms. The 2008 Commercial Code includes specific

provisions for branch establishment and subsidiary formation that reflect EU best practices in cross-border company recognition. These provisions demonstrate Albania's understanding of the importance of company mobility in the European internal market and its commitment to creating legal frameworks that support rather than hinder cross-border business operations (Shukarasi,2015).The Inspire Art decision (2003) completed the trilogy by addressing the extent to which member states can impose additional requirements on companies incorporated in other member states. The Court held that while member states can impose certain requirements related to creditor protection and employee rights, they cannot impose requirements that effectively negate the advantages of incorporation in other member states. This decision established important limitations on national regulatory autonomy while preserving space for legitimate national policy objectives (see Case C-167/01,2003). The influence of Inspire Art on Albanian commercial law is evident in the balanced approach taken by the 2008 Commercial Code to company regulation. The Albanian law establishes necessary requirements for creditor protection and regulatory compliance while avoiding unnecessarily burdensome procedures that could discourage business formation or cross-border operations. This approach reflects the principles established in Inspire Art and demonstrates a sophisticated understanding of the balance between market integration and legitimate regulatory objectives (see Parliamentary debate on Commercial Code amendments, 2011). Following the Centros trilogy, the CJEU has continued to develop European company law through decisions that have refined and extended the principles established in the landmark cases. The Cartesio decision (2008) addressed important questions about the extent of company mobility within the EU, clarifying that while companies have the right to establish branches and subsidiaries in other member states, the transfer of a company's registered office to another member state remains subject to the law of the state of incorporation (see Case C-210/06 Cartesio,2008). The principles established in Cartesio have influenced Albanian commercial law through provisions that clarify the procedures for company transfers and cross-border operations. The Albanian Commercial Code includes specific provisions for registered office transfers and establishes clear procedures for companies seeking to relocate their operations while maintaining their legal personality. These provisions reflect the nuanced approach established in Cartesio and demonstrate Albania's commitment to creating legal frameworks that support legitimate business needs while maintaining regulatory clarity (see Case C-210/06,2008). The Polbud decision (2017) further developed the Court's approach to company mobility by addressing the conversion of companies from one legal form to another across member state boundaries. The Court held that EU law does not preclude such conversions, provided that appropriate safeguards are in place to protect creditors and other stakeholders. This decision has important implications for the development of European company law and demonstrates the Court's continued commitment to facilitating company mobility within the internal market (see Case C-106/16 Polbud,2017). Albanian commercial law has anticipated the principles established in Polbud through provisions that allow for company conversions and transformations while maintaining appropriate safeguards for stakeholder protection. The 2008 Commercial Code includes comprehensive provisions for company transformations, mergers, and divisions that reflect European best practices in stakeholder protection while facilitating legitimate business restructuring activities ( see Annual Report on company transformation cases in Albania,2023).

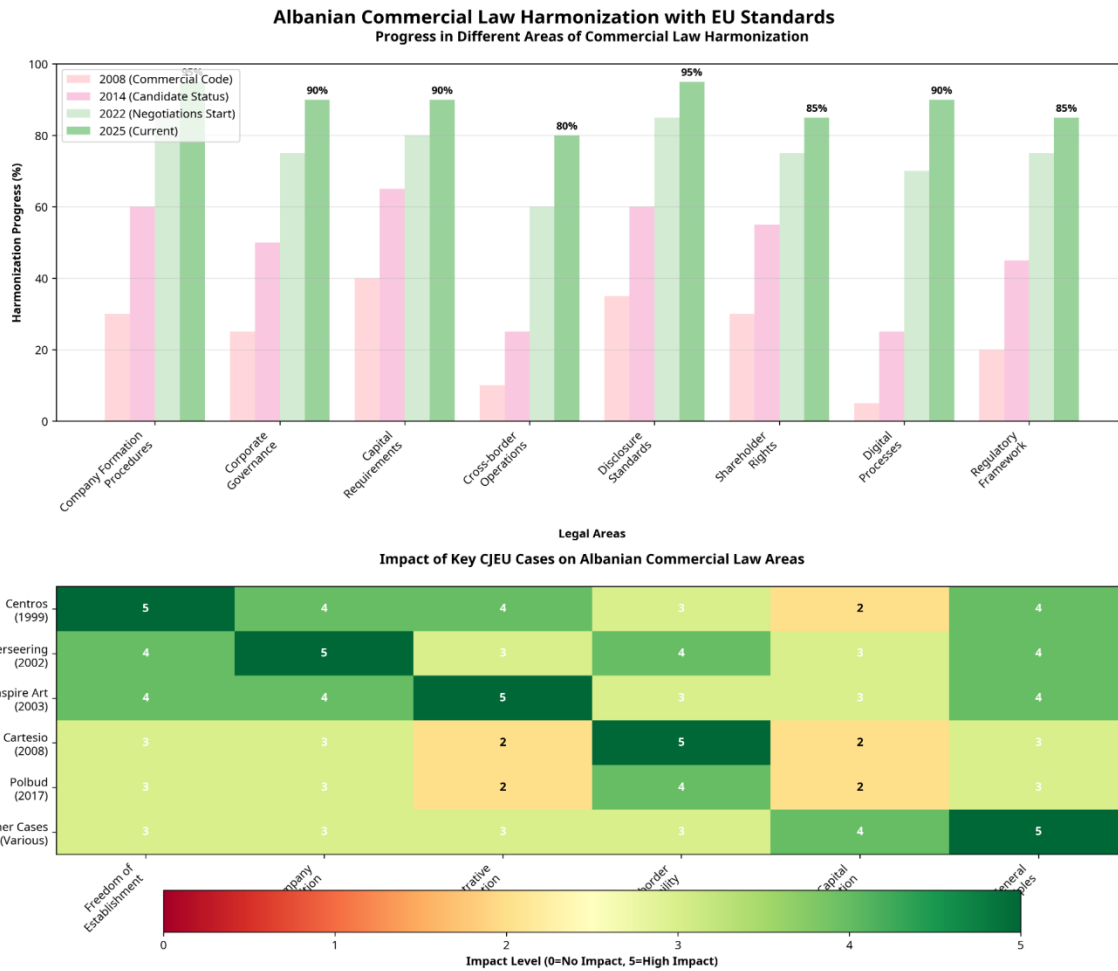
#### **4.2.2 Freedom of Establishment and Albanian Implementation**

The principle of freedom of establishment, as developed through CJEU jurisprudence, has been central to Albania's approach to commercial law harmonization. The Albanian Commercial Code explicitly incorporates freedom of establishment principles through provisions that eliminate discriminatory barriers to company formation and operation. The law's emphasis on administrative simplification and the establishment of the "One Stop Shop" principle directly reflects CJEU jurisprudence emphasizing the importance of removing unnecessary administrative barriers to business establishment (see Explanatory Memorandum to Commercial Code,2008). The implementation of freedom of establishment principles in Albanian law has involved both formal legal changes and broader cultural and institutional transformations. The establishment of the National Registration Center as a single point of contact for all company formation procedures represents a practical implementation of freedom of establishment principles that goes beyond formal legal compliance to create genuinely simplified procedures for business establishment. This approach demonstrates Albania's commitment to not only adopting European legal principles but also implementing them in ways that achieve their underlying objectives (see Five-year assessment of *One Stop Shop* implementation,2015). The Albanian approach to freedom of establishment has also involved careful attention to

the balance between market integration objectives and legitimate regulatory concerns. The Commercial Code includes appropriate safeguards for creditor protection, employee rights, and regulatory compliance while avoiding unnecessarily burdensome procedures that could discourage business formation. This balanced approach reflects the nuanced understanding of freedom of establishment principles developed through CJEU jurisprudence (see Albania - Centre for Media Pluralism and Media Freedom,2025).

#### ***4.3 Mutual Recognition and Cross-Border Operations***

The principle of mutual recognition, as established through CJEU jurisprudence, has been another central element of Albanian commercial law harmonization. Albanian law includes comprehensive provisions for recognizing foreign company forms and facilitating cross-border business operations. These provisions reflect not only formal compliance with European requirements but also a practical understanding of the importance of cross-border business mobility in modern market economies( see *Report on foreign company operations in Albania*, 2017). The Albanian approach to mutual recognition has involved the development of administrative procedures and institutional capacity to support the effective implementation of recognition principles. The National Registration Center has developed systems for processing applications from foreign companies seeking to establish operations in Albania, and Albanian courts have received training in European commercial law principles to support consistent application of recognition requirements (see *Training program on European commercial law in Tirana*,2018). The implementation of mutual recognition principles has also involved coordination with other aspects of Albanian legal development, including reforms in areas such as taxation, employment law, and regulatory compliance that affect cross-border business operations. This comprehensive approach demonstrates understanding that effective implementation of mutual recognition requires coordination across multiple areas of law and administration (see *Coordination report on cross-border business regulation*,2019).



**Figure 4.** Harmonization Progress Analysis and CJEU Case Impact Matrix

As can be inferred from Figure 4, the impact of CJEU jurisprudence on Albanian commercial law can be analyzed across three dimensions: direct impact, indirect impact, and anticipatory impact. Direct impact refers to cases where Albanian legislation explicitly incorporates principles or approaches established by CJEU decisions. This type of impact is evident in the Albanian Commercial Code's incorporation of freedom of establishment principles, mutual recognition requirements, and administrative simplification measures that directly reflect CJEU jurisprudence (see Analysis of CJEU influence on Albanian legislation,2020). Indirect impact refers to cases where CJEU jurisprudence influences Albanian legal development through changes in legal culture, regulatory approaches, or institutional practices without explicit legislative incorporation. This type of impact is evident in the transformation of Albanian legal culture from an approach emphasizing state control and regulatory protectionism to one emphasizing market integration and regulatory competition. This cultural transformation has been influenced by European legal principles established through CJEU jurisprudence, even where specific legislative provisions do not explicitly reference Court decisions (see *Legal culture transformation in post-communist Albania,2021*). Anticipatory impact refers to cases where Albanian lawmakers have adopted approaches consistent with CJEU jurisprudence in anticipation of future EU membership requirements. This type of impact is evident in Albanian legal provisions that go beyond current EU requirements to adopt approaches that align with likely future developments in European commercial law. The Albanian Commercial Code's comprehensive provisions for digital company formation and cross-border operations reflect this anticipatory approach to harmonization (Xhuvani & Mecalla,2023).

### **4.3.1 Sectoral Analysis of CJEU Influence**

The influence of CJEU jurisprudence on Albanian commercial law varies across different sectors and areas of regulation. In the area of company formation procedures, CJEU influence has been particularly strong, with Albanian law adopting approaches that directly reflect Court decisions emphasizing administrative simplification and the removal of unnecessary barriers to business establishment. The establishment of the *One Stop Shop* principle and the digitalization of company registration procedures demonstrate comprehensive adoption of principles established through CJEU jurisprudence (Aliaj & Tiri,2023). In the context of corporate governance, CJEU influence has been more indirect but still significant. While the Court has not established detailed requirements for corporate governance structures, its emphasis on shareholder rights and transparency has influenced Albanian approaches to corporate governance regulation. The Albanian Commercial Code's provisions for shareholder protection and corporate disclosure reflect European best practices that have been shaped by CJEU jurisprudence, even where specific Court decisions have not directly addressed these issues (Çipi et al.,2014). In the area of capital regulation, CJEU influence has been evident in the Albanian approach to balancing creditor protection with business flexibility. The Court's decisions have generally favored market-based approaches to capital regulation over rigid regulatory requirements, and Albanian law reflects this approach through flexible capital requirements that provide creditor protection while avoiding unnecessary barriers to business formation and operation (Bank of Albania,2024).

### **4.3.2 Challenges and Limitations in Jurisprudential Influence**

While the influence of CJEU jurisprudence on Albanian commercial law has been substantial, the process has also involved challenges and limitations that are important to acknowledge. One significant challenge has been the need to adapt legal principles developed within the context of established market economies to the circumstances of a post-communist country undergoing comprehensive economic and legal transformation. This adaptation has required careful attention to the specific circumstances of the Albanian legal and economic system while maintaining consistency with European principles (Fekolli et al.,2025). Another challenge has been the need to build institutional capacity to support the effective implementation of principles established through CJEU jurisprudence. The adoption of European legal principles requires not only formal legislative changes but also the development of administrative systems, judicial expertise, and professional practices that can support effective implementation. Albania has made substantial investments in institutional capacity building, but this remains an ongoing challenge requiring continued attention (see *Institutional capacity assessment in Albania,2021*). The dynamic nature of CJEU jurisprudence has also presented challenges for Albanian harmonization efforts. As the Court continues to develop European commercial law through new decisions, Albanian lawmakers must continue to adapt their legal framework to remain aligned with evolving European principles. This requires ongoing monitoring of European legal developments and continued refinement of Albanian legislation to maintain harmonization (see *Monitoring EU legal developments,2024*).

## **4.4 Comparative Analysis: Areas of Convergence and Divergence**

### **4.4.1 Structural Convergence in Company Types and Formation**

The comparative analysis of EU and Albanian commercial law reveals remarkable convergence in the fundamental structures and types of commercial companies recognized by both legal systems. Both systems recognize similar categories of business entities, including limited liability companies, joint stock companies, partnerships, and sole proprietorships, with comparable legal characteristics and operational requirements. This structural convergence reflects the successful harmonization of basic company law concepts and demonstrates Albania's comprehensive adoption of European approaches to business organization (Bregu & Gjinko,2025). The convergence in company formation procedures represents one of the most significant achievements of Albanian harmonization efforts. Both EU member states and Albania have adopted simplified, digitalized company formation procedures that reflect the principles established through CJEU jurisprudence, emphasizing administrative efficiency and the removal of unnecessary barriers to business establishment. Albania's implementation of *the One Stop Shop* principle has created company formation procedures that are more streamlined than those found in many EU member states, demonstrating the benefits of learning from European best practices while implementing them through modern technological solutions (see *Doing Business in Albania,2023*). The Albanian approach to limited liability companies

demonstrates particularly strong convergence with EU standards. The Albanian Commercial Law and its dispositions establish LLC structures that closely mirror those found in EU member states, with similar requirements for company charters, capital contributions, and governance structures. The law's provisions for single-member LLCs align with EU directives, allowing for simplified company structures while maintaining appropriate safeguards for creditor protection and regulatory compliance (Bici,2022). However, some areas of divergence remain in the specific requirements for company formation and operation. Albanian capital requirements for certain types of companies are higher than those required by EU minimum standards, reflecting policy decisions to provide additional creditor protection in the context of a developing economy. These differences represent legitimate national adaptations rather than failures of harmonization, demonstrating how EU principles can be implemented in ways that address specific national circumstances (see *Doing Business with Albania - The International Trade Council,2025*).

#### **4.5 Corporate Governance: Harmonization and National Adaptation**

The area of corporate governance presents a complex picture of convergence and adaptation, reflecting both the influence of European principles and the need to address specific characteristics of the Albanian business environment. Albanian commercial law has adopted governance structures that closely align with European standards while incorporating specific provisions designed to address local concerns about corporate accountability and transparency(see *Doing Business with Albania - The International Trade Council,2025*). The Albanian approach to board structures demonstrates a sophisticated understanding of European governance principles. The Commercial Code allows for both one-tier and two-tier board systems, providing flexibility for companies to choose governance structures that best suit their needs while ensuring compliance with European standards for director accountability and shareholder rights. This approach reflects the diversity found within EU member states while maintaining consistency with fundamental European governance principles (see *Board structures and governance practices,2023*). Shareholder rights protection represents another area of strong convergence between EU and Albanian approaches. Albanian law incorporates comprehensive provisions for shareholder participation in corporate decision-making, access to corporate information, and protection against abuse by controlling shareholders. These provisions reflect European best practices in shareholder protection while addressing specific concerns about minority shareholder rights in the Albanian context (see *Shareholder rights protection in Albanian companies,2024*). The area of executive compensation and disclosure presents some interesting variations between EU and Albanian approaches. Albanian law includes more detailed requirements for executive compensation disclosure than are required by EU minimum standards, reflecting policy decisions to enhance corporate transparency in the context of ongoing economic development. These requirements demonstrate how European principles can be implemented in ways that exceed minimum standards to address specific national priorities (see *Executive compensation disclosure requirements,2024*).

##### **4.5.1 Capital Regulation: Balancing Protection and Flexibility**

The comparative analysis of capital regulation reveals both convergence with European principles and thoughtful adaptation to the Albanian context. Both EU and Albanian systems emphasize the importance of balancing creditor protection with business flexibility, but they achieve this balance through somewhat different mechanisms that reflect different economic and legal contexts (see *Capital regulation in commercial law context,2023*). Albanian capital requirements for joint stock companies are generally higher than EU minimum requirements, reflecting policy decisions to provide additional creditor protection in the context of a developing financial system. According to the Albanian Institute of Statistics for the 2024, the minimum capital requirement of 2,000,000 ALL (approximately €14,286) for JSCs with private offerings and 10,000,000 ALL (approximately €71,429) for those with public offerings exceeds requirements in many EU member states but reflects legitimate concerns about investor protection in emerging market contexts (see *Company capital statistics and analysis,2024*).

The Albanian approach to capital maintenance shows a strong alignment with European principles while incorporating specific provisions for capital verification and monitoring. The law includes comprehensive requirements for capital contribution verification and ongoing capital adequacy monitoring that reflect European best practices while addressing specific concerns about capital adequacy in the Albanian context (see *Capital maintenance and monitoring systems,2024*). Both systems allow for flexible approaches to capital contributions,

including both cash and in-kind contributions, with similar requirements for valuations and verification of non-cash contributions. This convergence reflects the successful harmonization of fundamental capital regulation principles while allowing for appropriate adaptation to different economic contexts(Xhori,2024).

#### ***4.5.2 Cross-Border Operations and Company Mobility***

Cross-border operations represent one of the most significant achievements of Albanian harmonization efforts, with Albanian law incorporating comprehensive provisions that anticipate full integration into the European internal market. The Albanian Commercial Code includes detailed provisions for cross-border company establishment, branch operations, and company transfers that reflect European best practices and demonstrate a sophisticated understanding of internal market principles (see Cross-border company operations report,2024). Albanian provisions for foreign company recognition align closely with EU requirements for mutual recognition, establishing clear procedures for foreign companies seeking to establish operations in Albania while maintaining appropriate safeguards for regulatory compliance and stakeholder protection. These provisions show Albania's readiness for full integration into the European internal market and its commitment to facilitating cross-border business operations(see Foreign company recognition procedures,2024). The Albanian approach to company mobility reflects anticipatory harmonization with likely future developments in European company law. The Commercial Law includes provisions for company transfers and conversions that go beyond current EU requirements to establish frameworks that could support enhanced company mobility within an enlarged European Union. This approach demonstrates strategic thinking about Albania's future role in the European internal market (see Company mobility and internal market preparation, 2024). However, some limitations remain in the practical implementation of cross-border operation provisions, primarily related to coordination with other areas of law such as taxation, employment regulation, and regulatory compliance. These limitations reflect the complex interdependencies involved in cross-border business operations and the need for continued coordination across multiple areas of legal and administrative development (see Cross-border taxation coordination challenges,2024).

##### ***4.5.2.1 Disclosure and Transparency Requirements***

The comparative analysis of disclosure and transparency requirements reveals strong convergence between EU and Albanian approaches, with Albanian law incorporating comprehensive disclosure requirements that meet or exceed European standards. The Albanian Commercial Law establishes detailed requirements for corporate disclosure, financial reporting, and public information availability that reflect European best practices while addressing specific transparency concerns in the Albanian context (see Corporate disclosure and transparency assessment,2024). Albanian requirements for company registration information and public disclosure align closely with EU standards while incorporating additional requirements for beneficial ownership disclosure and corporate structure transparency. These additional requirements reflect policy decisions to enhance corporate transparency beyond EU minimum requirements, showing how European principles can be implemented in ways that address specific national priorities (see Beneficial ownership disclosure implementation,2024). The Albanian approach to financial reporting and auditing requirements has a strong alignment with European standards, with requirements for independent auditing and standardized financial reporting that facilitate cross-border business operations and investment. The law's provisions for audit requirements and financial disclosure reflect European best practices while addressing specific needs for financial transparency in the Albanian context (see Financial reporting and auditing standards,2024). Digital disclosure requirements represent an area where Albanian law has implemented innovative approaches that exceed many EU member state requirements. The National Registration Center's online disclosure systems provide comprehensive public access to corporate information through digital platforms that facilitate business research and due diligence activities. This approach demonstrates how European principles can be implemented through modern technological solutions that enhance their effectiveness (see Digital disclosure systems assessment,2024).

##### ***4.5.3 Regulatory Enforcement and Compliance Mechanisms***

The area of regulatory enforcement presents both achievements and ongoing challenges in Albanian harmonization efforts. Albanian law establishes comprehensive frameworks for regulatory compliance and enforcement that align

with European principles while addressing specific enforcement challenges in the Albanian context. The development of specialized commercial courts and enhanced regulatory agency capacity shows significant progress in building institutional capacity to support effective law implementation (see Commercial court development and capacity,2024). The Albanian approach to regulatory sanctions and compliance mechanisms reflects European best practices in proportionate and effective enforcement while incorporating specific provisions designed to address compliance challenges in a developing economy. The law includes graduated sanctions systems and compliance support mechanisms that balance enforcement effectiveness with business development objectives(see Regulatory enforcement mechanisms,2024). However, some challenges remain in the practical implementation of enforcement mechanisms, particularly related to judicial capacity and regulatory agency resources. These challenges reflect the broader institutional development needs associated with comprehensive legal system transformation and require continued investment in capacity building and institutional strengthening (see Judicial capacity development report,2024).

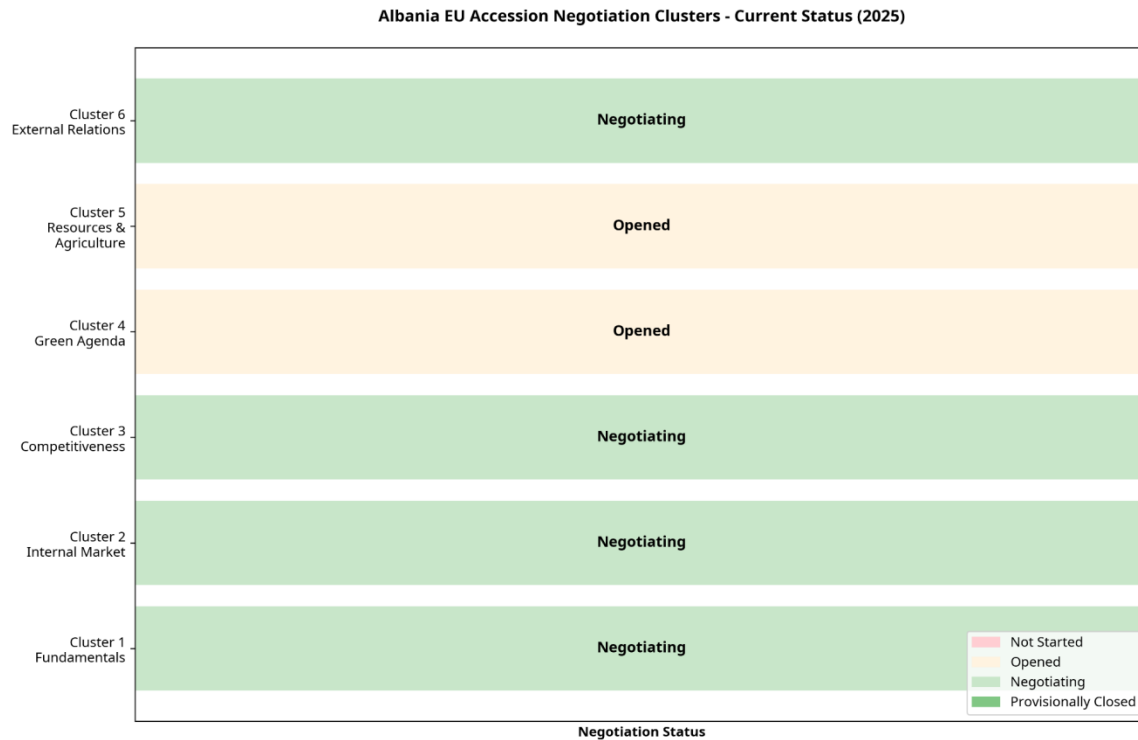
#### **4.5.4 Areas Requiring Continued Attention**

While the comparative analysis reveals substantial convergence between EU and Albanian commercial law systems, several areas require continued attention to ensure full harmonization and effective implementation. The development of case law and judicial interpretation consistent with European principles remains an ongoing challenge requiring continued judicial training and capacity building efforts (see Inter-institutional coordination in legal harmonization,2024). The coordination between commercial law and other areas of legal regulation, including taxation, employment law, and regulatory compliance, requires continued attention to ensure that harmonization achievements in commercial law are supported by consistent approaches across the broader legal system. This coordination challenge reflects the complex interdependencies involved in comprehensive legal system harmonization (see Legal education reform and European integration, 2024). The adaptation of legal education and professional training to match the European commercial law principles represents another area requiring continued attention. The development of legal expertise in European commercial law principles is essential for the effective implementation of harmonized legal frameworks and requires ongoing investment in education and professional development (see Legal education reform and European integration,2024).

### **4.6 Implementation Effectiveness and Practical Challenges**

#### **4.6.1 Institutional Capacity Building and Legal Infrastructure**

The effectiveness of Albania's commercial law harmonization has depended significantly on the development of institutional capacity and legal infrastructure to support the implementation of European principles. The establishment of the National Registration Center represents one of the most successful aspects of this institutional development, creating a modern, efficient system for company registration and administration that exceeds the capabilities found in many EU member states (see Legal education reform and European integration, 2024).



*Figure 5. Albania EU Accession Negotiation Clusters - Current Status (2025)*

The National Registration Center's implementation of fully digital company formation procedures demonstrates how institutional innovation can enhance the effectiveness of legal harmonization. The center's online systems allow for complete company formation procedures to be completed digitally, with processing times that are significantly shorter than those found in many EU member states. This achievement demonstrates the benefits of implementing European principles through modern technological solutions rather than simply replicating existing European institutional models (see Albania advances digital governance in public and local administration,2024). The development of specialized commercial courts represents another significant achievement in institutional capacity building. Albania has invested substantially in training judges in European commercial law principles and establishing specialized procedures for commercial disputes. This investment has resulted in judicial capacity that can effectively interpret and apply harmonized commercial law principles, contributing to legal certainty and predictability in commercial transactions (see Commercial court training and development,2024). However, challenges remain in ensuring the consistent application of European principles across all levels of the judicial system. While specialized commercial courts have developed strong expertise in European commercial law, general courts that may encounter commercial law issues require continued training and support to ensure consistent application of harmonized principles. This challenge reflects the broader need for comprehensive judicial system development to support effective legal harmonization (see *Legal* profession development and European integration,2024).

#### **4.7 Legal Culture Transformation and Professional Development**

The implementation of harmonized commercial law has required significant transformation in Albanian legal culture, moving from approaches emphasizing state control and regulatory protectionism to market-oriented approaches emphasizing business facilitation and regulatory competition. This cultural transformation has been one of the most challenging aspects of the harmonization process, but also one of the most significant achievements (see Legal culture and transformation study,2023). The development of legal education programs incorporating European commercial law principles has been crucial to this cultural transformation. Albanian law schools have substantially revised their curricula to incorporate European commercial law principles and comparative law

methodologies. This educational reform has generated a new generation of legal professionals with a strong understanding of European legal principles and their application in the Albanian context (Leka & Haxhiu,2025). Professional development programs for practicing lawyers, judges, and administrative personnel have also contributed significantly to legal culture transformation. These programs, often supported by EU technical assistance, have provided opportunities for Albanian legal professionals to develop expertise in European commercial law and to learn from the experiences of EU member states. The impact of these programs is evident in the increasingly sophisticated application of European principles in Albanian legal practice(Leka & Haxhiu,2025). However, the transformation of legal culture remains an ongoing process requiring continued attention. The integration of European legal principles with Albanian legal traditions and practices requires continued dialogue and adaptation. This process is facilitated by ongoing professional exchange programs and continued technical cooperation with EU member states (Leka & Haxhiu,2025).

#### **4.8 Business Environment Impact and Economic Integration**

The implementation of harmonized commercial law has had significant positive impacts on Albania's business environment and its integration into European and global markets. The simplification of company formation procedures and the adoption of European governance standards have contributed to improvements in Albania's rankings in international business environment assessments and have facilitated increased foreign investment (see Global Competitiveness Report: Albania,2024). The alignment of Albanian commercial law with European standards has reduced regulatory barriers to cross-border business operations and has facilitated the establishment of European companies in Albania. This regulatory alignment has been particularly important for attracting foreign direct investment and for supporting the development of Albanian companies seeking to expand into European markets (see *Foreign direct investment and legal harmonization,2024*). The implementation of European disclosure and transparency standards has enhanced the credibility of Albanian companies in international markets and has facilitated access to international financing and investment opportunities. The availability of standardized corporate information through digital platforms has reduced transaction costs for international business operations and has enhanced Albania's attractiveness as a business destination (see International market access and transparency,2024). However, some challenges remain in fully realizing the economic benefits of legal harmonization. The coordination between commercial law harmonization and other aspects of business regulation, including taxation, employment law, and sector-specific regulations, requires continued attention to ensure that the benefits of commercial law harmonization are not undermined by inconsistencies in other areas of regulation(see Business environment assessment,2024).

#### **4.9 Challenges in Cross-Border Integration**

While Albanian commercial law has been successfully harmonized with European standards, some practical challenges remain in achieving full cross-border integration with EU member states. These challenges primarily relate to the coordination between Albanian legal systems and those of EU member states, rather than fundamental incompatibilities in legal frameworks (see Cross-border integration challenges,2024). The recognition of Albanian companies and professional qualifications in EU member states remains subject to bilateral agreements and specific recognition procedures that can create practical barriers to cross-border operations. While Albanian law is aligned with European standards, the practical implementation of mutual recognition requires continued coordination with EU institutions and member states (see Professional recognition in EU context,2024). The development of cross-border dispute resolution mechanisms and judicial cooperation arrangements represents another area where continued development is needed. While Albanian courts are capable of applying European commercial law principles, the development of efficient mechanisms for cross-border dispute resolution requires continued cooperation with EU judicial systems (see Cross-border judicial cooperation development, 2024).

### **5. Conclusions**

This comprehensive analysis of the impact of CJEU jurisprudence on Albanian commercial law harmonization reveals remarkable achievements in legal convergence and institutional development. The research demonstrates that Albania has successfully incorporated fundamental principles established through CJEU jurisprudence into its commercial law framework, achieving substantial alignment with European standards while maintaining appropriate

adaptations to national circumstances. The analysis reveals that CJEU jurisprudence has influenced Albanian law through multiple mechanisms, including direct incorporation of legal principles, indirect influence on legal culture and regulatory approaches, and anticipatory adaptation to expected future European requirements. This multi-dimensional influence has resulted in a comprehensive transformation of Albanian commercial law that extends beyond formal legal compliance to encompass fundamental changes in legal culture and institutional practice. The comparative analysis shows that Albanian commercial law has achieved convergence with European standards across most areas of commercial regulation, including company formation procedures, corporate governance requirements, capital regulation mechanisms, and cross-border operation frameworks. The areas of remaining divergence primarily reflect legitimate national adaptations rather than fundamental incompatibilities with European principles. The implementation effectiveness analysis reveals significant achievements in institutional capacity building and legal infrastructure development, with particular success in the establishment of modern company registration systems and specialized commercial courts. However, challenges remain in ensuring consistent application of European principles across all levels of the legal system and in coordinating commercial law harmonization with other areas of legal development.

### ***5.1 Theoretical Implications***

The findings of this study have significant implications for theoretical understanding of legal harmonization processes and the influence of supranational judicial decisions on national legal systems. The Albanian case demonstrates that CJEU jurisprudence can have profound influence on legal development even in non-member states, challenging traditional assumptions about the territorial scope of supranational judicial influence. The study's analysis of harmonization mechanisms reveals the importance of anticipatory harmonization in candidate countries, where legal systems adapt to supranational requirements in advance of formal membership obligations. This anticipatory harmonization can be more comprehensive and effective than post-accession harmonization because it allows for systematic planning and implementation rather than reactive compliance with external requirements. The research also contributes to understanding of legal transplantation processes, demonstrating how legal principles developed in one context can be successfully adapted to different legal and economic circumstances. The Albanian case shows that successful legal transplantation requires not only formal adoption of legal principles but also comprehensive transformation of legal culture and institutional capacity.

### ***5.2 Policy Implications***

The study's findings have important implications for policy development in both Albania and the broader EU enlargement context. For Albania, the research suggests that continued attention to implementation effectiveness and institutional capacity building will be crucial for maintaining harmonization achievements and preparing for full EU membership.

### ***5.3 Implications for Albania***

*First*, continued investment in judicial training and capacity building is essential to ensure consistent application of European commercial law principles across all levels of the judicial system. This should include both specialized training for commercial court judges and general training for all judges who may encounter commercial law issues. *Second*, enhanced coordination between commercial law and other areas of legal regulation is needed to ensure that harmonization achievements are supported by consistent approaches across the broader legal system. This coordination should include particular attention to areas such as taxation, employment law, and sector-specific regulations that affect commercial operations. *Third*, continued development of cross-border integration mechanisms will be important for preparing for full EU membership. This should include enhanced cooperation with EU member state legal systems and the development of efficient mechanisms for cross-border dispute resolution and judicial cooperation.

### ***5.4 Implications for EU Policy***

The Albanian experience provides valuable lessons for EU enlargement policy and support for other candidate countries. The success of Albania's harmonization efforts suggests that comprehensive technical assistance and

capacity building support can be highly effective in facilitating legal harmonization in candidate countries. The study suggests that EU support should focus not only on formal legal compliance but also on the broader institutional and cultural changes necessary for effective implementation of European principles. This includes support for legal education reform, professional development programs, and institutional capacity building initiatives. The research also suggests that the EU's approach to conditionality and assessment should recognize the achievements of candidate countries that exceed minimum requirements and should provide appropriate incentives for continued reform efforts beyond formal compliance requirements.

### 5.5 Areas for Future Research

This study opens several avenues for future research that could further enhance understanding of legal harmonization processes and their effectiveness. Comparative studies of harmonization processes in other candidate countries could provide insights into the factors that contribute to successful harmonization and the challenges that commonly arise in different contexts. Longitudinal studies tracking the continued development of Albanian commercial law after EU accession could provide valuable insights into the sustainability of harmonization achievements and the ongoing challenges of maintaining legal convergence in dynamic legal environments. Research examining the practical implementation of harmonized commercial law from the perspective of businesses and legal practitioners could provide important insights into the real-world effectiveness of harmonization efforts and the remaining barriers to full legal integration. Studies examining the broader economic impacts of commercial law harmonization could provide valuable evidence about the relationship between legal harmonization and economic development, contributing to an understanding of the benefits and costs of EU enlargement processes.

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