

THE ALTERNATIVE VIEW OF ENVIRONMENTAL PROGRESS

ALBANIA'S NEGOTIATIONS WITH EU AND CHAPTER 27

April 2021



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NGOs leading the GREEN27+ network and drafting the report:

Resource Environmental Center (REC Albania)
Environmental Center for Development, Education and Networking (EDEN Center)
Institute for Nature Conservation in Albania (INCA)
Urban Research Institute (URI)

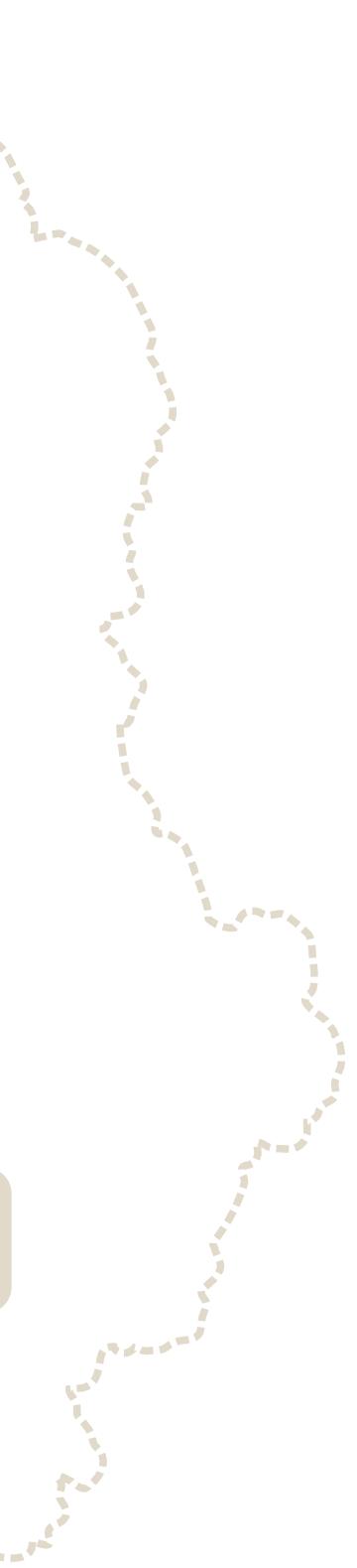


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The alternative view of environmental progress

Albania's Negotiations with EU and Chapter 27



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Introduction

Albania is progressing towards fulfilling the conditions for opening the process of negotiations with the EU. It is well acknowledged and accepted that Chapter 27 “Environment and Climate Change” is one of the most complex ones, with the contribution and involvement of different society stakeholders. In this context, GREEN 27+ core partners: The Resource Environmental Center (REC Albania), Center for Environment, Development, Education and Network (EDEN), Institute for Conservation of Nature in Albania (INCA) and Urban Research Institute (URI), have been engaged in developing a support and capacity building program for the civil society, aiming at enhancing Albania’s EU accession process, by stimulating the dialogue between Governmental institutions and NGOs on environmental acquis. With the support of 20 environmental organizations from around the country, the first pilot program is a built up contribute to the process through development and articulation of the CSO position in the EU-Albania negotiations related to topics of Chapter 27. In order to maximize tangible outputs of the report, the following thematic sub-chapters are identified as priority focus:

- 1. Horizontal issues,
- 2. Waste,
- 3. Water,
- 4. Nature conservation.

This approach has helped reflect the environmental CSOs position on Albania’s EU approximation process in the above sub chapter areas.

The GREEN 27+ consortium composed of four core partner organisations strongly believes in the important role the environmental Albanian civil society can play in the process of EU negotiation, a crucial and unavoidable role in this whole process.

On the other hand, the current state of affairs in the institutional preparedness for EU negotiations shows limited scope for involvement of civil society. It is mainly due to lack of means, knowledge how to involve CSOs, as well as limited technical information on the EU negotiation process itself. However, the Albanian Environmental CSOs are performing more and more their watchdog role on policy development, fulfilment of requirements and law enforcement, access to information and participation, etc.

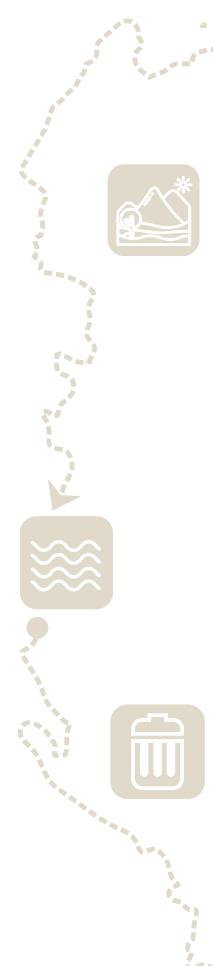
This report is a tool to understand the EU approximation and negotiation processes, in a crucial moment for development and growth of the CSO movement in Albania, aiming at taking the expert position into advocating certain environmental priorities. A stronger civil society leads to better governance, by identifying the best realistic solutions in achieving EU requirements in environment, as well assisting the country's institutions in meeting their responsibilities.

The involvement in the process was focused on providing opinion and alternative progress report by assessing the country progress in the target sectors.

In addition, the process of the report contributed to CSO capacity building and networking. Even though the Covid-19 pandemic situation affected the development process of the report, various capacity-building activities were used to fine-tune the capacities of CSO experts on EU negotiations topics, as well as to maintain communication and dialogue channels between the national authorities and the civil society, in order to enhance their influence in decision-making processes related to EU negotiations aspects.



- This report was jointly prepared by the GREEN 27+ consortium, with assistance from the Swedish government, through the Swedish Environment Protection Agency, which supports the work of the Republic of Albania towards a better environment and implementation of EU Environmental benefits of Chapter 27, with the Swedish competence and knowledge of EU regulations and implementation.
- The funding source for this tender originates from the Swedish International Development Agency (SIDA) in the framework of SANE27 programme implementation.



Executive summary

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Albania's path towards the European integration process is a long one, both in terms of duration, and efforts. It started with Albania's official application for EU membership on 28 April 2009. Regular political and economic dialogue between the EU and Albania has continued through the relevant structures under the Stabilization and Association Agreement (SAA) that was signed in April 2009. The European Council granted Albania the candidate country status in June 2014. The government of Albania is engaged in EU related reforms and in addressing the key priorities identified for the opening of accession negotiations.

After several years of discussions, ultimately the Council decided (March 2020) to open accession negotiations with Albania. In the coming months, the Commission will submit proposals for the negotiating framework with Albania. This framework establishes the guidelines and principles governing the accession negotiations with Albania as a candidate country. The general opinion is that Chapter 27 will not be among the key priority chapters to start negotiations, but Environmental CSOs still will remain with strong beliefs that preparedness and discussions about the country progress should be an early start, too.

The Horizontal sector represents the part of the EU Legislation which provides for methods and mechanisms aimed at improving decision-making and legislative development and implementation. It cuts across different environmental subjects like nature, water, waste, air etc. Although it represents a newly developed area of legislation, the Albanian Government is at a mid-level of its transposition. The implementation of this package is lacking in some components and in some others, since it is in its initial stage. **The main challenges are related to enforcement of the role of the competent authorities in its implementation; more effective mechanisms need to be in place to increase transparency in consultation and information procedures; Increase the investments in human resources, smart technologies and dedicated IT support; More education and information campaigns targeting a broader audience must be organized so they can push institutions for a better performance of public consultations and hearings, boosting proper implementation of these directives.**

The EU legislation on nature conservation includes directives whose scope varies from overall conservation of relevant habitats and species (Birds and Habitats Directives) to

conservation of specific elements of biodiversity (Seal skins Directive) or establishment of functioning conservation tools (ZOOs Directive). The overall assessment indicates that there is substantial progress on the transposition of the Directives on Birds and Habitats, while there is little or no progress on the transposition of other directives. Implementation is mostly at an initial stage for all the directives. **In general, relevant institutions are set up, but their capacities are weak both in numbers and in skills required for implementation of EU directives. Proper implementation is hampered by low level of knowledge on distribution of habitats and species of EU importance as well as weak enforcement and limited prosecution of environmental crimes. NGOs could significantly contribute to completing the research work, showcasing violations, and conducting educational activities aimed at improving public knowledge and perception on nature conservation.**

The EU legislation on Water management includes important directives dealing with river basin management, drinking and wastewater treatment and water quality assessment. The overall assessment shows that there is great diversity of the transposition speed for various directives, ranging from fully transposed (The Drinking Water Directive) to not yet started (Marine, Floods and Underground Water Directives). The implementation is mostly at an initial stage for all the directives. The Water Sector remains fragmented and with responsibilities scattered among institutions among central and local levels. We acknowledge the recently established Agency for the Management of Water Resources, which has limited resources and human capacities to address the water sector needs, especially on the planning and management of the river basins. On the other hand, capital investments implemented in Water and Waste Water Treatment require strengthening capacities of Water Utilities in order to increase the efficiency and ensure the sustainable operation of the water supply service for citizens. Apart from the interventions in the bigger municipalities, the service quality (water quality and quantity, treatment coverage, etc.) remains poor and insufficient to improve the revenue status of the Utilities. Urgent measures should be taken to progress with the transposition of Floods and Marine Directives, which will lead to action plans to address urgencies related mitigation and civic protection measures on flood-prone areas, as well as on developing Blue Economy plans.

Waste management is one of the strategic sectors as declared by the Government of Albania, which intends to address this topic in the following years. The Government of Albania has taken good steps in transposing EU legislation and specifically on the waste management sub-chapter, however,

the implementation of such legislation is lacking in some components and in some others, is in its initial stage. The main challenges are related to the implementation of polluters' pays and the extended producer responsibility principles, the application of the waste hierarchy and setting up a unified system for data reporting and monitoring. The advancement on the implementation of these key concepts will allow Albania to fulfil EU requirements and ensure proper waste management to achieve higher standards for the protection of the environment and human health.

This report is produced by a group of Albanian Environmental NGOs, aiming at presenting the NGO opinion on the country progress towards transposing the respective Acquis Communautaire, and implementing the obligations deriving from this process. It is targeting Albanian and EU Institutions responsible for the country negotiations on Chapter 27, aiming at endorsing the preparedness process of Albanian institutions for the negotiation phase, by bringing on the table the NGO voice and position.

We, the representatives of the Albanian Environmental movement are aware of the enormous challenges the Government and other responsible institutions are facing regarding enforcing the legal requirements for a better environment. There has been good progress in different areas of environment on transposing the Directives and establishing new institutions. Nevertheless, we remain critical on the speed of transposing some other Directives and the implementation process. We highlight the need for seriously addressing the limited resources allocated to this process by the government, as well as the need for a more meaningful engagement of public stakeholders and NGOs by informing and open space for participation and contribution.

METHODOLOGY

This CSO Opinion Report is the first report prepared by Green 27+ network on important developments and changes in environmental protection and climate change in Albania. It shows the commitment of Environmental Civil Society Organizations (CSOs) to contribute to the country's processes on EU integration with the focus on environmental related issues.

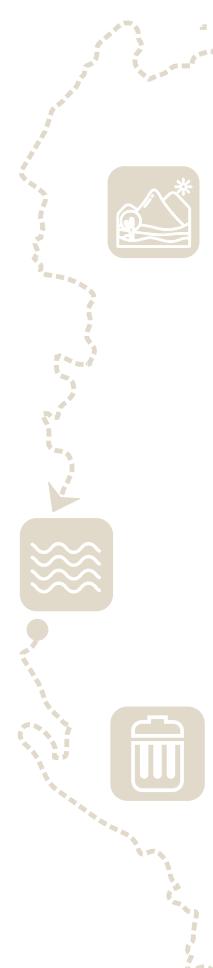
The report is a joint contribution of civil society organizations to the discussion on environmental and climate change concerns that await us.

The Green 27+ network came together in response to the country's need for a faster and more qualitative preparation phase to EU integration processes. European integration is one of the most demanding processes for the Albanian institutions and society. While citizens of Albania overwhelmingly support membership in the European Union, assessment reports specify that Albania and its institutions still need serious reforms to achieve this goal.

The Environmental Network for EU Integration "Green 27+" is an initiative of Albanian Environmental CSOs, which supports capacity development of its members and the CSO community in EU integration process through building on resources and expertise across the network.

The report is following the thematic framework of the EU Report on Albania for 2020. A deviation exists in certain thematic areas, as the CSOs did not feel qualified enough to make assessments for the following topics: air quality, chemicals management, noise, and civil protection. We hope to strengthen our capacities to deal with these policy areas in the future, and have more organizations joining us in this endeavor. Furthermore, we layout the main developments and challenges and provide recommendations on how to move forward.

In drafting this report, the Green 27+ made use of published reports and information shared on different workshops and conferences for the country progress until Dec. 2020. Two rounds of CSO consultations, eight events, are organized



in the period Dec. 2020-Feb. 2021 with approx. 38 CSOs in different regions of Albania, where partner CSO enriched the process with numerous case local studies and environmental concern at local level.

We hereby express our readiness to be actively involved in the negotiation process and offer our expertise and capacities to ensure the best possible outcomes.

1 HORIZONTAL ISSUES

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1.1 BACKGROUND

The Horizontal sector represents that part of the EU Legislation which provides for methods and mechanisms aimed at improving decision-making and legislative development and implementation. It is this focus which makes it very important for participatory and accountable governance and contributing to ensure sustainable development. Rather than to regulate a specific area, these items of legislation are more procedural. As such, the Horizontal sector cuts across the different environmental subjects such as: nature, water, waste, air etc. to ensure the legal and policy implementation at the best levels of democracy, human rights and environmental protection.

Although it represents a recently developed area of legislation, it has taken Albanian Government attention and it is at mid-level transposition. The main driving forces so far constitute the country commitment to EU accession and civic advocacy. Implementation and institutional set up remain a challenge.

As pointed out in the EU Albania Country Report 2020 "...immediate measures to review and improve environmental and strategic impact assessments ...Responsibilities for environmental enforcement should be clarified and enforcement itself should be rapidly strengthened, especially to address environmental crimes effectively..." obstacles in law enforcement put in question mark the progress of transposition.

There is no National Strategy addressing horizontal issues and the national legislation leads the sector. The main framework law is the law "On Environment Protection" and then regulating the specific processes there are the laws on "Environmental Impact Assessment", "Strategic Environmental Assessment", "On Public notification and consultation" and "On the right to Information". In addition, several normative acts and regulations have been adopted.

The first attempts towards a structured Horizontal package in Albania, started in 2001 with the ratification of the Aarhus Convention, which enabled and strengthened civic space in the area of environment. Civil Society Organizations (CSOs) and the responsible Ministry for environment have grown together in both understanding and improving these legal items.

Nowadays the horizontal sector does not suffer from lack of understanding, and neither

does it suffer from commitment to transposition, but however, it is barely functional because of fictive procedures, lack of qualitative checks, because it is considered the least important step in the decision-making chain and usually a time burden. The biggest challenge for proper consideration/implementation of horizontal legal acts is attributed to the economic interest with regard to environmental protection.

The enforcement of horizontal package is related to political will and capacities, financial support and strongly to educated and aware people. Active CSOs and introducing the topic in the educational curricula at an early stage plays an important role.

The Government of Albania has constantly undertaken concrete initiatives and commitments in national and international level as an additional support to Horizontal Legislation, especially to strengthen citizens' voice. We mention the Human Rights Universal Declaration, European Convention of Human Rights, Aarhus Convention, the Open Government Partnership etc.

The EU legislation in this sector covers 7 Directories and 1 Recommendation:

The Environmental Impact Assessment Directive (EIA)

The Strategic Environment Assessment Directive (SEA)

Access to information Directive

Public participation Directive

Environmental liability Directive

Recommendation 2001/331/EC providing for minimum criteria for environmental inspections (RMCEI)

Infrastructure for Spatial Information Directive (INSPIRE)

Environmental Crime Directive

Full transposition and implementation of the Horizontal Legislation Directives will strengthen a democratic society in Albania. It would also help in slowing down devastation of natural resources, biodiversity, and natural landscape. It will build trust among citizens and governmental institutions, and at the same time it will boost inter-institutional cooperation and improve transparency. It will ensure progress in the country development according to national priorities including investments, ensure their sustainability as well as will support the local and fragile economies. In addition, the implementation of the Horizontal Legislation is a support lever mechanism for the Decentralization reform in Albania.

1.2 RAPID PROGRESS ASSESSMENT

We need more green smiles for the Horizontal Legislation package, at levels of its transposition institutional set up and Implementation.

Sub-chapter/directive	Assessment		
	Transposition	Institutional system	Implementation
Horizontal Legislation			
The Environmental Impact Assessment (EIA)			
The Strategic Environment Assessment (SEA)			
Access to information			
Public participation			
Environmental liability			
Providing for minimum criteria for environmental inspections (RMCEI)			
Infrastructure for Spatial Information (INSPIRE)			
Environmental Crime			

Table 1: Rapid assessment on Horizontal Legislation

1.3 DETAILED ASSESSMENT OF THE SUB-CHAPTER – ACTUAL PROGRESS

The Environmental Impact Assessment Directive (EIA)

The EU Directive on “Environmental Impact Assessment” sets out the general principles of the assessment of the environmental impact on public and private projects that are likely to have significant effects on the environment.

Transposition

The directive is not yet fully transposed, but it is in an advanced phase of transposition. It is partly transposed in the laws on Environmental Impact Assessment (EIA)¹, Protection of Environment², Aarhus Convention³, the Ombudsman⁴ and in three Decisions of Council of Ministers (DCM)⁵ dealing more with rules and procedures during the preparation of EIA and public consultations in this regard.

The four laws have gone through amendments mainly because of administration changes in governmental institutions and less because of support to obstacles and challenges in the implementation which keep being present. An important issue to raise in the transposition is the low “power” of the Environmental Declaration in the Albanian EIA law. The Albanian Environmental Declaration does not represent a decision of the Ministry of Tourism and Environment (MTE) and National Environmental Agency (NEA) for the developer to proceed or not with the project, but it is referred to as a suggestion form/orientation document for the other planning authorities in the decision-making chain to issue or not a needed permit, like environmental permit, construction permit etc.

The existing transposition covers the most important parts of the Directive, and yet it requires immediate full transposition because in a country situation of prioritizing

¹ Law no. 10440, dated 7.7.2011, amended

² Law no. 10431, dated 9.6.2011, amended

³ Law no. 8672, dated 26.10.2000

⁴ Law 8454, dated 4.2.1999

⁵ DCM no. 686 of 29.07.2015 “On adoption of rules, responsibilities and deadlines for the development of environmental impact assessment (EIA) procedure and the procedure of environmental declaration decision transfer”, amended; DCM 247 of 30.04.2014 “on the Participation of the Public in the Environmental Decision Making”; DCM no 598, 01.07.2015 “On rules and procedures of EIA in trans boundary context”

development projects in tourism, energy, infrastructure etc. This directive becomes of outmost importance, especially when considering that it is directly connected with the Environmental permits and the voice of the local community.

Institutional set up

The main competent authorities for the implementation of this legal package are the MTE and the NEA with its regional directories (REA). Meanwhile, MTE has more competences on policy design, while NEA is the operative authority which follows rules and regulations and coordinates the entire procedure of EIA preparation and application, ensuring proper public information and consultation. Ultimately, they prepare the Environmental Declaration (ED) which is signed by both NEA Director and the respective Minister. Within the organizational chart of NEA, EIA is only one sector within the Directorate of Impact Assessment and Licenses. This Directorate lacks human capacities both in number and expertise.

To fulfill its EIA tasks, NEA cooperates with line Ministries and local government units (LGU). Inter-institutional cooperation among NEA – LGUs on public information and consultation is a legal obligation. LGUs have responsibility to inform for and take active part in organizing the public hearings and consultation. REA deals more with the reporting and monitoring of the process. This tripartite cooperation, i.e. NEA-LGU-REA is a strength for EIA implementation , in ensuring institutional commitment and participative approach. They have to commit to increase the staff and develop their capacities though.

More as an institutional set up, the role of the Albanian Ombudsman is related to the supervision and enforcement of civil rights, including the rights to environmental information, the right for participation in environmental decision making etc. The Ombudsman role and its presence in the EIA should be more specific and pro-active. It will require additional human resources for the institution. The country examples have shown this would be helpful especially when referring to the affected local communities.

Implementation

To achieve a desirable level of implementation of the legal acts covering EIA Directive, requires staff, coordination skills and capacities, respecting procedure timeframe, advanced communication tools and channels, and high-quality checks. Still, this legal package remains one of the most contested in terms of implementation.

The procedure of public information for both integrated EIA and simple EIA has improved over the years but it still lacks respect of legal time bounds for passive dissemination of announcements, documents and types of documents shared. The broad public is provided with less time and materials than required for proper information. The requests that the developers submit to NEA to undergo an EIA procedure include the same level and type of information, but not the same format is respected. In most of the cases there are no accompanying documents to the request, as requested in the DCM⁶ on rules and responsibilities for EIA process. The date when the request is approved is missing. Such information is either hard to find in the webpages of LGUs, or it is not considered at all to be published.

Public consultations and hearings need to improve. They lack quality since the beginning because of weak public information procedures as explained above. Additionally, for the public hearings, they lack representative participation of affected communities and interested stakeholders in both number and backgrounds. The general result is fast, formal and fictitious public hearings. Here, we can refer to two environmental cases⁷ which were brought before the court against MTE, NEA and line Ministries and which use the as main legal ground the fictive public consultations during EIA procedures, and one of them won the court case.

Good models of public information and consultation during EIA are applied especially when international public financial institutions like EBRD, IFC, KfW, WB etc. are included, during the Trans Adriatic Pipeline project etc.

NEA, REA and LGUs have not yet developed the communication skills required for communicating the results to the participants and to provide explanations on why some of the recommendations or all of them where not reflected in the final decision. This used to be a good practice by the Directorate of Information in the former Ministry of Environment. Now that this Ministry has been restructured into MTE this Directorate is no longer part of the organizational chart of the Ministry, and such good practices

6 DCM no. 686 of 29.07.2015

7 1) The case of Kuta village community and EcoAlbania against dams in Vjosa River. Public consultations were held in Fier Municipality with participants not representing affected community at all and not following the legal time boundaries. The local community won the court case. For more: <https://www.historiaime.al/te-drejtat-e-nje-riut/banoret-dhe-aktivistet-fitojne-gjyqin-kunder-ndertimit-te-hidrocentralit-te-pocemit/>. 2) Local community of Dragobia and Toka NGO against dams in Valbona National park. Dead persons result as signatories in the list of participants for public consultations. They lost the court case. For more: <https://citizens-channel.com/2019/02/15/hec-et-ne-valbone-shoqata-toka-padit-akzm-dhe-ministrine-e-mjedisit/>.

are not in place anymore. Final EIA reports are published in NEA webpage, but all of them are missing information about when public consultations and public hearing were held, the list of participants and minutes of meetings (especially for integrated EIA for which the process is mandatory). This information is not included neither in the ED, which is a legal obligation. In this regard, NEA must improve its public disclosure on public hearings and consultations. The current operation mode makes it very hard to monitor the process in Albania and can be seen also as lack of transparency on the final decision.

The ED published in the NEA webpage. The content needs to be improved due to its generalistic features and relying frequently on the belief and opinion that the Developer will respect the procedures, rather than ensuring them. It would be very handy and helpful for the reader if NEA could upload the ED document in the same section of the webpage with the request from the developer, the final EIA report, and the consultation process. This would be easier for us, the public, to correlate the decision with the request and EIA report, without losing a lot of time in browsing the internet. The same applies to the decisions of the Commission for simple or integrated EIA applications, which are not only in a different section of the webpage but most of the times, the recent ones are also missing the date. We need the NEA webpage to be more user friendly.

Monitoring is done only in the case of integrated EIA report through the monitoring of conditions in the ED document (which per se is vague) and Environmental Permit. The monitoring process is the sole responsibility of the developer (private or public) who delivers reports to NEA/REA. The monitoring reports are not published in the NEA webpage and thus the public cannot openly apply his legal right to comment on the published data as prescribed in article 1.4 of DCM on public participation in environmental decision making. The self-monitoring of environmental impact, even though it is guided by the EU Directive has shown to be problematic in Albania. Local communities complain about high level of pollution from operating factories and industries in the sectors like production of petroleum, cement, steel, leather factories etc., meanwhile the monitoring reports indicate for fulfillment of environmental conditions. Lack of certification licenses of state institution laboratories to undertake environmental monitoring at EU standards make it difficult to support the people complains and doublecheck the self-monitoring results. This situation is being improved. Example: NEA is certified for water and air pollution monitoring.

Weak EIA analyses and poor EIA reports are a big issue. Quality check of EIA reports is missing and is raised frequently by environmental civil society. The reports lack law compliance for the structure and content information, have shown frequently outdated data, superficial data interpretation and analyses, and frequently also a copy-paste material for different projects. When it comes to decision making structure with regards to integrated or simple EIA procedure, it is not clear to the public who does the quality check of the reports. To protect from corruption, we understand completely the decision not to make public the names but would be appreciated to have a clear understanding on the expertise background of the members and the way they operate.

The EU Strategic Environmental Assessment Directive (SEA)

The EU Strategic Environmental Assessment Directive provides for a high level of protection of the environment and contributes to the integration of environmental considerations into the preparation of plans and programmes (not policies), with a view to promoting sustainable development.

Transposition

The Directive is fully transposed into the framework law on Strategic Impact Assessment⁸ which is regulated by two DCMs⁹ dealing with rules and procedures for public consultations and hearings, also including the transboundary context. Somehow the vague element of this legal package is that it does not refer to the respective legal framework, in the way information and consultation obligations should be properly managed. It puts a lot of emphasis on the time boundaries of the process and seems to leave it up to the institutions to choose the way of public information and participation. This position makes it harder to assess if these two processes are properly undertaken or not.

Institutional set up

The competent decision-making authority for the SEA procedure in Albania is MTE which not only issues the Minister Declaration at the end of the SEA procedure, but is also involved since the beginning to confirm or not if a plan or program undergoes

⁸ Law no 91/2013, dated on 28.2.2013

⁹ DCM 219, dated on 11.03.2015 "On rules and procedures for consultation with stakeholders and public, as well as public hearing during the process of strategic environmental assessment"; and DCM No. 620 on 07.07.2015 "On rules, responsibilities and detailed procedures for SEA in transboundary context"

the SEA procedure. If this is the case then it is the responsibility of all public institutions responsible for the design of the plan/programs to coordinate and undertake the SEA procedure. The law provides for the National Agency for Territorial Planning (NATP) as the institution to which the MTE deposits copies of each decision with regards to the SEA procedure. It is not clear what is the exact role of NATP in the entire process. The proposing authorities – public institutions which propose the plan and/or programs – are also responsible for implementation of this legal package. Their role is crucial in the coordination and organising public consultations and hearings for SEA report.

The institutional set up in the legislation is very general and seems that the entire process will be regulated internally by each of the public institutions involved in it. The legislation does not refer to a specific contact or Directorate for the coordination of the entire process but rather provides guidance for the steps to be followed.

The SEA procedure is not considered demanding in terms of human capacities and logistics. As such we do consider the existing freedom of self-organisation within the proposing authorities appropriate as an institutional set up. Still, we deem the need for frequent development of capacities to build understanding and upgrade on SEA procedures of particular importance.

Implementation

It is important to note that the SEA process is a very recent process for Albania and so far has been implemented with success for the territorial planning respectively in the General National Plan and in the 61 Local General Plans. NATP has successfully coordinated the entire process, and so have the LGUs. In the webpage of NATP there is a clear reflection of the processes and outputs, and the public has access to each related document including the SEA report. The public hearings are reflected as news in the webpage and do not provide additional information on comments, reflection of comments, explanation for rejection of any comment, list of participants etc. Given that the law is not specific about how the consultations must be followed, any format in that logic may be considered correct. The Municipalities also have engaged in the process, even though not all of them have reflected the process in their webpages. The National Sectorial Plan for Solid Waste Management represents another positive example of the SEA procedure, but it is difficult to find in the webpage of the Ministry of Infrastructure and Energy any additional document, apart from the plan.

In brief, it is hard to monitor the implementation of the SEA because of the vague indications for information and consultation processes, as well as due to the fact that information in the webpages is either partially available, or missing for the public. Additionally, the MTE is the legal responsible authority for reporting annually on the implementation of the framework law on SEA and for publishing it in its webpage. Such a report is not public, and we do not have indications if it is done at all. At the same time, MTE as the institution which coordinates implementation is not boosting its implementation. There are two examples of the SEA process, which in the past have proven not to be so successful, such as the Water Resource Management Strategy and the National Master Plan for Gas Infrastructure, which show that MTE could improve its role in pushing for a proper process. In both cases the SEA process has started after the main documents (the strategy and the master plan) have finished.

Access to information Directive

This Directive is in compliance with the requirements of the first pillar of Aarhus Convention. It guarantees the right of access to environmental information held by or for public authorities upon request (passive dissemination) and to progressively disseminate the environmental information they hold (active dissemination).

Transposition

The Directive on Access to Environmental Information is fully transposed in Albania into the laws on the Protection of Environment¹⁰, the Right to Information¹¹ and Code of Administrative Procedures¹². Also, it has been regulated by the DCMs addressing the areas of Public Access to environmental information¹³ and Public Participation in Environmental Decision Making¹⁴.

Institutional set up

The responsible institutions for the implementation of these legal basis are the MTE, NEA, LGUs, and at a broader level all public authorities in the Republic of Albania by

10 No.10431 dated 9.6.2011

11 No.119 dated 18.9.2014

12 No.44 dated 30.04.2015

13 No.16, dated 4.1.2012

14 No.247 dated 30.04.2014

obliging them from the outset to appoint a Coordinator for the right to information. The coordinators are very crucial for the implementation of the right of access to information, since they are the first contact to each institution when access for information is applied. They are in general responsive to requests, but there is need to strengthen this position by appointing a fulltime dedicated staff assigned only to this task. The actual situation is that coordinators have many diverse responsibilities within the public institution, and this makes them frequently overloaded and under pressure for prioritizing their work. So, often the coordination for dissemination of information remains the less important task. Indeed, there is a chain of communication within the same institutions to provide the information requested. This should be ensured by the mutual cooperation of each Directorate for the provision of timely information to the Coordinator and subsequently to the public.

Still, the presence of the coordinator has helped improved tremendously the transparency and direct/fast communication with the public. We support their efforts and request for more focus to improve their role and services in terms of human capacities and IT equipment. This situation becomes more urgent given the environmental institutions have to operate under a diverse set of laws and bylaws, for regulating their operational structures and ensuring timely implementation.

This law has helped in drastically improving the webpages of the municipalities, both in setting them up and updating them. As observed from BIRN in their report, all the municipalities have now their websites up and running (compared to the situation in 2017), but however they need proper maintenance and need to be user-friendly.

Additionally, the adoption of the law on public information vests the institution of the Commissioner for Information and Data Protection (IDP) with the power to conduct administrative investigation checks for the enforcement of the right to information. As such, it plays an important role in pushing and ensuring law implementation. In terms of the role of the Commissioner it is worth pointing out that it does not have a monitoring role only.

Implementation

The implementation of the law on the right to information is helped a lot by the establishment of the web platform www.pyetshtetin.al in 2015. By adopting the DCM on the establishment of the electronic register of requests and responses for

the right to information¹⁵ the number of the institutions to request information increased to 59 nowadays, from seven at the first moment the electronic register was first introduced. The platform is very well structured, and everyone can easily access it, both institutions/NGOs, as well individuals, through a simple registration of important data. This improves the transparency of the process, helps the coordinator to manage better his tasks and the Commissioner is referring to a saved communication in system between the one asking the information and the responsible institutions and there are no possibilities to lose any communication. However, there is need of improving public awareness of the platform, to be more familiar with for the service delivered, which is easily accessible and practical.

Compared to the DCM on Public access to environmental information¹⁶, the law on the right to information provides shorter time for the applicant for accessing the information (10 days compared to 30 days which was the case before), while not withhold the DCM but reinforcing the procedure to be pursued. When DCM procedures are not followed there is not a responsible body that urges its implementation. Nevertheless, this step is provided by the law on the right to information where the role of the Commissioner is very specific and very important for urging legal implementation by each responsible institution. In this context, the law has improved the procedure to be followed regarding access to information for environmental matter.

The commissioner IDP publishes an annual report. According to the report of 2019, 786 complaints were addressed to the Commissioner, 553 of them were settled following the Commissioner's Office intervention to public authorities and the Commissioner made decisions about 18 complaints. This high number of complaints submitted to the Commissioner indicates that its role is very important, and that the public recognises its importance and the role it has for resolving the gaps in the process of access to information. In addition, the high number shows that although the law is in place there is still space for improvement of its implementation.

15 DCM no. 145, dated on 13.3.2018

16 DCM no.247, dated on 30.04.2014

Public participation Directive

This Directive provides for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending public participation and access to justice. The Directive is in compliance with the requirements of the second and third pillars of the Aarhus Convention.

Transposition

The Directive is fully transposed in the laws "On public notification and consultation"¹⁷, and "On the Protection of Environment"¹⁸. As well as through the DCMs "On involvement of the public in environmental decision-making"¹⁹ and "On the Participation of the Public in the Environmental Decision Making"²⁰. The law on Public consultation and notification provides for participation principles in a scope which goes beyond the environmental principles, but leaves out the normative by-laws, which on their side represent a major part of legal frame that directly affects the citizens and stakeholders' rights.

Institutional set up

The responsible institutions for the implementation of this legal base are: the Ministry of Tourism and Environment, the National Environmental Agency, the Regional Environment Agencies, local government units, public authorities, Office of the Information and Data Protection Commissioner, National Agency for Information Society, which is engaged in implementing the Electronic Register for Public Notification and Consultation and in enhancing the Technology of Information and Communication; the Minister of State for Parliamentary Relations has the primary role for supervising and monitoring the enforcement of this law. Any decision-making and legislative institution is responsible for publishing in the electronic register the documents to be consulted with their interest groups.

Enforcement

An Electronic Register for Public Notification and Consultation <https://konsultimipublik.gov.al/> is in place for public consultation and notification purposes. The public can have easy access to comment online the documents, but there is no active communication

17 No 146 dated 30.10.2014

18 No.10431 dated 9.6.2011

19 No.994 dated 02.07.2008

20 No.247 dated 30.04.2014

of giving arguments for acceptance and/or rejection of comments and suggestions for the consulted documents. There is need to organize an online campaign to promote this platform, to make the people aware of it and aware on their role to be active in the platform through the comments/suggestion for the consulted documents. Besides the online platform, it is important to ensure physical access to the document, and not just online, given that online access is not available to everyone.

The coordinators on public notification and consultation are engaged with this task alongside many other tasks which they consider more important and a priority. Additionally, to fulfil their task, the Coordinators rely on internal and external institutional coordination which by itself does not function properly. Moreover, the coordinators require specific training for improving their capacities on how to approach the platform of the public consultation. In many cases they are not clear about their responsibilities and do not fully understand their role. Usually, the public is not clear when the consultation period starts and ends; and it is not given the sufficient time as indicated by the specific law to develop and submit comments. Public consultation procedures are implemented pro-forma (the competent authorities pay attention only to the formal conformity to the letter of the law, disregarding the real needs of the public concerned). This does not happen even formally. The weakest point of implementation of the law is that there are no modalities for getting feedback as to the grounds for accepting or rejecting the public comments in the final version of the document. This part is the weakest point in the public consultations' procedure because the practice shows the opposite (it does not happen even formally). It indicates formal consultations and undermines all the importance of the process. E-mail is the most used form of notification and receiving public comments, while announcements are very rarely posted in the halls of institutions, and even less so in the media. But this form (through e-mails) leads only to stakeholders' consultations and not public consultations which in this way are excluded from the process. The websites of the institutions need to be user friendly, and information so far is hard to find. There is lack of proper information and real engagement of the public by the responsible institutions. Under these circumstances, the level of interest about certain aspects is difficult to judge. So, there is lack of mechanisms to invite and engage the public in the decision-making process. There is no annual plan of MTE which would indicate the documents which will go under public consultation and when they are planned to happen.

Environmental organizations have been active during the consultation process of the

draft law on public consultation and notification, by providing their comments in writing²¹. The final version of the law adopted by the Parliament has taken into account only a small part of these recommendations, while the Environmental NGOs were not given any grounds for rejection of the rest of their recommendations.

A monitoring report regarding implementation of this law should be published, while it remains to be clarified which body is responsible for developing the report, and as such no implementation report is public yet.

Two good examples of positive law enforcement are:

- a) The Albanian Parliament which is publishing an annual report on public participation in decision-making. The report points out that the NGOs represent the most active group in terms of consultation activities with the Parliament, and thanks to the law on public notification and consultation, the Parliament has increased the number of consultation event and it is stressing the importance of NGOs contribution in the consultation process.
- b) The Ministry of Justice. The Albanian government has adopted the Action Plan 2020 - 2022 for open partnerships & governance which is an important tool for promoting government transparency globally, to increase civic participation in public life and to promote the use of new technologies for improving administrative efficiency and fighting corruption. The Action Plan was widely consulted in different meetings organized by the Ministry of Justice and konsultimepublike.org was the main platform for public notification and consultation of this important action plan.

Environmental Crime Directive

The EU Directive on “Environmental Crime” sets out minimum requirements relating to criminal law in the Member States to ensure better protection of the environment.

Transposition

The directive is partially transposed in Albania in quite a horizontal distribution in six laws, including: law on Criminal code²², on Criminal responsibility²³, on Protected

21 http://www.eden-al.org/OldWeb/media/Komente%20mbi_Njoftimin%20dhe%20konsultimin%20publik.pdf

22 Law Nr.7895, dated 27.1.1995

23 Law No. 9754, dated 14.06.2007

areas²⁴, on the Protection of the wild fauna²⁵, on CITES convention²⁶, on Rules and procedures for CITES²⁷; in one DCM²⁸ on the approval of habitats type, flora and fauna of Community Interest and in two orders²⁹ related to CITES and list of vulnerable birds.

Considering that Environmental crimes marked an annual increase by 7,69 % in 2019 and considering that in the 2020 we have seen continuous “bloom” especially in the CoVid-19 global pandemic restrictions, the need for the expedited transposition of the Environmental Crime Directive becomes an emergency, due to lack of a proper legal frame and institutional set up are main causes of the increased rates.

Institutional set up

The institutional set up of the actual legislation boosts the inter-institutional cooperation to fight Environmental Crime involving MTE, State Inspectorate of Environment, Forestry, Water and Tourism (SIEFWT), General Prosecution Office, Albanian State Police and close consultation with research units in the Academia sector for CITES, and of course the LGUs.

The partial transposition of the Directive, the fact that the existing legal acts are not properly regulated and the old legal acts in force make it very difficult for the effective inter -institutional cooperation when it comes to fight Environmental Crime. There is very good will and motivation to push the sector forward, while there is high need of education and raising institutional capacities and expertise on the complexity of the Environmental Crime. More than pushing for cooperation, the existing institutional set up is a model of institutional overlapping competences.

The Inter-Institutional Group against Environmental Crime (IGEC) was established for the purposes of supporting the development of capacities and the inter-institutional cooperation and understating on Environmental Crime, with the support and initiative

24 Law No.81, dated 4.5.2017

25 Law no. 10006, dated 23.10.2008, amended

26 Law No. 9021, dated 6.3.2003

27 Law No. 9867, dated 31.1.2008, amended

28 DCM No. 866, dated on 10.12.2014 “On the approval of natural habitat types, plants, animals and birds of interest for the European Union”

29 Order of the Ministry of Environment No. 62 of 04.04.2016 “On the approval of the list of wild birds especially vulnerable”; Order of Ministry of Environment No. 726 of 26.10.2015 “on the Approval of the Format of Standard Documentation in compliance with the legal provisions for the International Trade of Endangered Species of Wild Flora and Fauna”

of OSCE in Albania. IGEC is composed of 11 entities and 12 experts for purposes of sharing information, delivering joint activities, inspections, and proposing legal changes.

Implementation

According to the data received from the General Prosecutor's Office on cases of environmental crime in Albania, for a period of 9 months, it is noted that 2020 saw a marked increase in the number of environmental crimes, with 254 cases handled and 146 cases unconsidered, while the punishment remains at very low levels with only almost 5% of cases referred to the prosecution. Out of the total number of addressed cases, 39 criminal cases were convicted. Still, even though the figures are bad, the reality is even worse.

The cases that were punished do not represent the reality of numbers of the problems observed in the ground by civil society organizations, environmental activists, and local and national media. There are much more environmental cases reported by environmental organizations which are not reflected in the Prosecution statistics. It is therefore necessary to encourage investigations by the prosecution when environmental crime cases are made public by civil society organizations through their communication networks. Journalists reporting environmental crime report that several complaints to the Commissioner for the Right to Information and Protection of Personal Data are being rejected.

The Consultative Group of Civil Society Organizations (CGCSO) was established by the end of 2019, with the initiative and support of OSCE presence in Albania. CGCSO is an independent and voluntary organization of environmental experts, civil society organizations, and journalists that aim to raise awareness at the central and local levels, to help advance the government's agenda in the fight against environmental crime, by cooperating with responsible authorities and local communities to increase the degree of cooperation and reporting of the criminal offenses.

Other Directives

- Environmental liability Directive follows an administrative liability approach on Environmental damage (nature, water, soil). It is weakly transposed, and the main competent authorities are MTE, NEA and Ministry of Finance and Economy (MFE). Lack of data about the sector limits us to reflect more on this Directive into the Albanian legislation.

- Recommendation 2001/331/EC providing for minimum criteria for environmental inspections (RMCEI). Since the SIEFWT is being re-organised from July 2019, its competences are now shared between NEA and National Inspectorate for the Protection of the Territory. These changes though are not amended in the existing legal frame. As such it poses a big question mark as to the implementation and further transposition of the Directive. Responsibilities for environmental enforcement should be clarified and enforcement itself should be rapidly strengthened, especially to address environmental crimes effectively.
- Infrastructure for Spatial Information Directive (INSPIRE) - lays down a general framework for Spatial Data Infrastructure for the purposes of European Community environmental policies and policies or activities which may affect the environment. This Directive is at an advanced level of transposition in Albania. The main competent authority is State Authority for Geo-spatial Information (ASIG) and then the competences are shared among many other institutions. The Governance Policies for Geospatial Information Sector in Albania for 2020-2030 were put in place to determine the Government's policy directions for the next 10 years until 2030. The National Geoportal administered by the ASIG provides geospatial data (in GIS format) through network services. Currently, 215 geo-information layers are published in the National Geoportal with respective metadata, for geospatial data sets. 215 online services for the geospatial information found in Geoportal have been published in the „services“ menu of the National Geoportal from 17 institutions.

CASE STUDY

The case: QUARRIES AND REHABILITATION OF ENVIRONMENT DAMAGE

BACGROUND: Tomorri Mountain National Park is an interesting natural ecosystem. The area is promoted „badly“ because of the damage caused by the presence of at least 22 quarries. The boundaries of the park have been expanded in 2018 by a DCM, with the aim to increase preservation of the protected area. As a result, 12 quarries were included within the new extended boundaries of the park and MTE after frequent inspections and monitoring revoked the environmental permits for the respective 12 companies. In the meanwhile, all quarries that operate for more than 20 years in the area have mining exploitation permit for 25- 35 years. Many of the quarry companies have renewed this exploitation permit; many others have recently obtained it. Prior to the process of obtaining the exploitation permit the quarries companies are obliged to obtain the environmental permit. The companies were not happy with MTE and complained that this is not fair.

WHAT FOLLOWED:

- The companies sued MTE for acting against the law and they won their case in court. The main grounds for the Court delivery was that MTE did not go through public consultations and hearings before proposing and adopting the new DCM which expanded the boarders of the park. The public consultation is a legal requirement by the DCM on involvement of the public in environmental decision-making³⁰. This raises the issue of public consultations being ignored even by MTE itself.
- The environmental legal basis strongly emphasizes the principle of “The polluter pays” and obliges the cost recovery to carry out environmental damage rehabilitation. However, sublegal acts to specifically orientate and specify the implementation of this principle in quarrying but also in general mining exploitation have not been fulfilled and guidance / orders leave room for vague implementation and interpretation. This leads to unpunished Environmental Crime and Inter-institutional overlapping.

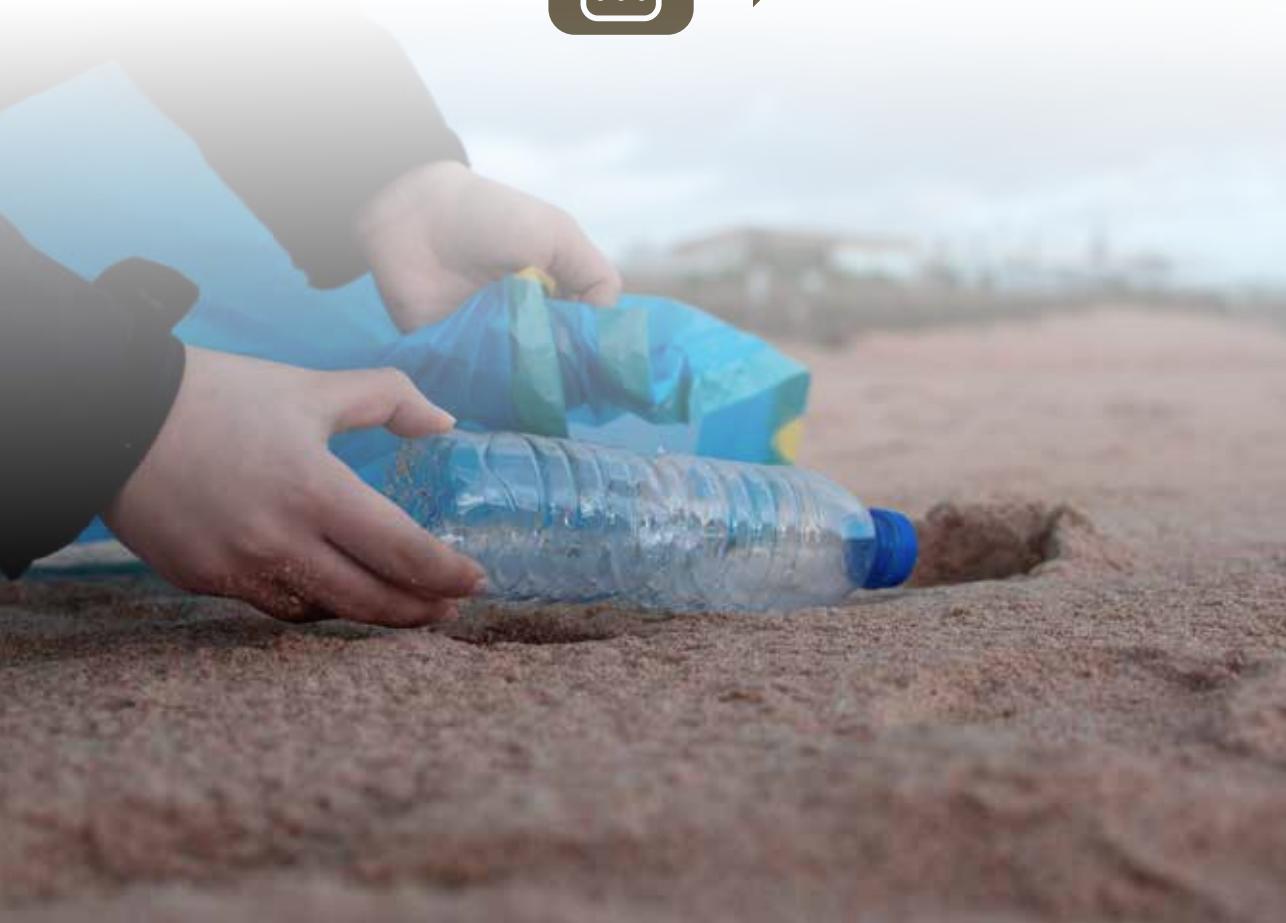
³⁰ DCM no.994, dated on 02.07.2008

- NEA does not possess any rehabilitation plan whatsoever for the activity of these quarries, as it must. NANR plays an important role in determining the utilization surface and the technique used, and it is the „keeper“ of the fund deposited by the entity annually to provide rehabilitation. However, this agency declares that the calculation of these annual taxes and its multiplier is much smaller than the cost of covering environmental damage and providing rehabilitation. This indicates of poor environmental procedures especially EIA, which does not consider rehabilitation aspects. At the same time, it leads to justifying an environmental crime as “legal”.
- Institutions responsible for inspecting and providing rehabilitation of the area are aware of the lack of rehabilitation but are unable to determine their specific role in this sector. No clear competences.
- Political willpower is positive toward strengthening implementation of rehabilitation practices. However, inter-institutional interaction and coordination is very weak. There are skill shortages and overlapping tasks between environmental and mining institutions.

2

WASTE

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2.1 BACKGROUND

Waste management is one of the strategic sectors as declared by the Government of Albania³¹ and it intends to address this topic in the following years. In this direction, Albania has taken good steps in transposing EU legislation and specifically on the waste management sub-chapter where the transposition level of the legal acts is at around 53.5%³². However, the implementation of such legislation is lacking in some components and in some others, and it is in its initial stage.

In the framework of the preparations for the opening of accession negotiations, following the order of Prime Minister, "On the Establishment, Composition and Functioning of the Inter-Institutional Working Groups for the European Integration"³³, the Ministry for Tourism and Environment is the lead institution for the negotiations on Chapter 27 -Environment and Climate Change, including the waste management sector.

The current situation

Despite the fact that Albania has improved its legislation and most of it is approximated to EU legislation, the waste management sector still remains a challenge.

The problems are mainly related to the partial extent of service coverage, insufficient waste collection and disposal, limited amount that is deposited and treated in landfills, the existence of a large number of disposal sites (permitted and unauthorized), which mostly do not meet the sanitary and engineering standards, limited number and poor quality of equipment for waste collection and transport, lack of waste separation at source and low % of recycling, lack of infrastructure for integrated waste management.

The competent authorities have recently adopted two main policy documents, the "Integrated Waste Management Strategic Policy Document and National Plan 2020-2035³⁴" (Strategic Policy Document) and "National Sectorial Plan for Solid Waste Management³⁵" (Sectorial Plan), which set the strategic objectives, and targets and define the main infrastructure needed for integrated waste management. These documents are a crucial milestone for the improvement of the sector, but these

31 As defined by law 55/2015, "On the strategic investments in the Republic of Albania", as amended

32 "Screening preparatory assessment report", prepared in the framework of SANE27 project

33 No. 94, dated 20 May 2019

34 Approved with a Decision of Council of Ministers Nr. 418, dated 27.05.2020

35 Approved by the National Territorial Council with the Decision Nr. 1 dated 13.01.2020

documents should be followed by regional and local waste management plans and investments to build temporary storage facilities (transfer stations) and sanitary landfills in order to achieve a good environmental status.

According to data from Albanian Institute of Statistics (INSTAT)³⁶ for 2019, the service is provided for 87.9% of population for a total number of 2,508,834 out of the total resident population of 2,854,191 inhabitants, while in 2018 coverage was provided only at the levels of 65.7%. Based on these statistics, increasing waste collection coverage by 22.2 % in 2019 as compared to 2018 is a major achievement in the service improvement, though still remains to be done, as there is a significant amount of waste, which ends up, uncontrolled in the environment, mainly along roads, water lines and rivers.

Data from INSTAT indicate that about 18, 7% of the total waste generated in 2019 is recycled, while ARA reports that the recycling level in Albania is at about 10% though none of the sources specify that the sources of waste recycled are separated from the waste generated in the country, and it is unclear if this amount includes imported recyclable waste, especially metal scrap.

The waste hierarchy is not applied and municipalities do not have in place a system for the collection of waste in 4 streams; paper/cardboard; metals; plastic and glass; as it is foreseen by the law.

The new Strategic Policy Document and National Plan 2020-2035 have set the following targets for recycling of main four waste streams.

Type of waste (from the total weight of the type of waste)	Year / Waste Reduction Targets		
	2023	2028	2033
Paper/cardboard	10%	30%	60%
Metals	10%	30%	50%
Plastic	6%	12%	23%
Glass	10%	30%	60%
Wood	5%	10%	15%

Table 2: Targets for reduction of MSW based on the Strategic Policy and the National Plan for IMW, 2020 – 2035

36 <http://www.instat.gov.al/media/7500/alb-mbetjet-e-ngurta-urbane-ne-shqiperi-2019.pdf>

Recycling in Albania remains in its early stages, and at-source waste separation is yet to be established. The introduction of at-source separation systems should take into account the likely social impact on already vulnerable informal waste pickers from the Roma and Egyptian communities.

Currently in Albania, there are 4 operational sanitary landfills: Bushat in the Municipality of Vau i Dejës, Shara in Tirana municipality, Maliq in Maliq municipality and Bajkaj in Saranda. These are all sanitary landfills, which comply with the standards in place for constructing and operating a landfill. In Albania currently there are 199 illegal deposit sites, and some of them are currently used by municipalities for dumping waste without or with minimal treatment.

There are no landfills for hazardous waste and for solid construction waste. Directives on: ELVs, WEEE, Use of Sludge in Agriculture, Batteries, PCB/PCT, Mining Waste, are in their early stages of implementation. These specific streams of waste or most of these are under the extended producer responsibility, which obliges the operators, manufacturers, importers of products and devices to design systems for collecting recycling and treating waste come from these products. At the current situation, there are not such systems in place. There are some operators who deal mainly with Batteries, PCB/PCT, ELVs but they do not operate in an integrated way, and more is needed in order to better implement the legislation in place.

Monitoring and reporting of data is another problem that characterizes this sector. There is still no unified platform in place for data reporting by manufacturers, importers, municipalities and any other operator that during the exercise of its activity generates waste of any kind. Monitoring structures are few in number and means to monitor all entities that generate waste in the territory of the country.

In order to fully transpose and implement the EU Directive it is important to increase and strengthen human resource capacities dedicated to the transposition process and those dedicated to implementing and monitoring the legislation in force. An integrated approach is needed to meet EU requirements with active involvement and cooperation between national authorities and NGOs, academia, recycling companies, manufacturers and retailers in order to involve all stakeholders in to the process.

2.2 RAPID PROGRES ASSESSMENT

This chapter of the Shadow Report highlights the status of waste management in Albania divided into three components:

1. level of transposition of legislation,
2. institutional set up, and
3. implementation.

The level of transposition of the legislation is presented as in the "Screening preparatory assessment report" in the framework of SANE27 project.

This chapter on the Waste Management Sector covers principally municipal waste, while the respective directives: law „On integrated waste management“ amended, DCM „On packaging and packaging waste“ and DCM „On landfills“ occupy most of the analysis, as there are more data available and their implementation is at a more advanced stage.

In addition, the report covers other categories of waste and the respective directives: Mining waste, ELVs, WEEE, Batteries, PCB/PCT, Sludge; however, due to the limited data and information available from government authorities and these directives being at their initial state of implementation, the assessment of these categories is more brief.

Below is a list of all directives that is needed to be transposed in the Sub chapter – Waste Management under the Chapter 27 – Environment and Climate Change.

The Directive 'On Waste'³⁷ is the main directive, which frames the whole subchapter, on waste management.

- Directive 'On packaging and packaging waste'³⁸
- Directive "On batteries and accumulators and waste batteries and accumulators"³⁹,
- Directive "On end-of-life vehicles", ELVs⁴⁰.

³⁷ 2008/98/EC

³⁸ 94/62/EC

³⁹ 2006/66/EC

⁴⁰ 2000/53/EC

- Directive “On waste electrical and electronic equipment” (WEEE)⁴¹ .
- Directive ‘On the management of waste from extractive industries’⁴²
- Directive ‘On protection of environment when sewage sludge’⁴³
- Directive ‘On Landfills’⁴⁴
- Directive “On the disposal of polychlorinated biphenyls and polychlorinated terphenyls” (PCB/PCT)⁴⁵ .

41 2012/19/EU

42 2006/21/EC

43 86/278/EEC

44 1999/31/EC

45 96/59/EC

Sub-chapter/ directive	Assessment		
	Transposition	Institutional system	Implementation
Waste Management			
E 2008/98/EC Waste Framework			
1999/31/EC On Landfills			
94/62/EC On Packaging			
2006/21/EC Mining Waste			
86/278/EEC Sewage Sludge			
2006/66/EC Batteries			
96/59/EC PCB/PCT			
2000/53/EC ELVs			
2012/19/EU WEEE			

Table 3 Rapid assessment on Waste

2.3 DETAILED ASSESSMENT OF THE SUB-CHAPTER – ACTUAL PROGRESS

Waste framework Directive

Transpozimi

The Directive “On Waste” is the main directive, which frames the whole sub-chapter on waste management. This directive establishes the legal framework that aims at the protection of the environment and human health by emphasizing the importance of proper waste management. The Directive introduces several principles of waste management such as: the “polluter pays principle”, the “extended producer responsibility” that is applied to different streams of waste. The law sets the hierarchy of planning documents addressing waste management, the waste hierarchy, recovery and recycling techniques to reduce the impact of waste in water, air, soil, flora and fauna. The law provides for the safe management, collection, storage and treatment of C&D waste, hazardous waste, waste oils and batteries and accumulators.

The Directive “On Waste” is partially transposed in the Law “On integrated waste management”⁴⁶ as amended by Law no.156 of 10.10.2013. The Law aims to protect the environment and human health and to ensure proper environmental management of waste through the prevention and minimization of waste, improving the efficiency of their use and reducing the overall negative impact on efficient use of resources.

This Directive is one of the most challenging directives to be transposed because of its linkages with other sub-directives within the waste sub-chapter. Waste management is a cross-sectoral area, including a number of ministries and independent agencies, which exercise their authority in the environmental area and in their respective sub-fields. All reporting obligations, policy planning, strategies, and monitoring of their implementation are coordinated by the MTE as the leading institution for this area, whereas MEI manages planning and implementation of investments. One of the challenges arising from the legislation is its full implementation. The lack of implementation also comes as a fact of overlapping competencies of central and local institutions. There are also cases when some tasks are not covered by any of

46 No. 10463, date 22.9.2011

the institutions.

Transposition of the Directive would need revision of the existing law "On integrated waste management" to clarify and strengthen responsibilities both at the vertical and horizontal levels, not to mention adoption and strengthening of a cross governance levels and cross-sectorial levels approach.

A draft version of the Law „On integrated waste management“ as amended, is currently in the consultation phase. The draft amendment replaces the Regional Plans of Waste Management with Integrated Zonal Waste Management plans and reviews adoption and reporting procedures for zonal and local waste management plans. According to this draft, local waste management plans will enter into force only after approval by the municipal council and also as endorsed by the MTE, while MEI and MTE should have to harmonize their actions with regard to planning and investments at zonal level, and the Municipalities to report annually to both MTE and the MEI.

Other important issues required to ensure full implementation of this Directive are related with the application of the waste hierarchy through legislation updating and improvements to facilitate and offer practical solutions, which leads towards matching reuse, reduce, and recycling strategic objectives as defined in the Strategic Policy Document and as imposed by the Directive. Three key objectives of the Strategic Policy Document are required for the application of the polluter pays, extended producer responsibility principle and data reporting. Achieving these objectives should be supported by new and updated by-laws and regulations that offer lacking practical and implementable solutions.

Institutional set up

Responsibilities for solid waste management in Albania are divided among national, regional and local levels. The Law "On integrated waste management"⁴⁷ is the key legislation defining the institutional responsibilities in the field of waste management in central government bodies, including the Ministry of Tourism and Environment (MTE) and their subordinate agencies to include National Environment Agency (NEA) and the Ministry of Infrastructure and Energy (MIE). Specific tasks are assigned to these ministries through special Decisions of the Council of Ministers (DCM), to mention the

47 139/2015

most recent DCM assigning a specific role for waste management to the National Agency for Water and Waste (NAWW), a reporting agency to MIE.

At the local level, responsibilities are divided between Regional Councils (RC) and Municipalities. The function of RCs is to design and implement regional policies and harmonize them with national policies. According to the current law "On integrated waste management", RCs draft and adopt regional plans for integrated waste management and report to the MTM annually on their implementation.

The law "On integrated waste management" is not very specific regarding responsibilities of Municipalities related to waste management, though law 'On the local self-government' has defined management of municipal solid waste as an own function of Municipalities. According to this definition, municipalities have the right and responsibility to manage the provision of services in a way that best suits their specific conditions and to cooperate with other municipalities on setting service tariffs and a revenue collection mechanism, build and administer waste treatment plants. Reference is still made to Law "On public waste disposal"⁴⁸, regarding contracting third parties for the collection, disposal and treatment of waste and modern standards remain to be implemented by all municipalities.

Implementation Challenges

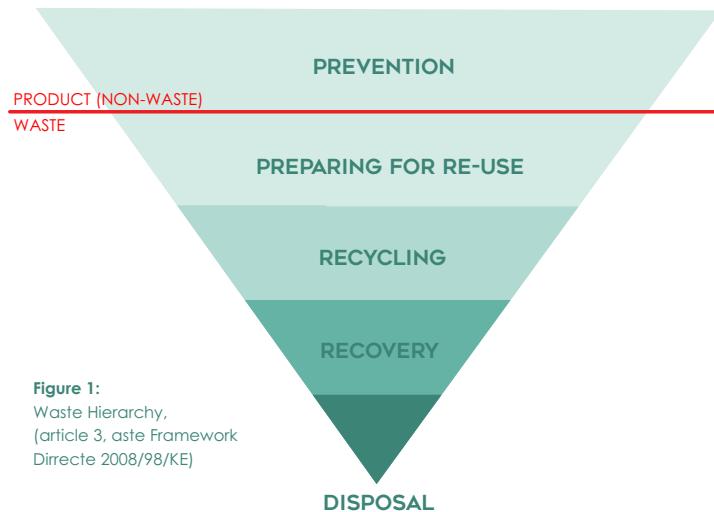
These functional responsibilities are under revision within key policies that are being stipulated in the framework of the Strategic Policy Document and changes proposed for the Law „On Integrated Waste Management”.

Main changes and improvements of the legislation should ensure a linear and harmonized planning hierarchy to start with the Sectorial Plan (1) as approved by the National Territorial Council (NTC). Plans for the Waste Management Zones (10, WMZ) also as approved by the NTC, and the Municipal Waste Management Plans (61) as approved by municipal councils; all inter-related, harmonized and transposing the Strategic Objectives as defined in the Strategy Policy Document and Sectorial Plan.

The main waste management principle in Albania is in line with the principles according to the EU Framework Directive on Waste, which is the "waste hierarchy".

48 no. 8094, dated 21.03.1996

This principle aims at ranking waste management options according to what is best for the environment, and for the transition to a circular economy and in order to lower the amount of waste deposited or incinerated.



Albania still lags behind in terms of the implementation of this hierarchy. Among many principles, the main ones to focus on both legal, regulatory and practical models for implementation imply principles of "Polluter's pay", "Extended producer responsibility" and "Separation at Source and differentiated collection".

The Strategic Policy Document is the main planning document, which regulates the management of municipal, non-municipal and hazardous municipal waste.

The Strategy Policy Document takes into consideration planning and infrastructure developments in the waste sector, both at the Central and Local Government levels, significant involvement of private business and numerous investments undertaken at the level of the collection, transfer and particularly treatment of waste. The revised Strategic Policy Document is developed with the vision or perception of the "zero waste" concept, so that waste is collected and treated as raw material and management is done in accordance with the concept and principles of the circular economy system. The main goal of the Strategic Policy Document is to provide strategic directions.

The specific objectives of the Strategic Policy Document are to provide practical solutions for:

- Addressing the hitherto problems of management system.
- Implementing the legal framework in force.
- Meeting the specific obligations of the EC waste management acquis, including the ambitious objectives of the circulating economy Package.

Achieving these objectives improves the quality of the environment and the health of citizens, giving an additional push to the economic and social development of the country, as well as paving the way towards European integration.

The Strategic Policy Document, which is the highest planning level in the field of waste management is a document of action for the future where strategies and plans are based upon, interactions are regulated through and resources are guided by. This document is of use for policy-makers, to guide their decision-making process regarding good waste management; it sets realistic strategic objectives and achievable targets aiming to reach the levels set by the EU directive towards the planning horizon.

Nevertheless, achievement of strategic objectives shall strongly depend on the annual based implementation and monitoring of the action plan and allocation of resources as defined in the national Masterplan.

The Sectorial Plan represents the second-level planning document on waste management, which defines the planning framework related to national and regional infrastructural investments, selection of sites for deployment of infrastructure and allocation of investments for related infrastructure.

This document divides the country for the purpose of the waste management sector into "10 WMZ", which take into account the current and future waste management infrastructure, terrain typology, proximity and cost affordability by municipalities. This document will serve to the competent authorities to identify and define the methodology and technology for future waste treatment investments, including equipment for waste composting, recycling, incineration for energy recovery and disposal basis; it also will serve as bases for planning at the level of WMZ, down to the level of municipal plans.

Currently there are in place 3 out of 10 Plans, 2 with the support of EU through IPA

funds, for the WMZ of Kukes, Gjirokastra and Vlora South with associated Feasibility Studies, while WMZ of Korca was drafted with KfW support and is under way the design of the regional plan for the WMZ of Berat. While, the Plan of WMZ of Korca is approved and operational, the other three documents are pending for approval of the competent authority. On the other hand, through the support of Swiss Government about 14 municipalities have designed and adopted their Local Integrated Waste Management Plans (Local Plans).

All planning hierarchy in waste management shall depend on how fast the plans for the 10 WMZ shall be prepared and approved by competent authorities, and this is a target milestone to measure the efforts and success of Albania to cope with the requirements and targets of transposing the legislation and implementation of the Directive.

Currently the waste hierarchy is not applied in Albania. Most of the municipalities in the country do not have Local Plans. Despite a few try outs, establishing an efficient system of separation at source and differentiated collection of municipal solid waste has been deficient; missing to provide for a well-regulated and complete designed system that strongly combines and interlinks infrastructure – equipment – collection system – human capacities – contractual regulations - final destination – awareness and education.

Collection of recyclable waste remains informal, usually carried out from waste pickers and delivered directly to relevant recycling processing businesses.

Therefore, when projecting for waste reduction through recycling and composting, we will continue to refer to the objectives as set forth in the document of the Strategic Policy Document, as shown in the Table 1 above.

The service coverage by the municipalities is delivered through private operators licensed by the MTE or by sectors of public services as part of the organisational structure of the municipalities. In most of the cases, private contractors sign a 5 year contract with the municipalities for the collection, transportation and disposal of the waste.

YEAR	RESIDENT POPULATION	RESIDENT POPULATION SERVE	D RATE OF SERVICE COVERAGE (%)
2018	2,866,375	1,882,919	65,7
2019	2,854,191	2,508,834	87,9

Table 4: Rate of population coverage with solid waste management service

According to data released from the Albanian Institute of Statistics (INSTAT) for 2019, the service is provided for 87.9% of population covering a total population of 2,854,191, while in 2018 only 65.7% of the population was covered with service for a total population of 2,866,537 inhabitants.

YEAR	TOTAL MSW MANAGED	OTHER WASTE	MSW
YEAR	Tonnes/Year	Kg/cap/year	Kg/cap/year
2018	1,325,071	462	79
2019	1,086,692	381	50

Table 5: MSW generated and managed, 2018 - 2019

In 2019 were collected 1.086.692 tons of waste, while in 2018 for a lower coverage were collected 1.325.071 tons of waste suggesting that the generation rate for inhabitant decreased from 1.2 kg/person/day to 1.04 kg/person/day. These numbers, despite doubts about their accuracy, indicate that there is a significant amount of waste, which ends up, uncontrolled in the environment, mainly aside of roads, water lines and rivers.

Municipalities do not have in place a system for the collection of waste in 4 streams; paper/cardboard; metals; plastic and glass, as foreseen by the law. On the other hand, collection infrastructure is weak, and the number of containers is often insufficient for meeting the needs of the inhabitants. Collection equipment containers and trucks in most of the cases are non-compliant with the standards and in need of continuous maintenance, which leads to inefficient and ineffective service delivery.

Though local government financing has annually increased, especially following

the Territorial and Administrative reform (TAR), the average rate of collection of revenues from service fees is registered at about 63%. Based on this rate and the average service fee of 1,544 ALL/ family /year, municipalities manage to cover only an average of 34% of the O & M cost⁴⁹ . Assuming a collection rate of 90%, the municipalities should increase the service fee by an average of 86%, from 1,544 ALL/ Family / year to an average of 2,850 ALL/ Family / Year to cover O & M cost the collection and transport for the current standard of waste management service delivery.

Any future service expansion and improvement, including separation at the source and advanced treatment to encourage waste reduction shall require increasing the charges for the service population; this is also a challenge not just for the municipalities, but for the central government as well.

Municipalities are required to report annually to the Regional Councils and NEA any data regarding the amount of waste and waste types generated in their territory which would then be used by NEA in compiling statistics reports regarding recovery, recycle activities and quantities of waste deposited. The same reporting format is sent to municipalities from NEA and INSTAT. At this point, capacities of municipalities to report based on the required standards need to be further strengthened, from the methodological point of view and in terms of offering practical solutions.

Hospital waste management has improved over the years, and currently is being treated in a more structured way. There are several licensed companies that perform the management of such waste, and any facility such as: hospitals, small clinics, out-patient care, dental clinics, etc. must enter into a contract with licensed operators dealing with hospital waste management. Data from INSTAT indicate that for 2019, 11,953⁵⁰ tons of hospital waste were safely collected and disposed, which constitute 1.1% of the total waste amount managed of 1,086,692 ton. This % has varied significantly from 2013 – 2019 as reported from INSTAT, therefore, no clear trend can be identified.

Despite progress in this sector, much remains to be done regarding the assessment

49 Reference made with 2016, data as reported in the document of in the document of Strategic Policy and the National Plan for the Integrated Management of Waste, 2020 – 2035.

50 Percentage of hospital waste managed in relation to total managed waste. 1.1% of hospital waste managed from a total of 1,086,692

of the total amount of waste generated nationwide and how much is treated as foreseen by the law. Often the amount of waste generated does not match with the treated quantities and there have been cases identified by civil society and Media in which this waste is deposited in unauthorized places, thus posing a risk to human health and the environment.

Used oils management since the adoption of the DCM "On Adoption of Rules on Differentiated Collection and Treatment of Used Oils"⁵¹ has improved. However, still more is needed to achieve better targets of collection recycling and treatment. Data from the environmental report of 2019 prepared from NEA, indicate that 1.057.498 kg of used oils have been collected and withdrawn for treatment. The Strategic Policy Document suggest that the amount of oil produced at domestic level is around 1.5 to 3.9 million of litres per year, while from the General Directorate of Costumes the amount of the lubricant oils imported in our country for 2019 is 889.420.611⁵² liters. Currently in Albania there are approximately 15 companies that have a license to operate in the field of collection, transportation, preservation treatment and recycling oils. The data suggest that there is a large quantity of used oils deposited in the premises where they are produced or have been thrown away illegally in the external environment.

Among things that need to be further adjusted is the need to improve data accuracy on the quantity of used oils that that are used, the quantity of those that are treated, where and from whom, as well as what happens with regard to the untreated quantities. To properly manage this waste stream, the implementation of the law and regulations should be strengthened to ensure full control of the territory.

Data accuracy and reporting

One of the main problems with data related to waste is linked partially to the number of the population that is used when calculating the amount of per capita generation of wastes and especially linked with the preparation of waste management plans at all levels. As generally accepted, population number is one of the main factors to define accurately amount of waste generated, for the purpose of waste management sector. In Albania, reference is made to three different sources of population, which are INSTAT (based on updated results of Census 2011), Civil Status Registry (CSR) and

51 765 of 07.11.2012

52 Integrated Waste Management Strategic Policy Document and National Plan, 2020 – 2035

the formula that is used by MFE to calculate the population for the purpose of annual state budget unconditional transfer to the local government units, with the latter that represents an effort to reconcile the differences between INSTAT and CSR. All three sources provide different figures of population, creating the grounds for inconsistent data; to illustrate this aspect we would mention the fact that for the same subject, while the Strategy Policy Document is referred with INSTAT data, whereas the Sectorial Plan with MFE data, therefore setting two different grounds for the analysis and need assessment of the same sector. This is a crucial aspect to address from competent authorities to unify the source of population data at least with regard waste sector, so that setting a unified ground of calculations and investment need assessment for the sector.

On the other hand, data reporting issues are related to indicators reported by municipalities as most of them do not perform waste separation at source and therefore cannot report in detail the amounts of waste generated according to respective streams. In addition, the lack of infrastructure in the non-sanitary deposit sites does not always allow the weighing of waste that is deposited in them. Under these circumstances, municipalities report based on calculations made by local waste management plans, in those municipalities that have a plan, or in estimations made by the public service directorates in the municipality.

This way of reporting brings a lot of confusion regarding the number of population covered by the service, the amount of waste generated, recycled, safely deposited and leaked in the environment, concluding that waste sector statistics are therefore unreliable (and data collection methodologies needs improvement and harmonisation).

Landfill Directive

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Transposition

The Directive “On Landfills” provides measures, procedures and guidance to prevent and reduce possible negative effects on the environment form landfilling of waste. This Directive sets the criteria and the types of waste that are accepted to be landfilled in order to deposit each stream of waste in the proper way.

This Directive is transposed with the DCM “On waste landfills”⁵³. The transposition of legal acts is at a good stage, but the implementation is still at initial stage mostly due to the high financial costs for the constructions of waste deposit and temporal storage facilities. The Sectorial Plan divides Albania in 10 waste zones and defines the needed infrastructure for temporary storage and final safely disposal of waste.

Albania has also transposed “On the incineration of waste”⁵⁴ which is transposed in the DCM “On waste incineration”⁵⁵, following the approval of the said DCM, three incinerators are designed out of which one is operational (Elbasan) and two of them are under construction (Fier and Tirana).

We are of the opinion that Albania should strictly stick to the application of the waste hierarchy as the EU Waste Directive defines it. Should we look at the sector from this point of view, we are of the opinion that the designed capacity of the three incinerators (Elbasan already constructed with the capacity of 140 ton/day, the one of Fier, with the capacity of 240 ton/day and Tirana with the initial capacity of about 920 ton/day) totals about 1,310 ton/day, which is estimated much higher than the amount of combustible waste generated in each respective waste zones these facilities cover; therefore their designed capacity is not being met.

Under these circumstances, it is recommended that the Government reviews the designed capacities of incinerators, which have not started to be built and adapt those currently under operation and support of the implementation of EU policies and the objectives for waste reduction as set forth in the Strategy Policy document.

Institutional set up

Along with MTE, the Ministry of Infrastructure and Energy (MIE) has a primary role in planning the infrastructure for waste management. The ministry exercises its activity in:

1. The urban waste area related to territorial planning and waste infrastructure;
2. The coordination of policies on urban waste infrastructure regarding their implementation and monitoring these policies. The direction, management, supervision and definition of technical standards for the infrastructure of waste disposal sites also falls under the responsibility of this Ministry.

53 No. 452, dated 11.7.2012

54 DIRECTIVE 2000/76/E of 4 December 2000

55 No. 178, dated 06 March 2012

The executive body subordinated to this Ministry is the NAWW⁵⁶ which is the responsible entity in the area of urban waste is related to planning of regional waste infrastructure in line with the area of responsibility of MIE.

At MIE, there is only one person responsible to follow waste planning, while in AKUM there is as yet no person solely responsible for waste management. Current human resources allocated from these institutions to manage their responsibilities on waste management, are rather limited, despite the need for further strengthening of know-how capacities and exposure of them towards successful practices in EU and countries in the region; and along with the unregulated division of responsibilities and rather difficult coordination with the MTE and municipalities, all together constitute the main gaps on the institutional set up and organizational point of view. An appropriate organization and sufficient resource allocation are needed at both ministries, with the purpose to speed up and keep the pace of the sector development following the phases of implementation as defined in the Strategic Policy document and Sectorial Plan; while both documents should be regarded as one government policy and implementation plan and not as two documents that separately belong to the responsibilities of either one of the ministries.

Implementation

The framework law on integrated waste management classifies landfills in 3 categories:

- a. landfills for hazardous waste;
- b. landfills for non-hazardous waste;
- c. landfills for inert and CD waste.

Landfills should be constructed taking into account the concept of waste areas / regions defined in the Strategic Policy Documents and Sectorial Plan and cope with all current regulatory and standard requirements as required by the law.

The DCM on the landfills defines all the technical criteria necessary for the construction of a landfill, as well as the procedures to be followed for their operation, including reporting of the amount of waste, the type of waste deposited, the capture of methane gas, etc.

56 DCM No. 431, dated 11.7.2018 "On the establishment, organization and functioning of the National Agency for water Supply and Waste infrastructure"

Currently in Albania, the number of sanitary landfills is very limited. There are only 4 sanitary landfills for non – hazardous waste:

- Bushat landfill to serve for disposal of wastes covering the municipalities of Shkodra and Lezha waste zone; so far only some of the municipalities deposit their waste in this landfill, construction of facilities to such as transfer stations are required to allow some of the municipalities to dispose their waste in Bushat, despite the fact that the treatment standards, especially leachate and gas emission control should be met by the operator and monitored from NEA and other competent authorities ;
- Sharra landfill is the site where the Municipality of Tirana deposits its waste. Sharra landfill and the incinerator is defined as an end point and final treatment facility for disposal of waste from all municipalities in the waste zone of Tirana, to include Durres, Kamez and other the municipalities of the catchment area;
- Maliq landfill where the wastes of 5 out of 6 municipalities of Korca waste zone are disposed; two transfer stations are being constructed and are operational to facilitate transportation of waste from Pogradec and Kolonja municipalities.
- Bajkaj landfill where the waste of 5 out of 5 municipalities of South Vlora subzone are disposed. The landfill is defined as the end point and final treatment facility for waste of Gjirokastra region also; To be able to meet this requirement, other infrastructure specifically at least three transfer stations and a waste treatment facility are needed to be constructed to serve the municipalities of Gjirokastra region.

Because the constructed facilities for safe disposal of waste do not cover all the territory, data from MTE and the Strategic Policy Document indicate that there are currently about 199 legal dumpsites still operational in Albania. Some of these legal dumpsites are used by municipalities to dispose their waste because they do not have the necessary infrastructure for their safe disposal. But, even in those cases where they have a landfill or incinerator in the territory of their region, they do not have the necessary funds to dispose the waste to these facilities.

Identification of these dumping sites is associated with a preliminary cost estimate for either their closure or rehabilitation; though neither the government, nor the municipalities have yet a plan and a budget intended to address this situation, which from an environmental point of view is quite critical.

At this stage, landfills for hazardous waste or landfills for inert waste disposal are not constructed yet, which suggests that most of the waste is treated by licensed operators in related fields or ends up uncontrolled in the environment.

Packaging and Packaging Waste and Directive

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Transposition

Directive 94/62/EC on “Packaging and Packaging Waste” provides guidance for the concepts mentioned in the law “On integrated waste management”; it regulates the producers’ responsibility for packaging material of all types, and packaging waste of all types, used and disposed from households, agriculture, industry, and other commercial activity. This Directive is transposed partially with DCM no. 177 of 6.3.2012 “On packaging and packaging waste” amended with DCM 232 date 26.04.2018.

The transposition of this Directive is at a good stage, but its execution is lacking due to the fact that the implementation of this Directive is linked with the application of the Extended Producer Responsibilities (EPR) schemes. The country has not been able to develop a substantial and sustainable EPR scheme, and therefore implementation of the legislation and consequently meeting the directive requirements are lagging behind. National authorities should cooperate with producers and retail companies in order to set up EPR schemes that are better suited to the country context.

Institutional set up

MTE is the main authority responsible for the implementation of this Directive. NEA is the executive body of the MTE, which exercises its activity across the country and is responsible for ensuring environmental performance, monitoring of the implementation of legal acts and by-laws and collecting data on waste management in all waste streams. MTE has only two persons overseeing the process of transposition, policy implementation and planning. While at the NEA, there is no direct staff involved for the monitoring and implementation of this Directive.

Despite the levels of know-how and experience, insufficient resources allocated both at the Ministry level and NEA and they do not allow them to fully exercise their tasks and responsibilities; therefore representing a major gap to fill in, given the fact that waste management is defined as one of the main strategic sectors for the country.

On the other hand, municipalities also have an important role to play in the implementation of this Directive, regarding the execution of their function of municipal solid waste management and letting alone the separation at the source and differentiated collection of recyclable, but since the hierarchy of waste is not implemented and there is non-differentiated waste collection their role is not effective. Understanding the role and responsibility of municipalities from the central government point of view is a principle issue; all institutions at central level, sometime including even international donor organizations, should unify their standing by adopting the same understanding on the role of municipalities as it is defined in the law "On the local self-government" in Albania. Missing this understanding will constitute a continuous hindrance to both governance levels for an effective cooperation and harmonization of interventions and resource allocation vis – a – vis the objectives established in the Strategy Policy document and the master Plan.

Implementation

The purpose of the DCM No. 177/2012 is to protect, preserve and improve the quality of the environment and human health, by minimizing the negative impacts of packaging and its waste. This DCM aims to prevent generation of packaging waste, to promote differentiated waste collection and to reuse, recycle and recover of packing waste of all types in order to lower as much as possible the amount of packaging waste finally disposed.

The producers of packaging materials and packaging have their own prevention programs based on regional and national waste prevention programs. These programs are approved and monitored by NEA.

Under the producer's responsibility, the producer of packaging and waste from packaged goods take measures to finance all costs arising from the establishment of waste return and recovery systems, individually or in cooperation between them.

They take measures to preserve the quality of packaging waste for reuse and recycling, by ensuring proper differentiated transportation. They weigh and record all data on waste packaging and report annually to the local government authorities.

Under the producer's responsibility, packaging producers of the complete chain of production use economic instruments (reimbursement system for packaging) to promote:

- a. Collection of packaging waste;
- b. Use of packaging materials, which do not contain hazardous substances.

The **extended producer responsibility principle** is not applied in any form by the producers in any kind of packaging products including PET, glass or aluminium. Recycling activities play an important part in the sector of waste management, which if done properly will reduce the amount of waste deposited in landfills, as well as will also provide the recycling companies a good quality of raw material. With reference to the Strategic Policy Document, Albania has a developed and active recycling industry with 32 companies that are members of the Albanian Recycler Association (ARA). ARA reports that the recycling companies have a processing capacity of 498,480 tones/year but due to the lack of raw material, this industry has engaged only 26.8% of its production capacity or 133,592 tones/year. Data from INSTAT report that about 18,7% of the total waste generated in 2019 are recycled while ARA reports that the recycling level in Albania is about 10%.

At this stage, no program or plan to fulfil the extended liability of the manufacturer has been designed and implemented by packaging materials manufacturers or retailers. In these conditions, the financial burden for the collection and treatment of this type of waste falls on the citizens, municipalities and the state budget.

As of 03.12.2018 the law No. 93/2018 on some changes on the law "On National Taxes"⁵⁷ has entered into force, which sets a tax for all plastic and glass packaging materials imported and produced in the country. The tax is collected by the Customs Directorate under the Combined Nomenclature of Goods when it is imported and from the Tax Administration when is produced in the country. This is a financial instrument used for recovery of the costs for the management of packaging waste.

57 No. 9975, 28.7.2008

Actually, the product tax on glass and plastic products goes to the Ministry of Finance and Economy, which then becomes a part of the state budget and does not go directly to fund environmental programs.

Our recommendation is that the tax on glass and plastic products should go to the Environment Fund for the rehabilitation of environmental hotspots, or to support recycling activities and for the establishment and support of EPR system.

In July 2018, the DCM "On changes in DCM no. 177, date 6.3.2012"⁵⁸ has entered into force and all the sellers of goods in Albania have to charge a fee to the buyers, per each lightweight plastic bag they put in the market. (5 ALL or 5 cent/€ for small bags and 10 ALL or 10 cent/€ for big bags).

Currently there is no monitoring system in place for the implementation of the DCM, therefore data on the reduction in consumption of plastic carrier bags, since the DCM entered into force are not available. There is no monitoring with regard to the production and marketing of single use plastic bags which size and composition have been set by a special DCM, therefore impact of these bylaws have been not satisfactory as compared to initial expectations of the competent authorities. With regard to this aspect, the Government should revise the specific DCM on single use plastic bags to define more restrictive measures, and on the other side it should take measures to ensure enforcement of law and regulation implementation through increasing the resources and capacities of NEA and the State Inspectorate of Environment, Forests, Water and Tourism, both organizations subordinated to the MTE.

On the management of waste from extractive industries

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Transposition

Directive "On management of waste from extracting industries" provides measures procedures and guidance to reduce negative effects on the environment as a result of waste from extractive industries. Law "On the Mining Sector in the Republic of Albania"⁵⁹ as amended, this law determines the rules for the development of mining

58 no. 232, date 26.4.2018

59 No. 10304 of 15 July 2010

and post-mining activities and aims to promote mining activity in the Republic of Albania. The law aims at ensuring transparency and free competition in the development of this activity, maximizing public benefits from mining activities and environmental protection and public health from mining and mining industry waste.

This Directive is at 45% of the transposition level, which suggests that a lot has to be done in order to reach full transposition.

Institutional set up

MIE is the responsible body for the Extractive Industry Directive and monitors the activity of the permitting and operation activities of licensed subjects that operate in this field. The subordinate body of MIE is the National Agency of Natural Resources (NANR) that has as its object of development, the supervision of rational use of natural resources, according to the government policy, and monitoring of their post-exploitation in mining, petroleum and energy.

The NEA is the institution that controls the impact that these industries have in the environment and is responsible for collecting data on the amount and type of pollution they cause.

Implementation

All companies operating in the extracting industry when applying for a license must meet legal requirements. The law requires that the subject needs to be equipped with an environmental permit and an Environmental Impact Assessment (EIA) for the activity they will carry out.

The subject must also draft an Environmental Rehabilitation Plan, which contains, inter alia, all the steps to be followed by the entity for the recycling, transport, treatment and final disposal of waste generated during its activity. The subject must report on an annual basis to the relevant authorities on the financial statements and on the typology of the activity that is taking place and the amount of waste generated and treated. The law stipulates that if the entity does not fulfil its obligations for the rehabilitation of the area where he has exercised his function then the funds that this entity has left as a guarantee will be used for its rehabilitation. The law provides for penalties in the cases when subjects do not meet their obligations.

Currently in the country, there is no landfill for hazardous waste, which suggests that these entities treat and dispose of this waste themselves. While we have a Sectorial Plan dedicated to the management of MSW, it is imperative that a similar document should be designed at the shortest time possible that should address in one side number, site selection and technologies for treatment of hazardous waste and enforced within reasonable timetable. In the NEA report for 2019 are presented data from 779 entities, which have performed self-reporting. These entities operate in various activities such as Fossil Fuel Industry, Mining Industry, Metal Industry, Fish Processing Industry, Beverages, Light and Food Industry Production of Vegetable Oils etc. NEA in the 2019 report also shows that there are 159 entities that deal with the transport of hazardous and non-hazardous waste but in all cases there is no indication where the waste is deposited.

The Strategic Policy Document foresees that a Sectoral Plan is required to establish separate waste management systems for specific wastes. These include waste that will be subjected to Extended Producer Responsibility, and other specific hazardous waste streams.

To better manage data, on hazardous waste, a well-functioning electronic reporting system where companies shall report data is required. At the web page of the NEA⁶⁰/MTE⁶¹, there is a link that directs to the Environment Pollutant Release and Transfer Register⁶², which is not populated.

DCM „On the functioning and management of the register of disposal and pollution of pollutants, approval of the list of activities and pollutants, that are the subject of this register, as well as data declaration form for discharges and pollutants transfer from operators⁶³“. This DCM transposes partially the Regulation “On the establishment of a European Pollutant Release and Transfer Register”. EPTR in the form of a public database comes in an electronic format to facilitate public participation in environmental decision-making, in order to prevent and reduce environmental pollution.⁶⁴“

60 <http://www.akm.gov.al/informacione.html#rrshtn>

61 <http://prtr.akm.gov.al/main/welcome.jsf>

62 <http://www.akm.gov.al/assets/rregullorja-per-e-prtr.pdf>

63 DCM No.742, dated 09.09.2015

64 (EC) No 166/2006

On protection of environment when sewage sludge is used in agriculture

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Transposition

The Directive “On the protection of the environment when sewage sludge is used in agriculture” with the purpose of regulating the correct use in agriculture of sewage sludge, promoting those ways that prevent harmful effects on soil, vegetation, animals and humans. This Directive is fully transposed in the DCM “For the requirements of using sewage sludge in agriculture”⁶⁵.

While the transposition process is completed, the implementation of this Directive is in its initial steps, due to the missing wastewater treatment plants, which are mainly missing due to the high cost of construction and operation of these plants.

Institutional set up

The Ministry of Agriculture and Rural Development (MARD) is the leading institution dealing with transposition of the Directive “On the protection of environment when sewage sludge is used in agriculture”⁶⁶. The Agricultural Technology Transfer Centres, ATTC, which is a subordinate agency of MARD, is responsible for setting criteria and specification parameters of the sludge to be used in agriculture.

The Minister of Tourism and Environment and the Minister of Agriculture and Rural Development, by joint order, approve the format that will be used for the preparation of the report regarding the implementation of the DCM.

NEA is the responsible body for adopting the Environmental Impact Assessments and monitoring of the operational phase of wastewater treatment plants.

The competent authority (NEA / ATTC) creates, maintains and updates the National Register for the use of sludge in agriculture, which includes relevant data reported by producers and users.

MIE through its subordinate agency NAWW is the main institution responsible for the construction of wastewater treatment plants in the territory of Albania.

65 127, date 11/02/2015

66 86/278/EEC

The Albanian Regulatory Authority of the Water Supply and Waste Water Disposal and Treatment Sector (WRA)⁶⁷ is the main authority for licensing all natural and legal persons delivering water and/or wastewater services to the public and regulate tariff services. The involvement of the two ministries and their subordinate agencies creates confusion, as to who does what, hence the need to clarify the competencies between the institutions involved mainly between MTE and MARD.

Implementation

The implementation of this Directive is very much depending to the construction and operation of wastewater treatment plants that will cover the whole or most of the territory with service. Currently in Albania according to data from WRA there are 8 wastewater treatment plants but only 4 of them are licensed, which indicates that half of the plants do not fulfil the legal requirements. Most of them are not equipped with relevant Environmental Impact Assessments (EIAs) and related environmental permits, while municipalities should cover the costs of these extended services based on charges as approved by WRA.

This is an issue that municipalities cannot address on their own, unless effective coordination is set up between them and competent authorities, MIE and WRA. Data on the quantity of sludge used in agriculture are generally missing.

Other Directives

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The following directives are presented here as a group as they cover special streams of waste and because data on their implementation is generally lacking.

Transposition

1. Directive “**On batteries and accumulators and waste batteries and accumulators**”⁶⁸, aims to prohibit the placing on the market of certain batteries and accumulators containing mercury or cadmium. The Directive promotes a high level of collection and recycling of waste batteries and accumulators and

67 Law No. 8102 dated 28.03.1996 On the regulatory framework of the water supply and wastewater disposal and treatment sector”, as amended.

68 2006/66/EC

improves environmental performance of all operators involved in the life cycle of batteries and accumulators. (Producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators).

The major part of this Directive is transposed in the Law "On integrated waste management"⁶⁹, as amended and in the DCM "On batteries and accumulators and waste batteries and accumulators"⁷⁰.

2. Directive "**On the disposal of polychlorinated biphenyls and polychlorinated terphenyls**"⁷¹ (PCB/PCT). The purpose of this Directive is to approximate the laws of the Member States on the controlled disposal of PCBs, the decontamination or disposal of equipment containing PCBs and/or the disposal of used PCBs in order to eliminate them based on the provisions of this Directive.

The major part of this Directive is transposed in the law "On integrated waste management", as amended and the DCM "On rules regarding the controlled disposal of PCBs/PCT/s decontamination or disposal of equipment containing PCB/PCT and/or disposal of used PCB/PCT waste"⁷².

3. Directive "**On end-of-life vehicles**"⁷³, ELVs .The purpose of this Directive is the prevention of waste from vehicles and, in addition, at the re-use, recycling and other forms of recovery of end-of life vehicles and their components so as to reduce the disposal of waste, as well as at the improvement in the environmental performance of all of the economic operators involved in the life cycle of vehicles and especially the operators directly involved in the treatment of end-of life vehicles

This Directive has a good level of transposition referring to the legal acts and has been transposed in the Law 'On integrated waste management' as amended

69 no. 10 463, date 22.09.2011

70 no. 866

71 96/59/EC

72 no. 387, dated 06.05.2015

73 2000/53/EC

and DCM, "On management of waste by end of life vehicles"⁷⁴ and DCM "On criteria to define when some types of scrap metal cease to be waste"⁷⁵.

4. Directive **"On waste electrical and electronic equipment"**⁷⁶ (WEEE).

The purpose of this directive is to contribute to sustainable production and consumption, prevention of WEEE and, in addition, by the re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste and to contribute to the efficient use of resources and the retrieval of valuable secondary raw materials. The Directive also seeks to improve the environmental performance of all operators involved in the life cycle of EEE, in the application of the "producer responsibility" principle.

This Directive is at its early stage of transposition referring to the legal acts and has been transposed in the Law "On integrated waste management" as amended, and the DCM "On waste from electric and electronic devices"⁷⁷.

Conclusion for all directives transposition

The implementation of these directives is in initial steps, and more is needed to be done in order to reach better targets for the implementation of these Directives, mainly in the application of extended producer responsibility, on the financial burden to be covered by the producers, treatment and final disposal of these type of waste and the reporting procedures.

Institutional set up

The main institution for the transposition of these directives is the MTE, while NEA is the responsible body for the monitoring process and the implementation of these Directives and for the impact that operators have during the application of their activities in the environment. The implementation of these Directives requires very good cooperation with other institutions such as the Customs Directorate, the General Directorate of Road Transport Services and municipalities.

74 no. 705

75 no. 117, dated 13 February 2013

76 2012/19/EU

77 no. 957, dated 19 December 2012

The Strategic Policy Document stipulates that Sectorial Plans should be drafted for each waste stream to clearly define the extended responsibilities of the producer, the way of reporting and the relevant institutions that should be engaged in these areas. The drafting of these plans, may be accompanied by changes in legislation.

Considering the small number of MIE and NEA staff dedicated to transposing, monitoring the application of legislation related to waste management as a whole, there is need to increase the number of employees and provide more training for increasing the capacities of these employees.

Implementation

1. The DCM “On batteries and accumulators and waste batteries and accumulators” aims to establish rules for the placing on the market of batteries and accumulators and prohibiting to place on the market those who contains dangerous substances and to promote recycling and maximise differentiated collection of waste batteries and accumulators.

This DCM foresees that all the manufacturers of batteries and accumulators should be registered in the National Registering Center and to be granted with an environmental permit and defines standards for products to be placed on the market.

The DCM foresees that the manufacturers or the distributors of batteries and accumulators should create schemes for waste treatment and recycling of batteries and accumulators, using the best available techniques that protect human health and the environment.

Currently in the country, there are no schemes for the collection of batteries and accumulators.

Referring to the report of NEA for 2019 there are some businesses that collect and treat waste from batteries and accumulators but no accurate data on quantities is provided.

2. The DCM “On rules regarding the controlled disposal of PCBs/PCT/s, decontamination or disposal of equipment containing PCB/PCT and/or disposal of used PCB/PCT waste”. This decision aims to regulate the controlled disposal of PCBs, the decontamination or disposal of equipment containing PCBs and / or the disposal of used PCBs, so that they can be completely eliminated.

The DCM foresees that all equipment, materials and liquids containing PCBs and used PCBs, located in the territory of the Republic of Albania must be eliminated within 2018. The DCM charges with the obligation to fulfil the self-declaration and to destroy with disposal operations foreseen by this DCM the owners of the equipment's, materials or liquids containing PCB.

DCM foresees that the owner of this material should/could contract a natural / legal person licensed to deposit or export the material or can be incinerated according to the provisions of the law for the incineration of waste.

In the annual report of NEA regarding the status of the environment for 2019, there are no reported quantities of PCB/PCT materials disposed or incinerated.

There is no data on the quantities currently in the country and the quantity of PCBs / PCTs safely deposited or exported.

3. The DCM, “On management of waste by end of life vehicles” defines the institutions that are responsible for the implementation of this DCM and those that must report and collect information on this type of waste.

The DCM also stipulates that economic operators operating in this field must take all measures for the collection, recycling and treatment of the vehicles. These operators must be provided with a license, which proves that they meet all legal requirements to operate in this field.

Operators must declare once a year the number of decommissioned vehicles they have handled and how they have operated with particular parts of these vehicles. In the NEA report of 2019 there is no data reported on the number of vehicles out of use on the other hand there is reported that are some operators in the Region of Elbasan and Durres who operate in this field but there is no information how they perform recover, recycling and treatment of these vehicles.

This sector is affected by informality, as there are many individual/entities who deal with the sale of used vehicles, their repair and use only some parts of these cars. A major part of these operators are not registered or do not have a license in this sector. As the reporting is done based on self-declaration, stronger measures need to be taken to oblige these entities to report periodically and regularly on the amount and manner of handling of these assets.

With the approval of the DCM no. 154, dated 27.02.2019⁷⁸, after date 01.01.2020, for used vehicles, registration is allowed for the first time only if they meet the environmental category EURO 4 and above, while vehicles with mileage 0 must meet the environmental category EURO 5 and EURO 6 (according to the criteria of DCM No. 633)

4 - The DCM “On waste from electric and electronic devices”⁷⁹ aims at the prevention of waste from electrical and electronic equipment, promotion of re-use, recycle and other form of recovery in order to lower the amount to be disposed and to improve the environmental performance of operators, manufacturers, distributors and consumers involved in the life cycle of such devices.

The DCM foresees that all the manufacturers or importers of such devices should be registered in the National Licensing Center in order to operate in the territory of Albania. The DCM also provides a set of measures to be taken by these operators such as product labelling, how they will fulfil their obligations for the collection of the products, the address of the entity etc.

The operators operating in this field should set up a system for the collection recovery, recycle and treatment of these devices in the territory of Albania, in accordance with the best available techniques.

The DCM also provides for targets to be achieved in terms of recovery, recycling and treatment of these devices. Local government units are charged with the obligation to calculate the total weight of entrances and exits in the territory under their jurisdiction

⁷⁸ For measures against air pollution from emissions from motor vehicles and the reduction of air emissions of gaseous and solid pollutants from engines with positive ignition and those with compression ignition that burn natural or liquefied gas for use in vehicles.

⁷⁹ For measures against air pollution from emissions from motor vehicles and the reduction of air emissions of gaseous and solid pollutants from engines with positive ignition and those with compression ignition that burn natural or liquefied gas for use in vehicles.

and report this data to NEA, which maintains and calculates the total quantities of electronic and electric devices entered the country and the amount treated as waste in the country.

Currently there is no system for collection of such waste in the country, and LGUs due to lack of capacities and tools do not calculate the amount of electronic and electrical equipment entering their territory and the amount of this waste produced in their territory. Consequently, data on these types of waste are incomplete or missing in most cases.

As provided by the Strategic Policy Document, these products are subject to EPR and for this reason the producers and importers of these materials must set up systems for the collection of this waste.

Since this DCM sets targets to be achieved, which have expired, there is a need to review and set new targets.

Directive **“On the restriction of the use of certain hazardous substances in electrical and electronic equipment”** RoHS (recast), is not transposed yet.

3

WATER



3.1 BACKGROUND

Albania has relatively abundant freshwater resources. Seven main rivers run from east to west in Albania. The contribution of rivers discharge into the Adriatic Sea is very large (95%), compared to the discharge into Ionian Sea (5%).

The coast supports unique ecosystems and provides vital resources and connectivity routes for the country. The Albanian coast is 450 km long and is known for many important ecosystems in the Mediterranean region like lagoons, wetlands, sandy dune, river deltas and forests. The Albania coast starts in the North at Buna river mouth and ends in the South at Cape Stillo. The lakes and rivers are also important for the biodiversity and landscape values. The western Riviera stretches along the Adriatic coastline for about 200 km from North to South and is penetrated by the rivers of Shkumbin, Seman dhe Mat. There are many wetlands and sandy areas which form excellent beaches like in Shengjin, Velipoje, Durres, Karavasta, Godullat, Vain, Kenalle, Divjake, etc.

Water quality monitoring undertaken by the National Environmental Agency (NEA) does not include reporting on drinking water and groundwater quality. Bathing water quality is partially reported with water quality not satisfactory and in several cases deteriorating with about 40% of coastal water quality stations classified as poor under the revised EU Bathing Water Directive based on 2012-2015 data. The Water sector remains one the most dispersed sectors in terms of the management responsibilities.

Challenges in the Water sector

Although there are few River Basin Management Plans either approved or under public consultations, there is a huge gap in terms of implementation measures for the management of the water resources. The recently established Agency for the Management of Water Resources supported by EU funded project has done good progress in developing the required methodology for the development of RBMP. Nevertheless, the process is slow and local structures are having limited capacities and resources to start the implementation of the identified actions. The management of the water bodies remains chaotic and mainly for the water extraction or investment permits. Todate no measures are taken by the local Authorities to address the pollution along the river, lake and coast shores.

The Water Supply and Sewerage (WSS) sector is faced by a number of problems, starting with a low level of alignment with EU acquis on water supply services and water quality as well as wastewater collection, treatment and disposal, especially in urban areas. Legislation regarding drinking water, urban wastewater treatment and groundwater Directives and by-laws are at best incomplete and in some cases still lacking.

The main pressures relevant for the Albanian waters, including inland, marine and coastal areas are stated below.

Pollution is problematic since several rivers discharge into the Albanian waters affecting directly their quality. The main sources of pollution are:

Pollution from discharge of untreated urban water and solid waste – the impact of urban discharges without any prior treatment is the main source of water pollution. Pollution from the discharge of industrial solid and liquid materials - these can come from light and food industry factories, cement factories, leather processing, ceramics, textiles, mining, metallurgy, oil and gas extraction and processing, and wood processing.

Pollution from agriculture activities: The use of chemicals in agriculture was limited in 20-25 years, although recently is on the increase trend. Pollution from the discharge of solid materials, mainly from mines and processing enterprises - these are related to of copper, chromium and iron-nickel ores. Their landfills are often found on riverbanks. Their amount can be up to 12.5×10^6 tons, of which about 9×10^6 of which are sterile copper ore with copper content 0.15 to 0.20%. Although mining, metallurgical and chemical activities have declined since the 1990s, mass discharges of these discharges still pose an environmental and human health risk. The oil industry (extraction and processing) remains one of the main sources of pollution in inland and coastal waters, most notably for Seman (from its Gjanica branch) and Vjosa rivers (passing through oil and bitumen areas).

According to local conditions groundwater is over-exploited through wells, mainly in the plains and valleys, or through springs, most frequently in the hills and mountain areas. But its presence and use are common throughout the country. As frequently the case, and particularly where large karstic areas affect the movement

of groundwater, river basins do not coincide with groundwater units; in this report, however, groundwater resources will be presented sorted by river basin unit to enable a comparison of availability and use.

Fragmentation of duties and responsibilities, competition for authority among several agencies, limited decision making capacity and weak management remain prevailing among these organizations affecting the capacity of the sector to improve services efficiently and align itself to the EU acquis.

3.2 RAPID PROGRESS ASSESSMENT

The Environmental NGO community observes that EU Directives under the sub-chapter of Water Quality are at very initial stage of transposition and implementation. Although few of them have been transposed, the implementation measures clearly lag behind. Based on the official presentation for the country progress, there are four Directives that are partially implemented, 4 Directives in the initial stage of implementation and 2 Directives are not implemented at all.

As reported the average percentage of the transposition is 35%.

EU Directives	Assessment		
	Transposition	Institutional system	Implementation
2000/60/EC Water Framework			
91/271/EEC UWWT			
2008/56/EC Marine Strategy			
2010/477/EU/EU Standards on good environmental status on marine waters			
98/83/EC Drinking Water			
91/676/EEC Nitrates			
2006/7/EC Bathing Water			
2006/118/EC Groundwater			
2008/105/EC Environmental Quality Standards for Water			
2009/90/EC Quality Assurance/Quality Control			
2007/60/EC Floods			

Table 6: Rapid assessment on Water

3.3 DETAILED ASSESSMENT OF THE SUB-CHAPTER – ACTUAL PROGRESS

2000/60/EC: Water Framework Directive

Water protection is therefore one of the priorities of the Commission. European Water Policy should get polluted waters clean again, and ensure clean waters are kept clean. Water Framework Directive contains the following key aims: expanding the scope of water protection to all waters, surface waters and groundwater; achieving „good status” for all waters by a set deadline; water management based on river basins; „combined approach” of emission limit values and quality standards; getting the prices right; getting the citizen involved more closely; streamlining legislation.

The Directive requires for the River Basin Management establishing the best model for a single system of water management, which is management by river basin - the natural geographical and hydrological unit - instead of according to administrative or political boundaries. Furthermore, it requires the co-ordination of objectives - good status for all waters by a set deadline. Albania should specify a number of objectives in respect of which the quality of water is protected. The key ones at European level are general protection of the aquatic ecology, specific protection of unique and valuable habitats, protection of drinking water resources, and protection of bathing water. All these objectives must be integrated for each river basin.

The river basin management plan should be drafted as a detailed account of how the objectives set for the river basin (ecological status, quantitative status, chemical status, and protected area objectives) are to be reached within the required timeframe. The current reported status of the transposition is 41%. The Directive is transposed by the following legal framework the Law on integrated management of water resources, and several regulations⁸⁰.

80 Law No. 111/2012 on the integrated management of water resources

Law No. 6/2018 amending and supplementing Law No. 111/2012 on the integrated management of water resources
Regulation 268 date 6.4.2016 approving the Regulation on the Functioning of the National Water Council.

Regulation No. 342 date 4.5.2016 approving the territorial and hydrographical borders of the water basins in the Republic of Albania and the headquarters and composition of their councils.

Regulation No. 524 date 20.7.2016 on the organization and functioning of the Technical Secretariat of National Water Council

Problems with the transposition:

The following problems are observed for the transposition of this Directive.

- Lack of the Methodology for developing the Management Plans. Although, AMBU has progress on developing the methodology, which is applied in the RBMP for Ishmi and Erzeni and Mati rivers, the methodology is not yet approved by the Government to make the legal procedure mandatory for further application in all seven river basins of Albania.
- Lack of Management Plans in line with structure and requirements of the Directive. There is progress in developing the RBMP through a detailed data analyses process and involving many of the subject areas required by the Directive. Nevertheless, the designation of sensitive areas within each RBMP remains an issue which impacts the protection and conservation measures of them. Environmental experts and NGO representatives have expressed the urgency on establishing the sensitive areas within each Riverbasin, in order to define conservation and protection measures for nature conservation, habitat conservation and regulate the water usage.
- Water Quality Monitoring Instruments and Institutions should be clarified institutionally by involving the National Environmental Agency capacities and resources. A water quality monitoring plan should be in place and followed strictly for the required parameters.

Institutional Set up

The main bodies responsible for coordination, planning, programming, budgeting, financing and monitoring of water issues include the National Water Council; the Agency for the Management of Water Resources (AMBU)

Other institutions involved are: the Ministry of Energy and Infrastructure (MEI), the Ministry of Tourism and Environment (MTE), Monitoring of Water Quality; National Environmental Agency

Problems with the institutional set up:

Lack of clarity of responsibilities regarding Water Quality monitoring, NEA is the responsible institution, although AMBU has expressed the interest to cover the water quality monitoring. Considering the needed resources for this process, and the actual funding allocated, such a move of the Water Quality Monitoring to AMBU will not guarantee neither efficiency on optimizing the resources nor addressing the problem of insufficient monitoring in the short term.

The Water Council at the Regional level should have broader scope of water management responsibilities, rather than issue permits for water usage, which become unregulated due to the lack of River Basin Management Plans. The active role should consist in addressing hot spots of pollution along the water bodies and lead actions at local and regional level to prevent erosion, pollution and any illegal activity which affect the water quality.

Implementation status

Overall, there is also a weak administrative capacity for water management. River basin management is at initial stage, with weak basin authorities, only two existing river basin management plans (Seman and Ishem-Erzen), and three river basin management plans expected to be produced by 2018 (Drini-Buna, Mati and Shkumbini).

There is progress in the work of AMBU, which is working on developing standards for River Basin Management Plans, according to Directive requirements. The first phase of these plans will be 2022-2027 to be aligned with the 2nd phase of Directive implementation. Nevertheless, the slow progress in Plan's development is harming some of the rivers, where intensive habitat alteration is occurring due to gravel extraction and HPP construction. The NGO community remains high concerned on the lack of SEA and proper EIA undertaken for more than 530 small hydropower units planned, under construction or in operation around the country.

98/83/EC Drinking Water

Directive requirements

The Drinking Water Directive (Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption) concerns the quality of water intended for human consumption. Its objective is to protect human health from adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. The Drinking Water Directive applies to: all distribution systems serving more than 50 people or supplying more than 10 cubic meter per day, but also distribution systems serving less than 50 people/supplying less than 10 cubic meter per day if the water is supplied as part of an economic activity; drinking water from tankers; drinking water in bottles or containers; water used in the food-processing industry, unless the competent national authorities are satisfied

that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

The Directive

It laid down the essential quality standards at EU level. A total of 48 microbiological, chemical and indicator parameters must be monitored and tested regularly. In general, World Health Organization's guidelines for drinking water and the opinion of the Commission's Scientific Advisory Committee are used as the scientific basis for the quality standards in the drinking water.

The current reported status of the transposition is 100%. The Directive is transposed by the Regulation "On the quality of drinking water"⁸¹.

Institutional Set up

The main bodies responsible for drinking water monitoring include the Ministry of Health, for setting the health standards and the Institute of Public Health for monitoring the drinking water quality.

Other involved institutions are the Ministry of Energy and Infrastructure (MEI), for investment on drinking water supply; the National Agency for Drinking Water and Waste-Water Treatment and waste infrastructure, for implementing drinking water infrastructure.

Implementation status

The quality of drinking water in supply networks is generally good, although there is a risk of contamination by various factors such as the: depreciated pipeline corrosion, improper interventions in the water supply, the negative pressure formed over the network outages and water intersections with the network of water used. Bacteriological quality of water in some check points is not always within the standards allowed for human consumption and of risk for the spread of waterborne diseases resulting from these waters, in some cases. This is caused by several factors such as: Factors associated with the distribution network itself. It is not appropriate proportions in many sectors. Internal water supply network in the greater is outdated, therefore damages and losses are numerous. Amortization of lines, putting them under vacuum due to lack of water, creates favorable grounds for contamination of drinking water. Also, another phenomenon that implies the quality of drinking water is the use of water tanks by many citizens as sewage and wastewater is quite damaged.

⁸¹ Regulation No. 379 date 25.5.2016 approving the regulation on the quality of drinking water

Factors associated with unplanned urbanization: This huge demographic growth in the big cities is accompanied by uncontrolled urbanization, with unexplored interference in the distribution network, damaging sanitation, and drinking water. Network interventions lead to the collapse of water pressure, and non-coping with water flow to meet customer needs. To think that all these factors bearing the risk of contamination of drinking water, the spread of diseases due to hydro origin.

The WSS Sector is characterized by poor planning and programming capacity resulting in an overall low level of investment in water supply and wastewater collection and treatment systems, compared to the large demand estimated in the WSS Strategy 2011-2017 (868 million EUR for capital investment plus immediate replacement of defective infrastructure). A Medium Term Budget Framework (MTBF) is in place, covering the overall sector and funds specifically allocated to the responsible line ministries. However, budgets for the water sector are either constant or decreasing, which is not aligned with the capacity needs of the sector in view of water reform, including increasing performance and implementing the legal requirements and progressive alignment with EU water directives. Also available finances are not in line with reaching the targets of national strategies. On a mid-term budget perspective, a significant proportion is funded through foreign IFIs and donor sources.

With regards to the management of WSS services, only 28 of the 57 water utilities registered by the Water Regulation Authority (ERRU) offer comprehensive services. Many utilities are not able to cover their operational costs (less than 70% of Direct Operating Costs (DOC) costs on average), not last due to the low tariffs for water supply and sewerage applied to customers. This hampers progress toward full cost recovery of services provided. At the utility level, capacity is low in terms of technical skills and qualified personnel especially in overall management, system operation and maintenance and assets sustainable management. High staff volatility exacerbates the problem.

According to ERRU's report for the 2019 country report, water supply services are rather incomplete, with water supply coverage for both urban and rural areas remaining at 77.2% and sewerage services at 52.9%. There are a large remaining number of illegal water connections, low levels of installation of water meters (flat rates applied widely) and water supply service continuity remained in average at 13.2 hours per day in 2019. Moreover, Non-Revenue water was 63% and collection rate was 79%, showing no significant improvement over several consecutive years.

Urgency measures for implementation:

- At the national level, there is a need to upgrade/ expand key sector strategic documents. Also, there is a need to properly implement the Integrated Water Resources Management Strategy 2017-2027 as well as to adopt and implement the overarching National Sector Programme for Water, 2018-2030⁸².
- Further efforts are required with regards to investment planning and coordination, building up capacities of the main actors at both national and local levels, improving governance at all levels, improving water utilities to control costs and achieve full cost recovery of operations, and improving sector performance monitoring.
- Into improving the drinking water supply the immediate action should consist on:
 - Establish and respect the sanitary protection in all sources used to supply communities with drinking water.
 - Establishment of modern technology in all ware-houses chlorination of water, the water supply network, and keeping under control the content of chlorine in the distribution network.
 - Construction of networks for rural areas and cities to cover 24 hours water supply
 - Continuous monitoring of drinking water standards conformity.
- Inform population to feel secure about the quality of the water distribution network.

91/271/EEC Urban Wastewater Treatment Directive

The Council Directive 91/271/EEC concerning urban waste-water treatment was adopted on 21 May 1991. Its objective is to protect the environment from the adverse effects of urban waste-water discharges and discharges from certain industrial sectors and concerns the collection, treatment and discharge of: Domestic wastewater; Mixture of wastewater; Wastewater from certain industrial sectors.

82 European Commission 2016: Commission implementing decision of 13.12.2016 adopting the Country Action Programme for Albania

The Directive requires the collection and treatment of wastewater in all agglomerations of <2000 population equivalents (p.e.); Secondary treatment of all discharges from agglomerations of >2000 p.e., and more advanced treatment for agglomerations >10 000 population equivalents in designated sensitive areas and their catchments.

Lack of control on discharges in the wastewater affects considerably the quality of the water bodies. Therefore, the transposition and the implementation of Directive requirement on pre-authorization of all discharges of urban wastewater, of discharges from the food-processing industry and of industrial discharges into urban wastewater collection systems, is rather urgent measure.

As the implementation measures through capital investment are crucial, so remain the monitoring of the performance of treatment plants and receiving waters; and the control of sewage sludge disposal and re-use, and treated wastewater re-use whenever it is appropriate.

The current reported status of the transposition is 66% and the Directive is transposed and implemented through the Law on Environmental Treatment of Wastewater and several DCMs⁸³.

Institutional Set up

The main institution responsible for wastewater treatment include the Ministry of Energy and Infrastructure (MEI), for policy development and investment on wastewater treatment.

Other involved institutions are the National Agency of Water Supply, Sewage and Waste Infrastructure; Institute of Public Health; National Health Inspectorate; National Environmental Agency.

Implementation status

In the area of Water Supply and Sewerage (WSS), the sector is characterized by poor planning and programming capacity resulting in an overall low level of investment in

83 Law no. 9115 of 24.07.2003 on “Environmental Treatment of Wastewater”, amended;
Law no. 111, of 15.12.2012 on Integrated Water Resources Management”, amended;
DCM no. 127 of 11.02.2015 on Requirements on reuse of wastewater sludge in agriculture”;
DCM no. 177 of 31.03.2005 on “Discharge Limits of Wastewater and Localization Criteria of Sensitive Areas”.

water supply and wastewater collection and treatment systems, compared to the large demand estimated in the WSS Strategy 2011-2017 (868 million EUR for capital investment plus immediate replacement of defective infrastructure).

Wastewater management services are also inadequate. Sewerage coverage in urban areas was 50.2% in 2017 (75.4% for urban areas and 12.2% for rural) and only 8 Wastewater Treatment Plants (WWTPs) have been constructed, of which seven are operational, serving only about 13% of the population. Four WWTPs are under construction and/or being rehabilitated or expanded.

At the national level there is need to upgrade / expand key sector strategic documents such as the Water Supply and Sanitation Strategy 2011-2017 and the Master Plan for Sewerage and Wastewater 2013. There is also a need to properly implement the Integrated Water Resources Management Strategy 2017-2027 as well as adopt and implement the overarching National Sector Programme for Water 2018-2030. At the regulatory level there is a need to align further the laws and regulation with the EU acquis with regards to Urban Wastewater Treatment (UWWT), Drinking Water (DW) and Groundwater (GW) Directives. The sector also needs to improve infrastructure planning and programming at both the national and the local levels for WSS infrastructure and accelerate the development and future implementation of river basin management plans, together with functional implementation bodies. The development of a fully established.

Urgency measures for implementation:

- Develop standards and methodology for agglomeration of the settlements, aiming at moving to setting clear strategies on waste treatment alternatives.
- Urgent fund allocation for new facilities in bigger cities, which discharge untreated waste in rivers and lakes.
- Monitoring and standard development for sludge treatment, disposal, or re-use.
- Financial and qualified human resource support for the WWT facilities aiming at continuous monitoring and guarantees the quality treatment and water discharge in the water bodies and natural ecosystems.
- Assess the costs of UWWT infrastructure and plan the investments time and fund-wise.

2006/7/EC Bathing Water

lays down provisions for the monitoring and classification of bathing water quality; the management of bathing water quality; and the provision of information to the public on bathing water quality.

The Directive shall apply to any element of surface water where the competent authority expects a large number of people to bathe and has not imposed a permanent bathing prohibition or issued permanent advice against bathing (hereinafter bathing water). It shall not apply to swimming pools and spa pools, confined waters subject to treatment or used for therapeutic purposes and artificially created confined waters from surface and ground water.

The current reported status of the transposition is 100%.

Institutional Set up

The main institution responsible for bathing water treatment include the Ministry of Health and Social Wellbeing and The Institute of Public Health

Implementation status

In 2019, Albania reported 119 stations or approximately 0.5% of all bathing stations in Europe. Out of them, 111 are in coastal area and 8 in land waters, mainly Ohrid lake in Pogradec. The quality is measured on two microbiological parameters (*Escherichia coli* and *Enterococcus*) according to the Bathing Water Directive. NEA reports improvement of the quality of bathing waters, however the issues related to pollution persist. There are problematic coastal areas where untreated urban water is discharged from hydropower stations. On June 2020, the European Environmental Agency and the European Commission published the European bathing water quality assessment. Albania ranks at the end with 58.8% of waters with excellent quality. Considering the Environmental Status Report 2019 of the National Environmental Agency, the quality of bathing areas remains a concern among communities. Its monitoring is not consequent and does not reflect the reality, many NGO activists state for the bay of Vlora, Shengjin, Durres, etc.

Urgency measures for implementation:

- Improve the monitoring system for covering the whole bathing season on monthly bases in all stations.
- Increase financial and human resources for monitoring (sampling) according the the Directive requirement.

Several Directives of this sub-chapter are not transposed yet. To date the work for transposing and implementation did not start at all in the following directives:

2008/56/EC Marine Strategy

The current reported status of the transposition is 0%.

Institutional Set up

The main institution responsible for Marine Strategy are not clarified, but they include the AMBU, the Ministry of Tourism and Environment.

Other involved institutions are the National Agency for Protected Areas; the National Agency for Coastal Area

Urgency measures for implementation:

Among the most priority measures it is Marine Spatial Plan

2006/118/EC Groundwater

The current reported status of the transposition is 0%.

Institutional Set up

The main institution responsible for ground water include the Agency for the Management of Water Resources

Other involved institutions are the Albanian Geological Service

Urgency measures for implementation:

Urgent measures for transposition with specific law and involvement the AGS in monitoring

2007/60/EC Floods

The current reported status of the transposition is 10%.

Institutional Set up

The main institution responsible for bathing water treatment include the Ministry of Defence; Ministry of Agriculture and Consumer Protection
Other involved institution is the Agency for Civic Protection.

Urgency measures for implementation:

Urgent measures on transposition, due to country priority as many areas are prone to floods due to Climate Change and terrain alteration.



4.1 BACKGROUND

Albania is considered a biodiversity hotspot in Europe. However, such remarkable biodiversity and valuable natural resources are facing challenges. As other developing countries, Albania is confronting a fast development. New roads and infrastructures, dams, hydro power plants, oil reservoirs and mass tourism infrastructure are meant to increase the economy of the country, whilst posing a serious threat to environmental protection.

Over the last decades, Albania has made some progress towards policy on environmental development, including nature protection. In January 2016, the country has adopted the updated National Biodiversity Strategy and an Action Plan for the period 2015-2020, clearly identifying the main areas of work, including among other:

- Increase of the Protected Areas coverage up to 20% on terrestrial PAs and 10% on marine and inland water's PAs.
- Completion of the legal framework in line with the EU acquis for nature and environment in accordance with the Birds and Habitats Directive.
- Strengthening law enforcement by means of improving legislation and building institutional capacities.

All these issues were largely considered also within the National Strategy for Development and Integration for the period 2014-2020. Aiming at EU accession, Albania is working to line up its nature conservation efforts with EU requirements, particularly ensuring implementation of Birds and habitats Directives.

The latest report of the European Commission on the progress of Albania to the process of accession into European Union states that alignment with the acquis in the field of nature protection, in particular the Habitats and Birds Directives, is well advanced. The 2016 Strategic Investment law raises concerns for the protection of biodiversity, as it can allow large tourism and industrial investments in protected areas⁸⁴, in contradiction with existing national laws and international conventions on biodiversity protection that Albania has ratified.

84 See the case study about the Divjaka-Karavasta National Park

Furthermore, the progress report notes that enforcement of the laws needs to be guaranteed in case of environmental crimes (e.g., deforestation and logging) and culprits need to be prosecuted. Investments in hydropower need to comply with national and international nature protection and water management obligations, ensure public participation and consultation, and guarantee high quality EIA reports that include impact assessments on nature and biodiversity. In terms of relevant institutions for nature conservation, the progress report emphasises that the capacities and financial instruments for National Protected Areas Agency remain very limited, with the law forbidding its financial autonomy.

The sub-chapter on Nature conservation includes 10 EU directives/regulations having the overall scope to protect natural values. However, the specific scope of each directive/regulation differs from overall habitats and species to specific elements of biodiversity.

4.2. RAPID PROGRESS ASSESSMENT

The following table provides an overview of progress so far (December 2020) on the level of transposition and implementation as well institutional set-up developments related to the directives and regulations within the Nature Protection subchapter of Chapter 27: Environment and climate change, of the EU accession negotiations process.

Directive/ regulation	Level of transposition	Institutional set-up	Level of implementation	Assessed in this report
2009/147/EEC Wild Birds				Po
92/43/EEC Habitats				Po
1999/22/EC Zoo				Po
EEC/3254/91 Leghold Traps				Jo
EC/338/97 CITES2				Jo
173/2005 FLEGT				Jo
995/2010 EUTR				Jo
Regulation 511/2014 ABS Regulation				Jo
Regulation 1007/2009 Seal products				Po
Directive 83/129 Skins				Po

Table 7: Rapid assessment on Nature Conservation

The overall assessment shows that there is substantial progress on the transposition of the Birds and Habitats Directives, while there is little or no progress on the transposition of the other directives and regulations within the nature subchapter. Generally, relevant institutions are set up, but their capacities are weak both in numbers and in skills required for implementation of EU Directives and regulations. Particularly capacities related to monitoring, law enforcement and implementation of conservation measures

must be further developed. Implementation is mostly at an initial stage. However, proper implementation requires full transposition of the requirements of these directives and regulations into national legislation.

4.3. DETAILED ASSESSMENT OF THE SUB-CHAPTER – ACTUAL PROGRESS

Considering the limited human resources available, and the considerable amount of information to be collected and analysed, this first report is focused only on assessing the level of transposition and implementation of the directives under nature protection sub-chapter of Chapter 27. The nature protection sub-chapter included four directives as following:

- 2009/147/EEC **Wild Birds**: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds
- 92/43/EEC **Habitats**: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
- 1999/22/EC **ZOOs**: Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos.
- 83/129/EEC **Seal pups**: Directive 83/129/EEC concerning importation of skins of certain seal pups.
- 1007/2009 **Seal products**: Regulation (EC) No 1007/2009 on trade in seal products and Regulation 2015/1850 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products.

Considering that the Regulation on seal products shares the same goal and requires similar legal and institutional set up, its level of transposition and implementation is assessed along with the directive on Seal pups.

Following is a more detailed analysis of the status of transposition and implementation of four directives and a regulation under the nature protection sub-chapter of the Chapter 27: Environment and Climate change.

For each directive/regulation, the analysis provides an explanation of key requirements, status of transposition and implementation, institutional capacities, and identification of main gaps to achieve full implementation. The analysis includes some specific comments and recommendations on the role and position of the Civil Society Organisations in supporting the full implementation of these directives.

Considering that some directives and/or regulations are similar on the scope and implementation arrangements they are analysed in clusters, as for example the Wild Birds and Habitats Directives or Seal skins and pup's regulation and directive.

Wild Birds and Habitat Directives



The Wild Birds and Habitats Directives are the centrepiece of the European efforts on nature conservation. These very important Directives regulate the protection of species and habitats through the establishment and proper management of a network of designated areas known as Natura 2000 network.

The Habitats Directive requires designation of Special Areas of Conservation (SACs) comprising natural habitat sites (Annex I) & habitats of species (Annex II), to contribute to the creation of Natura 2000 (European ecological network). The adaptation of list of sites must be proposed where appropriate considering monitoring results. Priorities in designating SACs must be established according to the importance of the site for the maintenance or restoration of the habitats and/or species, coherence of Natura 2000 and threats of degradation/destruction. It requires Member States to establish the necessary conservation measures for SACs including, where necessary, appropriate management plans and appropriate statutory, and administrative/contractual measures. Appropriate steps must be taken to avoid deterioration and/or disturbance of natural habitats and the habitats of species in SACs. Any plan or project not directly connected with or necessary to site's management, but likely to have a significant effect on that site, must be subject to an appropriate assessment of its implications for conservation of the site.

The Wild Birds Directive requires the conservation of wild birds including birds, their egg, nests, and habitats, in EU member states from harmful human activities including destruction and pollution of habitats, illegal capture, killing and trade of wild birds.

The directive aims for long-term protection and management of natural resources, the preservation, maintenance or restoration of a sufficient diversity and area of habitats as essential for the conservation of all species of birds. Some bird species need special conservation measures concerning their habitats to ensure their survival and reproduction in the area of distribution. In addition, certain species of wild birds may be hunted under acceptable exploitation levels as such hunting is compatible with the maintenance of the population of those species at satisfactory levels.

Surveillance of conservation status of natural habitats and species must be undertaken, especially on priority habitat types and priority species. Necessary research and scientific work to achieve Directives' objectives must be encouraged by MS. Also, MS must promote education & general information on the need to protect species of wild fauna and flora and to conserve their habitats.

Transposition status

The transposition of Habitats and Birds Directives is at a good stage. The Habitats Directive is at an advanced level of transposition, with several laws transposing most of the requirements.

To complete the transposition of the requirements of the Habitats Directive, legislation should be developed ensuring appropriate assessment of any plan and/or project likely to have a significant effect on conservation sites and all necessary compensatory measures must be taken to ensure the overall coherence of Natura 2000. Additionally, legislation should be developed to ensure no measures are taken that deteriorate conservation areas and encourage management of landscape features of major importance for wild fauna & flora (those which are essential for the migration, dispersion & genetic exchange of wild species).

As regards the Birds Directive, transposition must be completed regarding requisite measures to maintain the population of the species and their habitats at a level which corresponds to ecological, scientific and cultural requirements and to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

Although a hunting moratorium is still in force in Albania (ending 2021⁸⁵), it is necessary

⁸⁵ There are rumors that the moratorium could be extended beyond 2021

to develop new legislation to ensure that the practice of hunting (when and where legally allowed) complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible with goals of maintaining the population of these species, in particular migratory species, with the measures resulting from Article 2.

Institutional system

The main institution responsible for the implementation of the Birds and Habitats Directives is the Ministry of Tourism and Environment (General Directorate for Environmental Policies - Directorate for Environmental Policies and Strategies). However, other relevant institutions of MTE have an important stake at the implementation such as:

- The National Agency for Protected Areas has the overall responsibility for the management of protected areas in Albania.
- The National Environment Agency is the main institution responsible for biodiversity monitoring and assessment and licensing of activities occurring on natural areas and/or affecting biodiversity values.
- The State Inspectorate for Territory Protection is responsible for surveillance, inspection, and overall law enforcement on nature conservation related issues.

The National Agency for Protected Areas (NAPA) is considered as the most important institution for the implementation of the requirements of the Birds and Habitats Directives. NAPA has 274 staff, of which 24 are based in the headquarters in Tirana and the rest is organized in 12 regional directorates. Each Regional Administration of Protected Areas (RAPA) has a monitoring and a management section with various numbers of specialists. The overall number includes 108 rangers, who are site based and directly responsible for the monitoring and surveillance of the area.

Previous assessments on the NAPA staff capacities have shown some main constraints. The headquarters have limited staff (<3) with a biology/conservation background capable to adequately address issues related to biodiversity monitoring and implementation of habitats and species conservation measures. The average age of the staff is just below 50. In most cases the staff has an overall experience of over 15 years, but on average only 4 years working on protected areas. Most of the personnel have been assigned to protected areas in 2015, coming mostly from a forestry experience. In terms of background and education, most of the managers hold a university degree, mainly in forestry. The rangers generally have an educational

level within the high school diploma. There is a problem with the limited number of rangers on each Protected Area, and the long distance they must travel to reach the PAs.

The situation is similar with the capacities of the National Environment Agency. NEA is legally in charge for leading and supervising biodiversity monitoring in Albania in close cooperation with academic institutions and research centres. However, NEA has failed to complete the biodiversity monitoring programs in the last years due to lack of capacities. The establishment of the new National Forest Agency has further depleted the capacities of NEA on biodiversity monitoring since some of its staff is transferred to the new agency. It is not yet clear what will be the responsibilities of the new forest agency in terms of biodiversity monitoring.

Responsibilities for law enforcement on nature protection issues were primarily under the State Inspectorate for Environment, Forests Water and Tourism. Recently (2020), this structure was reformed and transferred to the State Inspectorate for Territory Protection, part of the State Police, under the Ministry of Interior. The Inspectorate has chronically suffered from limited number of staff and inadequate capacities to properly process and follow up crimes and violations related to nature protection. There are reports of corruption among the inspectorate staff. Generally, there is little interest from the judicial system to prosecute cases related to nature protection.

At an overall assessment, the conclusion is that relevant institutions are set up, but their capacities are weak both in numbers and in skills required for implementation of EU directives and regulations. Particularly capacities related to monitoring, law enforcement and implementation of conservation measures must be further developed. Implementation of these directives requires close cooperation with academia/universities and civil society organizations. Appropriate mechanisms should be developed to guarantee their involvement and scientific contribution on the implementation process. So far, nature conservation activities are mostly funded by ad hoc donor contributions and most probably this will be the main source of funding to support conservation measures in the future. However, it is important that the proportion of financial support from the state budget should increase significantly to provide for strengthening the institutional set-up on nature conservation securing adequate funding for staffing and the continuous implementation of capacity building activities. Additional government funding should increase the ability of government institutions to absorb international donor support and direct adequate proportion of it to nature conservation by ensuring co-funding for projects as needed.

Implementation status, identified gaps and actions.

Proper implementation of the Birds and Habitats Directives require first full transposition of their requirements into national legislation.

The list of habitats and species of Community interest occurring in Albania is adopted although experts consider it can be improved. Additionally, experts have identified several correction/additions to the list of species and habitats of community interests occurring in Albania, but the list of species and habitats types in the annexes are not yet complete for correct application of the Directives. It is necessary to support further research on completing the list as well as carry out consultations with N2000 habitat interpretation experts.

There is limited information on the population of bird species present in Albania. Further efforts should be devoted to inventories and monitoring of bird species. There is no full assessment of Annex I (Bird Directive) bird species and regularly occurring migratory species.

The preliminary list of Sites of Community Interests developed by NaturAL project includes 44 sites covering existing protected areas as well as areas not yet under protection.

The list is based on Emerald network, expert knowledge and limited existing data. The list includes all internationally recognized (Ramsar, World Heritage Sites, Biosphere Reserves, IBAs) sites in Albania. Some of the sites are already under protected areas. However, not all pSCIs are well defined in terms of boundaries as more detailed habitat mapping is required within the sites. The proper definition of pSCIs boundaries requires national experts (mainly from universities) to be engaged on activities of habitat mapping and species distribution areas on each of the proposed sites. There are only two sites on the proposed list covering the marine area, although Albania has a significant coastline and important marine biodiversity values. None of the proposed sites is designated yet as a Natura 2000 site.

However, detailed habitat maps covering all the country are missing. Knowledge about distribution area of species (which might require site designation) is limited and/or scattered. The knowledge gap is bigger on marine biodiversity. Invertebrates are the least known group of species with the biggest data gap on their presence

and/or distribution. A wide data collection campaign must be undertaken to improve knowledge on habitat and species distribution all over the country.

There are no specific measures to ensure that bird populations are maintained at appropriate levels, both inside and outside SPAs. It is necessary to develop site/habitat management plan and/or specific species conservation action plans defining protection safeguards and list of appropriate conservation measures. In addition it is important to support the implementation of such measures in selected sites.

There is no system for monitoring of conservation status of habitats and species in place yet. The national biodiversity monitoring program is not regularly implemented and not in line with the real needs of habitat and species monitoring requirements. Few studies, mainly donor supported, have analysed status of few habitats or species. Therefore, it is necessary to develop an appropriate monitoring system for conservation status of habitats and species. It is necessary to strengthen capacities of relevant institutions (NAPA, NEA) to implement the appropriate monitoring and data collection system and ensure proper reporting.

There is limited to almost no financing from state budget for conservation measures. It is necessary to explore opportunities and develop fund generating mechanisms to support implementation of conservation measures on all sites.

Legal provisions for establishing a strict protection system for species are in place but enforcement is weak due to limited capacities. It is necessary to strengthen capacities of surveillance and enforcement authorities (NAPA & SIEF) to implement a strict protection system. Cooperation and coordination with the judicial system will help increase the level of attention paid to prosecuting environmental crimes.

Case study: Campaign against the development plans in Divjaka-Karavasta National Park

The campaign against the development plans in Divjaka-Karavasta National Park is for sure the most glorious successful battles of civil society organizations aiming to preserve the rich and diverse biodiversity stronghold of Albania from unsustainable touristic development.

A great number of CSOs formed an informal coalition to protect Divjaka Karavasta. The large NGO coalition combined all strengths and build synergies with other national and international organization, making the cause stronger.

Being creative, visible, loud, outspoken in media, and very active in social networks aiming at high decision-making institutions, being focused, and providing strong arguments were all contributing factors in convincing the government to stop the planned

Legal provisions on EIA require public consultations. However, public consultation processes are mostly carried out formally, with no real information provided and no feedback collected from all interested stakeholders, particularly local communities and/or vulnerable resource user groups. It is necessary to explore existing methodologies and adopt and promote use of appropriate mechanisms for ensuring public consultation before agreeing to projects that may affect SCIs.

The research work on the protection, management and use of naturally occurring wild species and habitats on the national territory is still at its early stages. A small amount of funding is provided from the Ministry to research institutions for collecting and providing data on wildlife. The bulk of funding is coming from external sources such as projects supported through EU and EU Member States. The Agency for Research and Innovation is also supporting research programs, although in a limited scale. Nevertheless, there are limited scientific capacities on specialized fields (ornithology, invertebrates, marine biodiversity) among state research institutions. Research is also supported by NGOs.

Donor funded projects have conducted several educational activities on N2000. Additionally, various NGOs have conducted activities aimed at improving public knowledge on the N2000 process and concepts. However, considering the limited knowledge on N2000 concept, benefits, and obligations, it is necessary to conduct a large scale promotional and awareness raising campaign involving NGOs and universities/schools to promote education.

NGO position and expectations on what needs to be changed/improved.

The process of defining the Natura 2000 network in Albania is at its early stages. Relying on a precautionary principle we can conclude that currently proposed Natura 2000 site selection list is likely to be insufficient. So far, there are big data gaps on distribution of habitats and species of EU importance. The existing level of knowledge and existing data makes it difficult to assess the coherence and level of completion of the proposed list of Natura 2000 sites. It is quite impossible to assess adequacy and sufficiency of proposed sites based on the 20%-60% rule applied by EC examining the country.

The list of proposed sites includes only one site proposed both as SPA (Bird Directive)

and as SIC/SAC (Habitat Directive), while all the other sites are proposed only as SIC/SAC, although some of the proposed areas are important for bird species as well. The proposed sites have rough boundaries and require more detailed habitat mapping and definition of management priorities.

NGOs could significantly contribute to completing the research work on the protection, management and use of naturally occurring wild species and habitats on the national territory. There are several specialised NGOs that have good experience and knowledge (data) on various species groups and habitats. It would be reasonable to mobilise such NGOs to support the EU accession process by implementing activities that can fill in the knowledge gap on species and habitat distribution all over the country.

The Directives require that appropriate steps must be taken to avoid deterioration and/or disturbance of natural habitats and the habitats of species in SACs, even prior to their official designation. NGOs should always be aware and raise their voice of concern if there is any plan or project likely to have a significant effect on that site. Such projects/plans must be subject to an appropriate assessment of their implications for conservation of the site.

The hunting moratorium, enacted to provide for the recovery of the wild fauna and game species allowing government sufficient time to prepare the necessary legislation and game management plans so the practice of hunting complies with the principles of wise use and ecologically balanced control of the wildlife species, is not functioning properly. Hunting still occurs in various regions of the country, even within some protected areas. Law enforcement authorities (Inspectorate, State Police) do not provide for adequate inspection and surveillance, and cases of illegal hunting are not properly prosecuted. Corruption and political pressure are among the issues influencing tolerance to poaching.

NGOs should also contribute on conducting educational activities aimed at improving public knowledge and perception on the N2000 process and concepts, benefits, and obligations.

Seal skins and seal pups

The Directive and Regulation included under this section regulate the import/export and trade of products originating from seals. The Directive 83/129/EEC on seal pups requires Member States (MS) to take or maintain all necessary measures to ensure that the seal pups skin products are not commercially imported into their territories.

Regulation 1007/2009 on trade in seal products regulates the placing on the market and or import of seal products. Member States shall not impede the placing on the market of seal products, which comply with this Regulation. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate, and dissuasive.

Transposition status

The requirements of the seal skins Directive and Regulation are not transposed at all into national legislation. Since no specific legislation is in place there is no competent authority defined for implementing the requirements, including verification, control and record keeping. There is no legislation defining terms of reference for establishing or delegating a competent authority to develop and implement appropriate measures ensuring listed products are not imported.

Institutional set up

The main institution responsible for the implementation of these regulations is the Ministry of Tourism and Environment (General Directorate for Environmental Policies - Directorate for Environmental Policies and Strategies). However, other relevant institutions of MTE have an important stake at the implementation such as State Inspectorate on Environment, Forests, Water and Tourism.

Although the main scope is wildlife conservation, these regulations require control of customs and/or markets, which mean a closer cooperation with other institutions (Ministry of Economy, Customs office, etc.). In this regard, clear procedures and cooperation agreements must be developed and enforced. The main responsibility should rely on the customs offices. However, they are not prepared to carry out this task. There are no measures in place to ensure that the products listed in the annex of the directive are not commercially imported into the country.

Implementation status, identified gaps and actions

Considering that the directive and the regulation are not transposed at all it is premature to talk about implementation. First, implementation requires full transposition of the requirements of these regulations into national legislation.

No monitoring system is in place to ensure that the importation and the placing on

the market of seal products is prohibited and that the requisite import procedures are being followed by the customs departments at border points. Staffing arrangements at Customs are not appropriate and there has been no specific training provided to customs officers, to allow them to inspect shipments.

There are no rules on penalties defined and no measures necessary to ensure that the rules on penalties are implemented. It is necessary to develop set of rules on penalties for infringements as well as appropriate mechanisms for implementing those penalties. The public is not well informed about provisions regulating trade and movement of wildlife specimens or products originating from wildlife species. It is necessary to develop an information campaign with appropriate information boards placed at border crossing points.

NGO position on expectations on what needs to be changed/improved.



The Directive and Regulation

on seal products are not considered a priority by the government institutions in Albania.

In our view, even with full transposition, implementation will be hindered by lack of capacities and low willingness of law enforcement authorities to conduct thorough inspections and duly prosecute infringements.

NGOs could help in developing and implementing education and information campaigns on rules for trading and movement of wildlife specimens or products originating from wildlife species.

ZOOs

The Zoo Directive sets up requirements for the establishment, licensing, and management of Zoos with the primary objective of ex-situ conservation of wild animals. The Directive requires the proper implementation of existing and future Community legislation on the conservation of wild fauna; the need to ensure that zoos adequately fulfil their important role in the conservation of species, public education, and/or

scientific research; provide a common basis for Member States' legislation about the licensing and inspection of zoos, the keeping of animals in zoos, the training of staff and the education of the visiting public.

Transposition status

The transposition of this directive is at an initial stage. Art 26 of the Law no. 10006 "On the protection of wild fauna", as amended provides only that the Minister approves the regulation on treatment of wild fauna species in zoos and other surroundings, where the individuals are exposed to the public. The Order of the Minister of Environment 182 of 20.09.2016 "On the approval of the Regulation "On treatment of wild fauna species in zoos and other surroundings, where the individuals are exposed to the public" transposes few requirements of the Zoo Directive.

The Zoo definition⁸⁶ as defined by this directive is not yet transposed into national legislation. The legal framework has not designated a Competent Authority yet. The legal framework does not provide clarifications on the licensing or permitting system. There are no legal provisions in place for treatment of animals in the event of a zoo or partly being closed.

Institutional set up

The main institution responsible for the implementation of this directive is the Ministry of Tourism and Environment. However, the State Inspectorate for Territory Protection as well as other law enforcement agencies (Municipal Police, NAPA) should support implementation by ensuring effective monitoring, inspection, and law enforcement. The only institution like a zoo in Albania is managed by the Municipality of Tirana. There are also several privately managed illegal places where animals are displayed to the public.

Implementation status, identified gaps and actions

Implementation of this Directive has not started yet. Implementation requires full transposition of the requirements of this directive into national legislation.

⁸⁶ For the purpose of this Directive, „zoos“ means all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year, with the exception of circuses, pet shops and establishments which Member States exempt from the requirements of this Directive on the grounds that they do not exhibit a significant number of animals or species to the public and that the exemption will not jeopardise the objectives of this Directive.

The procedure for permitting zoos is not clear yet. So far, no permit has been provided for any existing zoo in Albania. Reference for minimal technical designs to ensure the safeguard of wild fauna should be adopted by the responsible authorities.

Due to limited capacities and lack of clear roles and procedures there is no effective inspection and enforcement system.

Since the main objective of this Directive is to support conservation of wildlife species, it is necessary to ensure that the whole list of conservation measures defined by this directive is effectively implemented in zoos.

5

NGO POSITION: EXPECTATIONS ON WHAT NEEDS TO BE CHANGED AND IMPROVED

... on Horizontal Legislation

Adopt and pass all the necessary laws and bylaws to fully transpose the Horizontal Legislation package in Albania to insure comprehensive legal acts and their implementation. The legal package on Environmental Crime requires prioritization and the SIEFWT position in the government administration must be clarified. We expect a functional and independent inspectorate within the central institution's hierarchy.

Improve public participation during public consultations and hearings, especially at local levels, through more transparent, diverse, and contemporary advanced technology for public information. It is very important to have in place a unified procedure for public consultations during the SEA processes.

Quality control of EIA procedures and reports by establishing good practices which can ensure quality control, while concomitantly ensuring review of existing studies at a frequency of five years. Profiling of sectoral experts of the NEA evaluation commission as well as established and published cooperation with Academia and research units will help the entire process.

Prioritizing effective budgeting and SMART solutions for full Horizontal Legislation implementation, for strengthening capacities of public administration in human resources, knowledge, skills as well as in equipment, Information Technology services and solutions.

Developing capacities on Fundraising for implementation of Horizontal Legislation legal package and partnership with SCOs, especially with the Aarhus Information Centers.

... on Waste

Drafting of Zonal Plans and Local Waste Management Plans will define the infrastructure of waste management and treatment in the ten areas foreseen by the strategic documents. Infrastructure within waste management standards is one of the main links in preventing and reducing the amount of waste and its safe disposal.

In order to increase the standard of service delivery, the objectives set out in the Strategic Policy Document and the Sectoral Plan should have annual financial support according to the planned timeline. Lack of funding leads to non-implementation of activities provided in the two strategic documents and increases costs in subsequent years.

The establishment of schemes for the implementation of Extended Producer Responsibility will regulate the relationship among producers, importers, government, and recycling companies to manage waste under EPR in an integrated manner.

Providing waste collection service throughout the territory will reduce the illegal dumping sites along rivers and streams, with high environmental impacts.

Closing the existing illegal dump sites has a high financial cost, which has to be shared between central, local governments and donors.

Establishment of a unified system for data collection and processing is a priority for waste management. A consolidated database in the waste management sector will enable stakeholders to design plans and policies according to trends and based on accurate numbers.

... on Water

The water sector remains fragmented and with responsibilities distributed among institutions at the central and local levels. Clarification of responsibilities especially at regional and local level should be given priority as it helps local planning and management of water resources.

Given that the water sector is advancing slow in meeting the obligations under the Water Framework Directive, faster progress should be made in drafting management plans for all the river basins by 2022. The management plans should clearly represent the areas of natural importance requiring protection, and where the use of water is





prohibited or restricted. Determining sensitive areas along the river bodies and more complete monitoring of water quality will contribute to preserve natural values in those basins.

Capital investments implemented for drinking water and wastewater treatment require strengthening of human capacity for water-related services in order to increase efficiency and ensure the sustainable operation of the water utility companies for citizens.

Digitization of data and assets for the Water and Sewerage sector will directly affect the increase of work efficiency and improve water quality and service to citizens.

Urgent action must be taken to move forward with the transposition of the Flood Directive and Maritime Directive, which will lead to better plan the emergency response and civil protection relief measures in flood-prone areas, as well as to develop action plans of the Blue Economy.

... on Nature

The process of defining the Natura 2000 network in Albania is at an initial stage. Relying on a precautionary principle we can conclude that currently proposed Natura 2000 site selection list is likely to be insufficient. So far, there are big data gaps on distribution of habitats and species of EU importance. The proposed sites have rough boundaries and require more detailed habitat mapping and definition of management priorities. There important gaps on sites preserving marine biodiversity as well as sites established for conservation of specific animal groups.

The directives requires that appropriate steps must be taken to avoid deterioration and/or disturbance of natural habitats and the habitats of species in SACs even prior to their official designation. Such projects/plans must be subject to an appropriate assessment of their implications for conservation of the natural values of the site.

The hunting moratorium is not functioning properly. Hunting still occurs in various regions of the country, even within some protected areas. Law enforcement authorities must provide for adequate inspection and surveillance, and cases of illegal hunting should be properly prosecuted. Corruption and political pressure are among the issues influencing tolerance to poaching.

There are many examples of wild animals exposed to public in heartrending conditions. It is important that law enforcement authorities duly prosecute these cases.

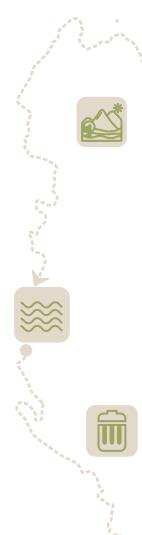
The Zoo of Tirana should be upgraded to provide the best example on conditions to be met for keeping wild animals and displaying them to public, while pursuing conservation goals.

... on CSOs contribution

Civil Society Organizations can play an important catalytic role in implementing the horizontal package. They can constantly monitor the implementation of legislation and bring up the alternative argument. CSOs are an asset for informing and educating the public about horizontal package platforms. At the same time, with their writing and project management capacities they can offer partnerships for setting up information technology.

Furthermore, CSOs can contribute to the integration and negotiation process with technical expertise as well as advocating for the achievement of the required environmental standard. Another area in which environmental NGOs can actively contribute is raising the awareness of citizens and businesses about the benefits of waste reduction, reuse and recycling with a focus on waste from paper / cardboard, glass, aluminium and plastic, management of water resources and the protection of their environmental qualities, the research work on the protection, management and use of naturally occurring wild species and habitats on the national territory.

CSOs are aware and raise their voice of concern for any plan or project likely to have a significant negative effects on conservation values of a site or any case where wild animals are kept in inappropriate conditions.



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The alternative view of environmental progress

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