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**Chapter 27 Environment and Climate Change**

**Screening preparatory assessment report**

**October 2019**

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# Rational

Chapter 27 – Environment and Climate Change is considered as one of the most comprehensive, technically challenging and costly chapters to implement. Preparation for negotiations requires good understanding of transposition, institutional capacities and implementationsituation in the country. Situation assessmentprovides background for identificationof remaining gaps and planning of actions in order to achieve full compliance before accession or to negotiate extended implementation timetable – transitional periods.

Screening Preparatory Assessment (SPA) is part of program Supporting Albanian Negotiations in Environment, Chapter 27 (SANE27) activities aiming to support preparation for Chapter 27 negotiations. SPA methodology has been presented and agreed in the Inter-institutional Working Group for Chapter 27 and includes four main parts:

* Legal, institutional and implementation situation assessment for 73 major EU environmental legal acts;
* Identification of remaining gaps to fully transpose and implement EU environmental requirements;
* Planning of actions to close identified gaps;
* Identification of technical assistance needs to support approximation efforts of the Albanian administration.

First stage results – draft SPA situation assessment and identifiedgaps - were discussed during March – April 2019. In total, 71 SPA documentshave been prepared with support of national experts and discussed with representatives of the national administration during 17 SPA meetings (one directive and one decision have been integrated in the main directive SPA).

Next SPA steps, to be completed by end 2019, include planning of actions to close remaining gaps and identification of technical assistance to support these actions.Technical assistance needs to support transposition, institutional strengthening and implementation of the EU *acquis*will be summarised in the NeedsAssessment Document (NAD).Planning and targeting TA supportis considered as necessary part of the system for preparation for Chapter 27 negotiations in Albania.

Approximation analysis is always directive/ regulation specific and each EU legal act shall be considered individually consulting appropriate SPA document. Nevertheless, short summary of key findings regarding transposition, institutional system development and implementation (having number of limitations in mind) do allow to understand overall picture of the situation. This report is aiming for such a brief assessment and consists of two parts – (1) brief overall Chapter 27 assessment and (2) sub-chapter summaries. It has to be noted, that generalization of some of aspects, for example, level of transposition for all subsector, is provided for orientation purposes only as an indication of existing gap and shall be considered as a trend rather than the value. Even if transposition level is considered advanced (more than 70%), some important articles can still remain not transposed and each case has to be considered individually. Similarly, in case of institutional system, indication, that competent authority is not appointed yet, for this stage of preparation for negotiations,signals to potentially serious approximation problem even if planning of institutional strengthening measures would require much more detailed analysis. Brief assessment of implementation level shall help identifying size of required effort and indicate to potential priorities for actions planning.

It is well understood, that further approximation activities dealing with specific aspects of the acquis will require even more detailed analysis compared to the achieved during the SPA process. Approximation is a process which requires constant re-assessment of situation in order to understand if taken actions provided expected results, if gaps are still remaining and if additional actions are neededto close them.

Information provided in this report is designed to help decision makers to identify main problems, remaining gaps and to plan prioritised actions in order to achieve higher level of approximation while preparingfor Chapter 27 negotiations.

***Disclaimer***

*Screening Preparatory Assessment done by SANE27 is prepared as a tool for guiding the preparatory activities for Chapter 27 negotiations as part of the program activities and is considered solely as a responsibility of SANE. It is prepared at the best of knowledge of the national experts engaged in its preparation and information provided by representatives of relevant Albanian authorities and reflects situation as it stands for September 2019.*

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# List of abbreviations

|  |  |
| --- | --- |
| AKBN | National Agency of Natural Resources |
| AKUM | National Agency for Water Supply, Sewerage and Waste Infrastructure  |
| AMBU | Agency for Water and Resource Management |
| GMD | General Maritime Directorate |
| IMS | Inspectorate for Market Surveillance |
| ISHTI | State Technical and Industrial Inspectorate |
| IPH | Institute for Public Health |
| MARD | Ministry of Agriculture and Rural Development  |
| MD | Ministry of Defence |
| MFE | Ministry of Finance and Economy |
| MHSA | Ministry of Health and Social Affairs |
| MI | Ministry of Interior  |
| MIE | Ministry of Infrastructure and Energy  |
| MJ | Ministry of Justice  |
| MTE | Ministry of Tourism and Environment  |
| NAPA | National Agency of Protected Areas |
| NEA | National Environmental Agency  |
| SAGI | State Authority for Geospatial Information |
| SDC | State Directorate for Customs  |
| SIEFWT | State Inspectorate for Environment, Forestry, Water and Tourism |
| SVR | Regional Veterinary Service of Albania  |

# Chapter 27 summary

***Background information***

EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The EU *acquis* comprises over 200 legal acts,for negotiations purposes grouped into 73 main legal acts (directives and regulations) under Chapter 27 – Environment and Climate Changeand covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals, noise and climate change.

The analysis carried out by the experts included the following sub-chapters:

* Horizontal Legislation (7 Directives and 1 Recommendation)
* Air Quality (5 Directives)
* Waste Management (10 Directives and 3 Regulations)
* Water Quality (10 Directives and 1 Decision)
* Nature Protection (4 Directives and 6 Regulations)
* Industrial Pollution Control (4 Directives and 2 Regulations)
* Chemicals (2 Directives and 5 Regulations)
* Noise (1 Directive)
* Climate Change (5 Directives, 6 Regulations and 1 Decision)

***Transposition***

Chapter 27 transposition analysis of 73 legal acts shows a mid-level progress with 48 % asan average value for the whole chapter. However, this average varies very much among sub-chapters with relatively high level of transposition (Horizontal legislation) and sub-chapters in the initial stage of transposition (Climate Change). Also, within the same sub-chapter, there are different levels of transposition for different legal acts. In overall, 9 legal acts have been assessed as fully transposed, 11 legal acts for which transposition has not started yet and the remaining 51 legal act which are at different levels of transposition.

On average, the **Horizontal Legislation** is at an advanced level [[1]](#footnote-1)of transposition (78.6 %) with 3 directives fully transposed and only 1 directive at the initial stage (less than 20% transposed) and the other directives withat various levels of partly transposed status.

The **Air Quality**sub-chapter legislation is partly transposed (66.8 %) with 2fully transposed directives and2 directives at the initial stageof transposition.

The **Waste Management** sub-chapter legal acts arepartly transposed (53.7 %). One directive is fully transposed while for 1 directive and 1 regulation transposition has not started yet.The other directives are at various levels of partly transposed status.

The **Water Quality** sub-chapter legal acts arepartly transposed(35 %). Two directives are fully transposed while for 2 directives transposition has not started yet(although draft legal acts that will partially transpose them have been prepared). The other directives are at various levels of partly transposed status.

The **Nature Protection** sub-chapter legal acts arepartly transposed(33 %). No one directive hasbeen fully transposed but 2main directives are at an advanced stage of transposition while for 1 directive and 1 regulation transposition has not started yet. The other directives are at various levels of partly transposed status.

The **Industrial Pollution Control** sub-chapter legal acts arepartly transposed(44.5 %). Only 1 directive has been fully transposed while for 2 directives transposition has not started yet (although draft legal acts that will partially transpose them have been prepared).

The **Chemicals** sub-chapterlegal acts arepartly transposed(29.4 %). Onedirective is fully transposed while for 1 directive transposition has not started yet (although draft legal acts that will partially transpose them have been prepared) and 1 regulation is in the initial phase of transposition.The other EU legal acts are at various levels of partly transposed status.

The **Noise** sub-chapter is at an advanced level of transposition (86 %). This score reflects the level of transposition of the only directive present in this sub-chapter.

The **Climate Change** sub-chapter is at an initial level of transposition (12.2 %). Only one regulation is at an advanced stage of transposition, while there isone decision and one regulation whose transposition is started but is pending on the approval of the Law on Climate Change and a related Decision of the Council of Ministers. This is the only sub-chapter where for most of the legal acts (7 out of 11) transposition has not started yet.

***Implementation***

Analysis of implementation of Chapter 27 requirements is more difficult to quantify but on the overall scale the level of implementation is low. There are only 4 directives in the Horizontal Legislation, 1 directive in the Industrial Pollution Control and 1 in the Chemicals subchapter that are reported as in an advanced stage of implementation, while the majority are partly implemented or are in the initial phase of implementation and some have not started yet. Some of these legal acts have a low level of implementation also due to the low level of transposition into the Albanian legislation that is the necessarystep prior to the implementation.

On average, the **Horizontal Legislation** is at a medium level of implementation where four directives are being implemented at an advanced level, one recommendation and one directive are partly implemented, and implementation of two directives has not yet started. Only two directives have Implementation Plans prepared.

All 5 directives in the **Air Quality** are at the initial stage of implementation. Two of them are at initial stage due to the low level of transposition.

All Directives under the subchapter of **Water Quality** have been implemented at different levels. There are four directives that are partially implemented, 4 directives in the initial stage of implementation and 2 directives are not implemented at all. Implementation of the heavy investment directives, such as *UWWT 91/271/EEC* and *Drinking water 98/83/EC* directives, will most likely require transitional periods thus preparation of Directive Specific Implementation Plans (DSIP) is needed.

From 13 directives and regulations of the **Waste**Management subchapter, 8 directives are at the initial stage of implementation while implementation of 5 of them has not yet started. Adoption of the Strategy for Waste Management and completing the waste planning is essential for guiding the implementation in this subchapter. Considering the challenges that country is faced with implementation of the waste legislation, it is assessed that at least for 5 directives (*Waste Framework Directive, Landfill, Packaging, WEEE and Waste Batteries and Accumulators directives*) transitional periods and preparation of DSIPs will be needed.

For few directives/regulations under the **Nature Protection** sub-chapter, implementation is at an initial stage while for most the implementation has not started yet since the transposition has not started or is at initial stage.

The level of implementation in the **Industrial Pollution Control** subchapter is uneven and it ranges from advanced stage of implementation of the IED directive to not implemented for one directive and one regulation. The 2other directives are in the initial stage of implementation.Challenging in this subchapter are the Industry Emission Directive 2010/75/EC and Medium Combustion Plant 2015/2193/EU which makes them good candidate for transitional periods thus DSIPs will need to be prepared as to guide future implementation.

The **Chemicals** subchapter has one directive that is implemented while all the others are at the initial stage of implementation though one directive is not implemented because the transposition has not started yet.

There is only one Directive in the **Noise** subchapter and this directive is in the initial stage of implementation.

Following low level of transposition, implementation of most of directives, decisions and regulations in the **Climate Change** subchapter has not started yet, while only 2 regulations and 1 directive are in initial stageof implementation.

***Administrative capacity***

It is very common that the competencies for Chapter 27 are distributed among severalnational and local institutions which require additional coordination effort to secure implementation of the environmental legislation.

There is a clear dominant responsibility for the Chapter 27 that lies within the Ministry of Tourism and Environment (MTE). MTE has about 130 employees where half of them are working on environmental issues. National Environmental Agency (NEA) is subordinated to MTE and has 57 employees, which has responsibility in monitoring, licensing and information reporting. Another authority subordinated to MTE is the National Agency for Protected Area that has 274 employees, together with its regional offices is responsible mainly for managing the natural protected areas and forests. Inspection is done by the State Inspectorate for Environment, Forestry and Tourism (SIEFWT) has 91 employees. In September 2019 a DCM was adopted for the organisational structure of NEA in which SIEFWT was merged with NEA. However, until this report was prepared SIEFWT still function as a separate public body thus in this report will be referred as such.

Out of 9 sub-chapters, MTE has the dominant responsibility forpolicy making and implementationin8 sub-chapter and only for the**Water Quality**subchapter the dominant responsibility lies within the National Water Council that has the National Agency of Water Resources Management (AMBU) as its executive authority.

However, even if MTE is responsible for most of legislation, implementation is shared with the other ministries and agencies, including:

* Ministry of Infrastructure and Energy (MIE);
* Ministry of Agriculture and Rural Development (MARD);
* Ministry of Health and Social Affairs (MHSA);
* National Agency for Water Supply and Sewerage and Waste Infrastructure (AKUM).

In addition, significant competencies for implementation are assigned to the local authorities in particular related to waste and water management.

*National level administrative capacity assessment*

Current administrative capacities on national level are not sufficient to implement the environmental legislation. For some directives there is no responsible unit – sector or there are no employees working on them, or several directives’ competencies assigned to the same employee, which makes allocation of needed time and effort unrealistic. For some directives/regulations or even some sub-chapters (climate change is an example) there are only 1 or 2 persons responsible for policy making and implementation which by no circumstances is sufficient for implementation and leading the EU negotiations. Consequently, there is a need to establish relevant structure, mainly in the MTE but as well in other ministries and institutions. There is an urgent need of additional staff, in particular to MTE and itssubordinate bodies, that would be engaged in transposition, planning and implementation of the EU *acquis* in environment and climate change.

*Local level administrative capacity assessment*

Many competencies in environment are delegated to the local authorities – municipalities which will not be able to ensure implementation unless their capacity and competence is increased. The assessment revealed that only few municipalities have capacity dedicated to environment and the majority does not implement the legislation that they are responsible for. This situation requires special attention and efforts strengthening local level authorities if improvement of implementation situation is expected.

As a conclusion the current administrative capacity was assessed as not sufficientto implement environmental and climate change legislation and immediate measures should be taken to gradually improve the transposition and implementation of the legislation.

*Allocation of competencies among national authorities*

Undefined competencies for some of directives and regulations creates problem for transposition and implementation. In some cases the competent authority is clear but in some cases the competent authority is assigned but there is no designated structure or sufficient capacity within which will transpose and implement the EU *acquis*.Summary of the situation is provided bellow (while detailed explanation of competences and capacity is presented under each sub-chapter):

* Horizontal Legislation - all 7 directives and 1 recommendation haveclear competent authoritieswithin the MTE;
* Air Quality - 2 directives have clear competent authoritieswithin MTE while competent authorities for 2 directives have been assigned to MTE *(VOC petrol and Stage II VOCs petrol)* and 1 directive (Sulphur Content) to MIE but competencies arenot but not completely defined between these two ministries;
* Waste Management - 8 directives and 2 regulations have clear competent authorities within MTE, for 1 directive (*Mining Waste*) competencies are within MIEwhile some competencies for 1 directive *(Sewerage sludge)*areassigned to MARD and for 1 directive *(Landfill)* is assigned to MIE, but need to be further clarified. For *Ship recycling regulation* the competent authority is MTE however further clarification is needed with MIE once the transposition will start;
* Water Quality - 8 directives have clear competent authorities, while some competencies for 2 directives are assigned, but not clear competent authorities designated. Namely, for *UWWT Directive* competent authority is MIE, however, clear distinction of competencies is needed between MIE and AMBU. Clarification of competencies is needed as well between MHSA and MIE in regard to D*rinking water directive*. Clarification of competencies are related to which authority will take a lead in policy making considering that MIE has a leading position towards infrastructure planning;
* Nature Protection - 4 directives and 4 regulations have clear competent authoritieswhile competent authorities for 2 regulations*(FLEGT and EUTR)*competences are not clear between MTE and MARD;
* Industrial Pollution Control - 5 directives and regulations have clear competencies within MTE and for 1 directive *(Medium combustion pants)* the competent authority is NEA. For *Seveso III* directive competences are assigned forMTE however, considering the scope of the directive,further clarification is needed with the Ministry of Interior;
* Chemicals for 5 directives competencies have been assigned to MTE however, with the DCM adopted in September 2019, Chemical office was envisaged within the structure of NEA. Consequently,further clarification is needed between MTE and NEA once theChemical Office is established. For 1 directive *(Welfare of Experimental Animals)* competence isallocated to MARD however not completely defined. For *Biocide regulation* the competences are with MHSA;
* Noise asthe only directive in this subchapter has clear competent authority within MTE;
* Climate Change - 3 directives, 3 regulations and 1 decision have clear competent authorities within MTE. For *Fuel Quality directive* the competencies are within MIE. For 1 directive *(CO2 emissions from cars and vans)* and 2 regulations *(New Passengers Cars and Light Commercial Vehicles)*competent authoritiesare not designated and have to be clarified between MTE and MIE. For LUUCF regulation the competent authority has not been decided yet.

In general it should be noted that there is a lack of number of people, administrative capacities, technical skills and related infrastructure required for full transposition and implementation of the Chapter 27 directives, regulations, decisions and recommendations.

***Summary***

| **No.** | **Subchapter** | **Name of EU Legal Act** | **Competent Authority** | **Level of Transposition (in %)** | **Level of Implementation** |
| --- | --- | --- | --- | --- | --- |
| **Chapter 27**  | **MTE** | **48%** | **Initial Stage** |
| **Horizontal Legislation** | **MTE** | **78.6** |  |
| 1 | Horizontal | 2011/92/EU ***EIA*** | MTE | 82 | Advanced  |
| 2 | Horizontal | 2001/42/EC ***SEA*** | MTE | 100 | Advanced  |
| 3 | Horizontal | 2003/4/EC ***Access to Information*** | MTE | 100 | Advanced  |
| 4 | Horizontal | 2003/35/EC ***Public Participation*** | MTE | 100 | Advanced |
| 5 | Horizontal |  2004/35/EC***Environmental Liability*** | MTE | 28 | Not implemented |
| 6 | Horizontal | 2007/2/EC ***INSPIRE*** | State Authority for Geospatial Information (ASIG) | 92 | Initial stage |
| 7 | Horizontal | 2001/331/EC ***RMCEI*** | State Inspectorate of Environment, Forestry, Water and Tourism (SIEFWT) | 62 | Partly implemented |
| 8 | Horizontal | 2008/99/EC ***Environmental Crime*** | MTE | 65 | Not implemented |
| **Air Quality** | **MTE** | **66.8** |  |
| 9 | Air Quality | E 2008/50/EC ***AAQ*** | MTE | 96 | Initial stage |
| 10 | Air Quality |  2016/2284/EC***NEC*** | NEA | 20 | Initial stage |
| 11 | Air Quality | 2016/802/EC ***Sulphur Content*** | Ministry of Infrastructure and Energy (MIE)butnot completely defined | 18 | Initial stage |
| 12 | Air Quality | 94/63/EC ***VOCs petrol*** | MTE but not completely defined | 100 | Initial stage |
| 13 | Air Quality | 2009/126/EC ***Stage II VOCs petrol*** | MTEbut not completely defined | 100 | Initial stage |
| **Waste Management** | **MTE** | **53.5** |  |
| 14 | Waste Management | E 2008/98/EC ***Waste Framework*** | MTE | 34 | Initial stage |
| 15 | Waste Management | 86/278/EEC **Sewage Sludge** | Ministry of Agriculture and Rural Development (MARD) | 100 | Initial stage |
| 16 | Waste Management | 2006/66/EC ***Batteries*** | MTE | 82 | Initial stage |
| 17 | Waste Management | 94/62/EC ***Packaging*** | MTE | 81 | Initial stage |
| 18 | Waste Management | 96/59/EC ***PCB/PCT*** | MTE | 87 | Initial stage |
| 19 | Waste Management  | 850/2004/EC ***POPs*** | MTE | 58 | Initial stage |
| 20 | Waste Management | 2000/53/EC ***ELVs*** | MTE | 74 | Initial stage |
| 21 | Waste Management | 2011/65/EU ***RoHS(recast)*** | MTE | 3 | Not implemented |
| 22 | Waste Management | 2012/19/EU ***WEEE*** | MTE | 38 | Not implemented |
| 23 | Waste Management | 1999/31/EC ***Landfill*** | MIE | 81 | Initial stage |
| 24 | Waste Management | EC/1013/2006***Shipment of Waste*** | MTE | 12 | Initial stage |
| 25 | Waste Management | 2006/21/EC ***Mining Waste*** | MIE | 45 | Partly implemented  |
| 26 | Waste Management | 1257/2013/EU***Ship Recycle*** | MTEbut not completely defined | 1 | Not implemented |
| **Water Quality** |  AMBU | **35** |  |
| 27 | Water Quality | 2000/60/EC ***Water Framework*** | AMBU | 41 | Partly implanted |
| 28 | Water Quality | 91/271/EEC ***UWWT***  | MIE but not completely defined | 66 | Initial stage |
| 29 | Water Quality | 2008/56/EC ***Marine Strategy*** | AMBU  | 0 | Initial Stage  |
| 30 | Water Quality | 2010/477/EU/EU ***Standards on good environmental status on marine waters*** | AMBU | 0 | Initial Stage  |
| 31 | Water Quality | 98/83/EC ***Drinking Water*** | Institute of Public Health(IPH) but not completely defined | 100 | Partly implemented  |
| 32 | Water Quality | 91/676/EEC ***Nitrates***  | MARD | 15 | Not implemented |
| 33 | Water Quality |  2006/7/EC ***Bathing Water*** | Institute of Public Health/ Ministry of Health and Social Affairs (MHSA) | 100 | Partly implemented |
| 34 | Water Quality | 2006/118/EC ***Groundwater***  | AMBU | 0 | Initial stage  |
| 35 | Water Quality | 2008/105/EC ***Environmental Quality Standards for Water*** | NEA | 37 | Initial stage |
| 36 | Water Quality | 2009/90/EC ***Quality Assurance/Quality Control*** | NEA | 20 | Initial stage |
| 37 | Water Quality | 2007/60/EC ***Floods*** | Ministry of Defence (MoD) | 10 | Initial stage |
| **Nature Protection** | **MTE** | **33** |  |
| 38 | Nature Protection | 2009/147/EC ***Wild Birds*** | NAPA | 65 | Initial stage |
| 39 | Nature Protection | 92/43/EEC ***Habitats*** | NAPA | 86 | Initial stage |
| 40 | Nature Protection | 1999/22/EC ***Zoo*** | MTE | 50 | Initial stage |
| 41 | Nature Protection | 3254/91/EEC ***Leghold Traps*** | MTE | 6 | Not implemented |
| 42 | Nature Protection | EC/338/97 ***CITES*** | MTE | 56  | Partly implemented |
| 43 | Nature Protection | 2173/2005 EC ***FLEGT*** | MARDbut not completely defined | 36 | Initial stage |
| 44 | Nature Protection | EU 995/2010***EUTR*** | MTE but not completely defined | 31 | Initial stage |
| 45 | Nature Protection | EC511/2014 ***ABS Regulation*** | MTE | 0 | Not implemented |
| 46 | Nature Protection | EC1007/2009 ***Seal Products*** | NAPA | 0 | Not implemented |
| 47 | Nature Protection | 83/129/EEC **Skins** | NAPA | 0 | Not implemented |
| **Industrial Pollution Control** | **MTE** | **44.5** |  |
| 48 | Industrial Pollution Control | 2010/75/EU ***IED*** | MTE | 70 | Advanced  |
| 49 | Industrial Pollution Control | 2012/18/EU ***Seveso III*** | MTEbut not completely defined | 9 | Not implemented |
| 50 | Industrial Pollution Control | 2004/42/EC ***VOCs Paints*** | MTE | 100 | Initial stage |
| 51 | Industrial Pollution Control |  EC/66/2010 ***Eco-label*** | MTE | 41 | Initialstage |
| 52 | Industrial Pollution Control |  EC/1221/2009 ***EMAS****,*2001/832/EU***EMAS Global*** | MTE | 26 | Not implemented |
| 53 | Industrial Pollution Control |  EU/2015/2193 ***Medium Combustion Plants*** | NEA | 21 | Initial stage |
| **Chemicals** | **MTE** | **29.4** |  |
| 54 | Chemicals | 2010/63/EU ***Welfare of Experimental Animals*** | MARDbut not completely defined | 20 | Not implemented |
| 55 | Chemicals | 87/217/EEC ***Asbestos*** | MTE / NEA | 10 | Not implemented |
| 56 | Chemicals | 528/2012/EU ***Biocides*** | Ministry of Health and Social Affairs (MHSA) | 9 | Initial stage |
| 57 | Chemicals | EC/649/2012 ***PIC Regulation*** | MTE / NEA | 96 | Partly implemented |
| 58 | Chemicals | EC/1907/2006 ***REACH*** | MTE / NEA | 20 | Initial stage |
| 59 | Chemicals | EC/1272/2008 ***CLP*** | MTE / NEA | 41 | Initial stage |
| 60 | Industrial Pollution Control & Chemicals | EU/2017/852 ***Mercury*** | MTE / NEA | 10 | Initial stage |
| **Noise** | **MTE** | **86** |  |
| 61 | Noise | D 2002/49/EC ***Environmental Noise*** | MTE | 86 | Initial stage |
| **Climate Change** | **MTE** | **12.2** |  |
| 62 | Climate Change | Regulation 525/2013 ***Monitoring Mechanism*** | MTE | 0 | Not implemented |
| 63 | Climate Change | 2003/87/EC ***EU Emissions Trading System (EU ETS)*** | MTE | 0 | Not implemented |
| 64 | Climate Change | 2008/101/EC **Emissions Trading System Aviation Activities**(**EU ETS )** | MTE | 0 | Not implemented |
| 65 | Climate Change | 406/2009/EC ***Effort Sharing Decision*** | MTE | 0 | Not implemented |
| 66 | Climate Change | 1005/2009/EC ***Ozone Depleting Substances*** | MTE | 22.7 | Initial Stage  |
| 67 | Climate Change | Directive 2009/31/EC ***Carbon Capture and Storage*** | MTE | 0 | Not implemented |
| 68 | Climate Change | Regulation EU 517/2014***Fluorinated Gases*** | MTE | 79.1 | Initial stage |
| 69 | Climate Change | 98/70/EC ***Fuel Quality*** | Ministry of Infrastructure and Energy (MIE) | 29 | Initial stage |
| 70 | Climate Change | DIRECTIVE 1999/94/EC ***CO2 emissions from cars and vans*** | Not defined yet | 15.6 | Not implemented |
| 71\* | Climate Change | REGULATION (EC) 443/2009 ***New passenger cars*** | Not defined yet | 0 | Not implemented |
| 72\* | Climate Change | Regulation (EU) 510/2011 ***Light commercial vehicles*** | Not defined yet | 0 | Not implemented |
| 73 | Climate Change | REGULATION (EU) NO 2018/841 **LULUCF** | Not defined yet | 0 | Not implemented |
| \*These two regulations have been repealed by the Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011.  |

# Sub Chapter: Horizontal Legislation

**Background information**

The horizontal sector legislation covers various matters which cut across different environmental subject areas, as opposed to the legislation which apply to a specific sector, e.g. water or air. Rather than to regulate a specific area, these items of legislation are more procedural. They provide for methods, procedures and mechanisms aimed to integrate environment in other policy areas and at improving decision making and legislative development and implementation. Chapter 27 addressed 7 Directives and 1 Recommendation under the Horizontal Legislation sub-chapter:

1. Directive 2011/92/EU on *Environmental Impact Assessment (EIA)*. It aims to ensure a high level of environmental protection through integrating the environmental considerations into the preparation and authorisation of projects. It defines the environmental impact assessment process which ensures that projects likely to have significant effects on the environment are made subject to an assessment, prior to their authorisation.
2. Directive 2001/42/EC on *Strategic Environmental Assessment(SEA).*It aims to ensure a high level of environmental protection and that environmental considerations are taken into account when preparing, adopting and implementing plans and programmes. It promotes sustainable development by ensuring that environmental assessment is carried out during the preparation and before the adoption of certain plans and programmes likely to have significant effects on the environment.
3. Directive 2003/4/EC on *Access to Environmental Information*. It fully adapts EU countries’ national laws to the 1998 [Aarhus Convention on access to information, public participation and access to justice in environmental matters](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:l28056). It guarantees the public access to environmental information held by, or for, public authorities, both upon request and through active dissemination.
4. Directive 2003/35/EC on *Public Participation*. It contributes to the implementation of the obligations arising under the Aarhus Convention, in particular by (a) providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment; (b) improving the public participation and providing for access to justice.
5. Directive 2004/35/CE on *Environmental Liability*.It lays down rules based on the polluter-pays principle. This means that a company causing environmental damage is liable for it and must take the necessary preventive or remedial action and bear all the related costs. The directive defines environmental damage as: (a) damage that significantly affects the environmental (ecological, chemical or quantitative) status of water resources, as defined in the [EU Water Directive](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:l28002b) and the [Marine Environment Strategy Directive](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:l28164); (b) damage to land creating a significant risk to human health; (c) damage to protected species and natural habitats that adversely affects conservation as defined in the [Directive on the conservation of wild birds](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:ev0024) and the [Natural Habitats Directive](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:l28076).
6. Directive 2007/2/EC on the *Infrastructure for Spatial Information in the European Community, (INSPIRE)*. It lays down general rules setting up an infrastructure for spatial information in Europe for the purposes of European Union environmental policies and for policies or activities which may have an impact on the environment. The European infrastructure builds on that of spatial information that is established and operated by EU countries. INSPIRE Directive applies to spatial data (any data with direct or indirect reference to a specific location or geographical area, such as addresses, transport networks, elevation and land use) that (a) cover areas where EU countries have jurisdictional rights; (b) exist in electronic format; (c) are held by, or on behalf of, a public authority or another body using the network; (d) relate to environmental information.

EU countries are responsible for ensuring that metadata (information describing spatial data sets and spatial data services, making it possible to discover, inventory and use them) are created for the various environmental spatial data sets and services listed in the legislation.

1. Directive 2008/99/EC on *Environmental Crime*. It defines a number of serious offences that are harmful to human health or the environment and requires EU countries to introduce effective and proportionate penalties constituting a deterrent for such offences, regardless of whether they are committed intentionally or through serious negligence. Such offenses include: (a) discharging, emitting or otherwise releasing dangerous materials into [air](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:ev0002), soil or [water](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l28002b); (b) collecting, transporting, recovering or disposing of hazardous waste; (c)shipping noticeable quantities of waste; (d) operating an industrial plant that conducts dangerous activities or stores dangerous substances (e.g. factories producing paints or chemicals); (e) manufacturing, treating, storing, using, transporting, importing, exporting, or disposing of [nuclear material and hazardous radioactive materials](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:en0027); (f) killing, possessing or trafficking in noticeable amounts of [protected animal and plant species](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:200703_1); (g) damaging [protected habitats](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l28076); (h) producing, trading in or using substances that deplete the ozone layer (e.g. chemicals in fire extinguishers or cleaning solvents).
2. Recommendation on *Minimum Criteria for Environmental Inspections (RMCEI).* It sets minimum criteria for organising, performing, following-up and publishing the results of environmental inspections in all Member States with the aim of improving compliance and ensuring that EU environment legislation is applied and implemented more consistently.

**Transposition**

Three of the bellow mentioned Directives have been fully transposed:

* The *SEA Directive* has been transposed through: (a) Law no 91/2013 of 28.2.2013 ”OnStrategic Environmental Assessment”; (b) DCM no.219, 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”; (c) DCM no.220, 07.07.2015“On rules, responsibilities and detailed procedures for SEA in transboundary context”.
* The directive on *Access to Environmental Information*has been transposed through: (a) Law No. 10 431 of 09.06.2011 “On Environmental Protection” as amended; (b) DCM No. 16 dated 04.01.2012 “On Public Access to Environmental Information”; (c) DCM No. 247of 30.04.2014 “On determining the rules and requirements of the procedures for information and involvement of the public in environmental decision-making”. Albania has ratified the Aarhus Convention by Law No. 8672, dated 26.10.2000 “On the Aarhus Convention Ratification on public right to information, to participate in decision-making and to have access to justice in environmental matters”. Besides,thereisother (more horizontal) legislation in force guaranteeing the public rights of information in all sectors (including environment).
* The *Public Participation Directive*has been transposed through: (a) Law No. 10 431 of 09.06.2011, “On the Protection of Environment” amended; (b) DCM No.994 of 02.07.2008 “On involvement of the public in environmental decision-making”, amended; (c) DCM No. 247 of 30/04/2014 “On determining the rules and requirements of the procedures for information and involvement of the public in environmental decision-making”. Besides, there isother (more horizontal) legislation dedicated to the public rights to participate in the decision making in all sectors (including environment).

**Two of the bellow mentioned Directives have been transposed at an advanced level:**

* *INSPIRE Directive* **(**92%) has been transposed through the: (a) Law No. 72/2012, dated 28.06.2012 “For the Organization and Operation of the National Infrastructure of Geospatial Information in the Republic of Albania”; (b) DCM no. 1077, dated 23.12.2015 “On the Approval of the Regulation “The establishment, storage and update of metadata, cataloguing structure and metadata establishment schedule for specific topics”.
* *EIA Directive* (82%) has been transposed through the: (a) Law no. 10440 dated 7.7.2011 “On Environmental Impact Assessment” amended; (b) DCM no. 686 of 29.07.2015 “On adoption of rules, responsibilities and deadlines for the development of environmental impact assessment procedure and the transfer procedure of the decision and environmental declaration” amended; (c) DCM No. 912, dated 11.11.2015 “On approval of national methodology in the environmental impact assessment process”;

**Three of the bellow Directives/Regulation have been transposed partially:**

* *Environmental Liability Directive* (28%) has been transposed through Law No. 10 431 of 09.06.2011 “On Environmental Protection” as amended. The 2019 EC Progress Report noted that “the lack of a secondary legal framework is hampering the establishment of an adequate process and assessment of environmental liability for damage to the environment”.
* *Environmental Crime Directive* (65%) has been transposed through: (a) Law Nr.895 dated 27.1.1995 “Criminal Code of the Republic of Albania”as amended; (b) Law 9754/2007 “On the criminal responsibility of legal entities”. The 2019 EC Progress Report emphasised that “further alignment with the directive on environmental crime still needs to be done”.
* *Regulation on Minimum Criteria for Inspection* (62%) has been alignedthrough: (a) Law 10431, dated 9.06.2011 “On Environmental Protection” as amended; (b) Law No. 10448 dated 14.7.2011”On Environmental Permitting” as amended; (c) Law no. 9700 of 26.03.2007 “On the protection of environment on transboundary level”. Besides, there is also other legislation on inspection in the RoA applying to all sectors (including environment).

However, even the conclusion can be made that level of transposition for EU horizontal legislation is rather good, still many legal instruments are missing for good implementation. Consequently, there is a need to check the fitness of the national legislation in regard to implementation and capacities of current Albanian administrative structure in environment and to revise/ strengthen accordingly as to provide necessary conditions for its implementation.

**Implementation**

Directive Implementation Plan (DIP) has been prepared in 2018 only for 2 out of the 8 acts of this sub-chapter, respectively for:

* Directive 2003/4/EC on public access to environmental information; and
* EIA Directive (Directive 85/337/EEC). The latest amendments to this Directive have not been considered. It is expected that an update/review of it would not take much effort.

These DSIPs have not been taken comprehensively into implementation and since the administrative structure has gone through significant change since their development they are of a little value in supporting current implementation of these two directives.

An *Institutional Development Plan (IDP)* has been prepared for the State Inspectorate for Environment, Forestry and Water and Tourism (SIEFWT) under IBECA project. The key areas of activity planned under IDP for the period 2018 to 2022 include: Capacity Building, Information Management Systems, Intra-Agency Communications, Inspection Planning & Resourcing, Inspections, Environment Crime, Illegal Waste Disposal, Wildlife Crime, and International Environmental Crime. Key Performance Indicators have been agreed to assess their activities. However, in September 2019 the Council of Minister has adopted a decision where the environmental inspection functions should be merged with National Environmental Agency (NEA). This will create a challenge to implement the IDP for the SIEFWT.

Out of eight acts screened under this sub-chapter:

* Four are considered to be implemented at good level: *EIA Directive, SEA Directive, Access to Environmental Information and Public Participation Directive*. However, there is a need to improve public consultation procedure, the quality and procedures of conducted environmental impact assessment, both for projects and planning documents. Establishment of a unite within MTE responsible for public participation and information dissemination might improve the situation;
* *RMCEI Recommendation* is being partly implemented, however the support is still neededconsidering the decision SIEFW to be moved under the NEA and part of the competencies, in particular related to environmental crime, to be shared with the State Inspectorate;
* *INSPIRE Directive* is at an initial level of implementation, thus support is needed in particular for establishment of interoperability tools of the collected data;
* *Environmental Liability Directive*has not started being implemented yet.
* For*Environmental Crime Directive*some efforts have been made to support the inspection and judiciary which was little reflected in practice. Support is needed in rising knowledge and awareness of relevant stakeholders for environmental crime, in particular for judiciary authorities (judges and prosecutors).

The 2019 EC Progress Report emphasised that “Further progress is needed to achieve full compliance with the remaining cross-cutting aspects of the directives on environmental liability, environmental crime and environmental inspection. The lack of a secondary legal framework is hampering the establishment of an adequate process and assessment of environmental liability for damage to the environment”.

**Administrative capacity**

The main Competent Authority (CA) for the Horizontal Legislation sub-chapter is the Ministry of Tourism and Environment (MTE). Other CAs are: National Environment Agency (NEA), the State Inspectorate for Environment, Forests, Water and Tourism (SIEFWT), National Agency for Protected Areas (NAPA), Water Resources Management Agency (WRMA), and State Authority for Geo-spatial Information (SAGI).

Both the number and capability/ capacity of the staff engaged in the implementation of the acts under this sub-chapter is not sufficient and thus hamper the implementation and need to be increased. This is inline with the 2019 EC Progress Report emphasised that “considerable strengthening of administrative capacity, allocation of the necessary financial resources are needed”.

In order to strengthen its capacities for the implementation of EIA and related Environmental Permitting legislation NEA needs to be re-organized and provide better coordination among responsible units or even bring some permitting functions under the same heading. Division of work done per groups of industriesand staff specialization could rise the expertise and improve quality of EIA reviews/ Environmental Declarations and Environmental Permits. Such specialization per groups of industries could be aimed for the environmental inspectors thus inspections’ and reporting quality would improve.

NEA, NAPA, SIEFT and WRMA need to: (a) strengthen their capacities in all areas of their work, including the Geo-spatial Information in their own specific fields; (b) provide the spatial information and the metadata that would enable SAGI to comply with the INSPIRE Directive.

All the CAs in charge of implementing this sub-chapter do not have sufficient tools and equipment to implement the legislation. CAsneed more IT and other equipment, technology, vehicles, etc. and budget to comply with the requirements of the Horizontal Legislation sub-chapter. In addition more efficient use of their current equipmentand budget is important.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2011/92/EU***EIA*** | MTENational Environmental Agency (NEA)Regional Environmental Directories (RED) | Advanced; 82 % | Advanced  |
| 2001/42/EC***SEA*** | MTE | Fully transposed | Advanced  |
| 2003/4/EC***Access to information*** | MTENEA | Fully transposed | Advanced |
| 2003/35/EC***Public Participation*** | MTE | Fully transposed | Advanced |
| 2004/35/EC***Environmental Liability***  | MTENEAMinistry of Finance and Economy(MFE) | Partially; 28%  | Not implemented |
| 2007/2/EC***INSPIRE*** | State Authority for Geo-spatial Information (ASIG) and large number of other institutions | Advanced; 92% | Initial stage  |
| 2001/331/EC***RMCEI*** | State Inspectorate of Environment, Forestry, Water and Tourism (SIEFWT)MTE | Partially; 62% | Partly implemented |
| 2008/99/EC***Environmental crime*** | MTESIEFWTGeneral Prosecution OfficeAlbanian State Police | Partially; 65 % | Not implemented |

# Sub Chapter: Air quality

**Background information**

The Air Quality sub-chapter includes five directives: the framework Directive 2008/50/EC and 2016/2284/EC NEC, 2016/802/EC Sulphur content, 94/63/EC VOCs petrol and 2009/126/EC Stage II VOCs petrol Directives.

1. The framework Directive, Directive 2008/50/EC on ambient air quality and cleaner air (*Ambient Air Quality Directive*) provides the general legal and policy context whereas more specific legal measures and guidance detailing implementation isleft to be regulated by the Member States. Ambient air quality legislation aims at the establishment and maintenance of an air quality standard, which does not adversely affect human health or the environment. The Directive includes thresholds, limit values and target values set to assess each pollutant covered by the Directive, designation of zones and agglomerations and specific bodies to carry out the set tasks using data collected at selected sampling points. Other key elements of the Directive consist in the introduction of air quality plans where pollution levels in any particular area are higher than the thresholds and short-term action plans if there is a risk that pollution levels may exceed the thresholds etc.
2. Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants (the new *National Emission Ceilings (NEC) Directive*), sets national reduction commitments for the five pollutants (sulphur dioxide, nitrogen oxides, volatile organic compounds, ammonia and fine particulate matter) responsible for acidification, eutrophication and ground-level ozone pollution which lead to significant negative impacts on human health and the environment.
3. Directive (EU) 2016/802 of the European Parliament and the Council on the reduction in the *sulphur content of certain liquid fuels*, is intended to combat emissions of sulphur dioxide, which are one of the causes of acidification and particle formation in the EU, and are one of the factors causing damage to ecosystems, biodiversity and human health.
4. Directive 94/63/EC On the control of volatile organic compound (*VOC*) emissions resulting from the storage of *petrol* and its distribution from terminals to service stations aims to reduce emissions from volatile organic compounds due to evaporation of petrol in the fuel storage and distribution chain. Amended by Regulations (EC) 1882/2003 and (EC) 1137/2008 and Decision EU (2018/853) of 30 May 2018.
5. Directive 2009/126/EC on *Stage II petrol*vapour recovery during refuelling of motor vehicles at service stations aims the recovery petrol vapour displaced from the fuel tank of a motor vehicle during refuelling at a service station. Amended by Directive 2014/99/EU.

**Transposition**

With regard to *Ambient Air QualityDirective*, a good level of transposition has been achieved. Laws and bylaws have been prepared, which transpose some of the directives mentioned above and for the rest of the directives the relevant draft acts have been prepared. Few amendments remain to be transposed which, if done, will increase the level of transposition. However, the existing legislation need to be revised as to reflect the changes in the administrative structure in Albania but as well to provide better instruments and measures for its implementation which reflect the national conditions.

It has been achieved a high level of transposition of the *Ambient Air Quality Directive*. The Law No. 162, dated 04.12.2014; “On protection of ambient air quality” and the Decision of the Council of Ministers (DCM) No. 352 “On ambient air quality assessment and requirements for certain related pollutants” fully transpose the Ambient Air Quality Directive. Only relevant amendments to the annexes in line with the Commission Directive (EU) 2015/1480 concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality, remain to be transposed.

The transposition of the *NEC Directive* (EU) 2016/2284 is at an initial stage. A draft Governmental Order “On the rules on preparation, approval, reassessment and implementation of the national programmes on reducing the emissions in the air” fully transposing the NEC Directive (EU) 2016/2284 is prepared and following the stakeholder consultation, the adoption to the Council of Ministers is expected within December 2019.

The transposition of the *Sulphur content Directive* (EU) 2016/802 is at an initial stage. For the moment, DCM No. 781/2012 transposing the previous Directive 1999/32/EC is in place. A draft DCM “On the quality of certain liquid fuels used for thermal, civil, industrial and sea transport” fully transposing the Directive (EU) 2016/802 is prepared. The draft was consulted first with the Energy Community Secretariat in Vienna. Draft DCM is expected to be adopted within December 2019.

DCM No. 1075 dated 23.12.2015 “On Measures of the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations” fully transposes the *VOC petrol Directive* 94/63/EC.

Directive *Stage II VOCs petrol*2009/126/EC is fully transposed by the DCM No 909 dated 21.12.2016 “On Stage II petrol vapour recovery during refuelling of motor vehicles at service stations”.

Both legal acts mentioned above lack legal instruments to support their implementation.

**Implementation**

Implementation of the *Ambient Air Quality Directive* is at an initial stage. A National Strategy on Ambient Air Quality is adopted in 2014 while a draft National Ambient Air Quality Plan (NAAQP) is prepared but not adopted yet. On local level an Air Quality Plan is drafted for Tirana in 2011 but is not adopted/implemented yet. Completion of the planning system for ambient air quality in Albania is needed. The current network for air quality monitoring does not allow for providing a correct picture of air quality in Albania. It does not cover air quality assessment in rural or rural background locations. The current Ambient Air Quality monitoring practice, including data collection and reporting, is not fully in line with the EU requirements. There are about 7 air quality monitoring station which do not provide good assessment of the air quality in Albania, thus increase of the scope of the assessed parameters and the monitoring network is needed. The annual budget for monitoring is not sufficient to cover the monitoring needs and it should be significantly increased. Assessment of the current monitoring and the technical capacity is needed as to provide good planning of the future actions to complete air monitoring, data collection, reporting and information dissemination. Urgent measures are needed to develop a consolidated, properly equipped monitoring and information systems for air quality.

Implementation of the *NEC Directive* is at an initial stage. Albania has ratified the Gothenburg Protocol. The proposed levels presented by Albania were not accepted as they were not coherent with current projections for future emissions, provided by the technical assessments done by IIASA, the CLRTAP Centre for Integrated Assessment. In meantime the lack of national technical capacities had made very difficult the revision of the inventories and presently Albania does not have a consolidated air emission inventory system. Without consolidating the emission inventory, modelling and projections of air emissions, revising emission inventories for the base year, is very difficult to set up the national emission ceilings on national and industry level.

*Sulphur Content in Liquid Fuels Directive* (EU) 2016/802 is in initial stage of implementation. Competent authorities is assigned to MTE and the State Technical and Industrial Inspectorate (ISHTI) within MIE. However still clarification of competences is needed with MTE and MIE. The assessment of national liquid fuel consumption isbeing carried out during the preparation of energy balance on yearly bases. A sampling system for fuels is in place (based on the Order of the Minister of Infrastructure and Energy No. 6, dated 09.01.2015 “On the control of technical standards of fuel oil and its by-products, procedures and relevant tariffs”), but not yet for marine fuels. It is not allowed to use heavy fuel oil with a sulphur content greater than 1% in Albania.

*Directive on VOCpetrol* (Stage I Directive 94/63/EC and *Stage II VOCs petrol Directive*2009/126/EC) are not implemented. There is no any assessment of technical conditions for the existing installations (petrol stations, petrol storage facilities and transportation equipment), no data if they are complying with the standards and no program is in place for upgrading installations to ensure compliance with technical requirements of the Directives. There is a need for preparation of DSIPs for these two directives considering the current situation.

**Administrative capacity**

The Ministry of Tourism and Environment (MTE) and National Environmental Agency (NEA) have a dominant responsibility for the Air Quality sub-chapter. Another important institution is the Ministry of Infrastructure and Energy (MIE) related to petrol quality control and VOC control from petrol terminals/service stations and adjustment with environmental standards. Both subordinate structures of the MTE and MIE, respectively State Inspectorate of Environment, Forests, Water and Tourism (SIEFWT) and State Technical and Industrial Inspectorate (STII) are important to enforce requirements in this area. Furthermore other ministries responsible for agriculture, health, finance, Institute of Public Health and local government units have responsibility in implementation.

There is a need to increase the administrative capacity (institutional arrangements, institutional strengthening and capacity building) in order to assume the responsibilities: MTE (human capacities); NEA (structure & human capacities, equipment); Institute for Public Health (technical capacity). MTE need to increase the number of staff, develop mechanisms to improve coordination among institutionsresponsible for environmental monitoring and increase their efficiency, ensure functioning of the integrated environmental management system, support relevant databases and improve access to information, especially regarding air quality data, and make near-real-time data available to the public.

Capacity building/strengthening measures for relevant institutions would include:

* MTE and NEA, onhow to prepare annual emission projections and how to determine the figures for national emission ceilings; how to calculate air emissions, needed to improve the national emission inventory; QA/QC to check the quality of data; how to report on national emission inventories.
* MTE, MIE, NEA/REAs, SIEFWT and STII to be able to comply with the obligations of the VOC Petrol I and II Directives, especially acquiring of additional experience on VOC petrol recovery requirements.
* State Inspectors for Environment (part of the SIEFWT), to perform emission measurement from stationary sources, and the strengthening of operating organizations in the field.
* STII to be able to comply with the obligations of the Sulphur Directive, especially acquiring of additional experience regarding the control and inspection of marine fuel, and to take measure to secure technical compliance of the petrol station, petrol storage and transport facilities.

**Summary**

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| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2008/50/EC**AAQ** | MTE | Advanced;96% (Except for the amendments that have to be done in line with the Directive (EU) 2015/1480) | Initial stage |
| 2016/2284/EC**NEC** | MTE  | Initial stage;20 %  | Initial stage  |
| 2016/802 /EC**Sulphur content**  | Ministry of Infrastructure and Energy (MIE) or MTE (not complete determinate) | Initial stage;18% | Initial stage |
| 94/63/EC***VOCs petrol*** | MTE or MIE (not completely determinate)  | Fully transposed  | Initial stage  |
| 2009/126/EC***Stage II VOCs petrol*** | MTE or MIE (not completely determinate)  | Fully transposed | Initial stage  |

# Sub Chapter: Waste management

**Background information**

The sub-chapter of Waste is composed of 13 pieces of legislation, comprising 10 directives and 3 regulations. The main directive, which frames the whole subchapter on waste is Directive 2008/98/EC ‘*on Waste*’. It establishes a legal framework for managing waste in the EU to protect theenvironment and human health by emphasizing the importance of proper waste management, introducing a waste hierarchy, recovery and recycling techniques to reduce pressure on resources and improve their use, without putting any risk to water, air, soil, plants or animals, without causing a nuisance through noise or smells, or harming the countryside or places of special interest. Several principles on waste management, as ‘polluter pays principle’, the ‘extended producer responsibility’, and the end-of-waste status and distinction between waste and by-products, followed by sets of targets for recycling and recovery for household waste and C&D waste and special conditions to hazardous waste, waste oils and bio-waste management are some of the main tools introduced in the Waste Directive.

Following the main requirements of the Waste Framework Directives, other directives and regulations on specific waste streams introduce targets and tools to be followed by MS toward the implementation of an integrated waste management system:

* Directive 94/62/EC ‘*on packaging and packaging waste*’ establishes targets for recovery and recycling of packaging waste and promotes economic instruments to achieve these targets, requires establishing systems for the return/collection of such waste, requirements for the packaging prior being placed on the market, a data base on packaging and waste from packaging, and a mechanism to provide information for users;
* Directive 2006/66/EC ‘*on batteries and accumulators and waste batteries and accumulators*’ and Directive 2000/53/EC ‘*on end-of-life vehicles*’ specifically promote protection, preservation and improvement of environmental quality through minimizing negative impact of batteries and accumulators, their waste and end-of life- vehicles, through prohibiting the placing on the market of portable batteries and accumulators, whether incorporated into appliances or not that contain cadmium (more than 0.002% of cadmium by weight) and mercury (more than 0.0005% of mercury by weight). Both directives set reuse, recovery and recycling targets and monitoring schemes of such targets, measures to encourage reuse/recycling;
* Directive 2012/19/EU on *WEEE* and Directive 2011/65/EU ‘*on the restriction of the use of certain hazardous substances in electrical and electronic equipment*’ establish a system for the separate collection of WEEE and restriction of the use of certain hazardous substances of EEE, lead, mercury, cadmium and chrome VI by setting targets for collection and recovery, a permitting system for treatment of WEEE and financing system for management of WEEE;
* Directive 2006/21/EC ‘*on the management of waste from extractive industries*’ provides measures, procedures and guidance to prevent or reduce, as far as possible, any adverse effects on the environment, and any potential risks to human health, as a result of the management of waste from the extractive industries;
* Regulation (EU) no 1257/2013 ‘*on ship recycling*’ aim to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling;
* Directive 86/278/EEC ‘*on protection of environment when sewage sludge is used in agriculture*’ establish certain initial measures in connection with soil protection; Regulate the use of sewage sludge in agriculture in such a way as to prevent harmful effects on soil, vegetation, animals and man, while encouraging its correct use;
* Directive 1999/31/EC ‘*on the landfill*’ of waste and Directive 2011/97/EU establish criteria and procedures for the acceptance of waste at landfills, provide measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment from landfilling of waste, during the whole life-cycle of the landfill;
* Regulation (EC) no. 1013/2006 on shipments of waste establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination;
* Specific Directive 96/59/EC ‘*on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)*’ aims to approximate the laws of the MS 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 completely on the basis of the provisions of this Directive. Meanwhile Regulation (EC) no 850/2004 ‘*on persistent organic pollutants*’ provides precautionary principles to protect human health and the environment from persistent organic pollutants by prohibiting, phasing out as soon as possible, or restricting the production, placing on the market and use of substances.

**Transposition**

All 13 Directives and regulations under the subchapter of waste have been transposed at different level, and only two of them have not been yet transposed (Directive 2011/65/EU ‘*on the restriction of the use of certain hazardous substances in electrical and electronic equipment*’ and Regulation (EU) no 1257/2013 ‘*on ship recycling*’).Regulation (EC) no. 1013/2006 ‘*on shipments of waste*’ is at early phase of alignment(12%) in the following legal acts: i) Law No. 10463, date 22.09.2011 “On Integrated Waste Management”, as amended; ii) Law No. 8216, of 13.5.1997 “on Adhering of the Republic of Albania to the Convention of Basel on the Transboundary Shipment Control of Hazardous Waste and their Treatment; iii) DCM no.641, dated 01.10.2014 “On approval of rules for waste export and non-hazardous waste or inert waste transit”; iv) DCM “On some additions and amendments on the DCM no.641, dated 01.10.2014 “On approval of rules for waste export and non-hazardous waste or inert waste transit”, no.94.

The main Directive 2008/98/EC ‘*on Waste*’ has only been transposed partially up to 34% with these legal acts: i) National Strategy and Plan for Waste Management approved by DCM No.175, date 19.01.2011 (under revision); ii) Law no.10 463, 22.09. 2011 “On integrated waste management” amended in 2013. Other Directives that follow the main one has made considerable progress on the transposition level, where Directive 1999/31/EC on the landfill of waste and directive 2011/97/EU ‘*on establishing criteria and procedures for the acceptance of waste at landfills*’ holds an advanced status of transposition (81%) based on this legal framework: i) Law no.10 463, 22.09. 2011 “On integrated waste management” amended in 2013; ii) DCM No 452, dated 11.07.2012 “On landfills of waste”; iii) DCM no.389, dated 27.06.2018 “On some additions and amendments on the DCM no.452, dated 11.07.2012 “On landfills of waste”. Directive 94/62/EC ‘*on packaging and packaging waste*’ has 81% transposition level based on these legal acts: i) Law no. 10 463, date 22.09.2011 “On integrated waste management”, amended with Law no.156, date 10.10.2013; ii) DCM no. 177 of 6.3.2012 “On packaging and packaging waste”; iii) DCM No. 177 of 6.3.2012 “On Packaging and Packaging Waste”, amended with DCM 232 date 26.04.2018.Directive 2006/66/EC ‘*on batteries and accumulators and waste batteries and accumulators*’ has 82% transposition based on these legal acts: i) Law no. 10 463, date 22.09.2011 “On integrated waste management”, amended with Law no.156, date 10.10.2013; ii) DCM no. 866 “On batteries and accumulators and waste batteries and accumulators” and Directive 2000/53/EC ‘*on end-of-life vehicle*s’ have an advanced level of transposition respectively and 75% based on these legal acts: i) Law no. 10 463, date 22.09.2011 “On integrated waste management”, amended with Law no.156, date 10.10.2013; ii) DCM no. 705, “On management of waste by end of life vehicles”.

Only Directive 86/278/EEC ‘*on protection of environment when sewage sludge*’ is used in agriculture is fully transposed in the DCM 127, date 11/02/2015”For the requirements of using sewage sludge at agriculture”. For Directive 2012/19/EU on WEEE it is in early stage of transposition just having 38 % mostly related to general waste definition and rules. For the Directive 2006/21/EC ‘*on the management of waste from extractive industries*’ there is still work ahead toward transposition, as so far it is estimated that it is partially transposed, respectively 45% based on these main legal acts and document: Law No. 10304 of 15.7.2010, “on the Mining Sector in the Republic of Albania”, as amended, MO No. 302 of 12.4.2011 “on the Approval of basic principles for the establishment of environmental rehabilitation plan, closing plan of extractive activities, the determination of a dangerous area in a mining site and of the waste management plan”; MO No. 414 “on the Approval of the Model and Content of the Management Plan and the information kept by the operator related to the works, deposit, treatment and analysis of the extractive waste”; MO No. 383 of 20.05.2011 “on the Approval of the model and content of the Action Plan for the closing of the extracting activity”; MO No. 312 of 12.4.2011 “on the Approval of model and Content of Obligatory Information prepared by the possessor extractive industry permit”; DCM No. 479, date 29.6.2011 “On the approval of the Strategy on Mining in the Republic of Albania”.

Considerable effort has been made to transpose Directive 96/59/EC ‘*on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)*’ and Regulation (EC) no 850/2004 ‘*on persistent organic pollutants*’. Main national legal acts for the PCB/PCT Directive include: i) Law no. 10 463, date 22.09.2011 “On integrated waste management”, amended with Law no.156, date 10.10.2013; ii) Law No. 10448 dated 14.07.2011 “On environmental permits”, as amended; iii) DCM No. 178 dated 06.03.2012 “On waste incineration”; and for the Regulation POPs: i) DCM No. 360, dated 29.04.2015 “On the adoption of the list of persistent organic pollutants and determination of the measures for the produce, import, placing on the market and their use”; ii) Law 9263, dated 29.07.2004 “On ratification of the “Convention of Stockholm “For persistent organic pollutants”; iii) DCM No. 505 dated 29.08.2018 “On the adoption of the National Action Plan for phasing out and eliminating POP” (indicates the plan for further approximation until 2020).

In addition to the above mentioned legal acts to support the waste management a DCM no. 319, dated 31.5.2018 “On the approval of measures for the costs of integrated waste management” was adopted which provides legal base for setting tariffs for the municipalities for waste collection and transportation.

Despite good progress already achieved transposing EU waste legislation, still some of main legal instruments to support implementation are missing, for example, ensuring that waste tariffs are adopted by municipalities as required by the legislation, rules and procedures for implementation of the extended producer responsibility system or establishment of regional administration and waste regional planning legal framework. Consequently, adoption of new and revising of existing legislation is needed, which at the same time will reflect the resent change of the administrative structure in environment.

**Implementation**

Implementation of *Waste Framework Directive* is at an initial stage in Albania. Only issues related to hazardous waste produced by households’, waste oils, permitting, registration, inspections, and enforcement of penalties are implemented to some extent. Others related to the list of waste, properties of hazardous waste, preparing for re-use and recycling, protection of human health and environment, control of hazardous waste and waste management plans are being partially implemented. The rest of issues as the one related to establishment of waste hierarchy, principles of self-proximity, record keeping, extended producers responsibility, exemption from permit requirements and waste prevention programs are not at all implemented. Poor implementation practices are related to not clear responsibilities between central and local government institutions, lack of planning documents in particular on regional level and thus lack of assessing the investments needed to establish the waste management system on regional and local level, separate collection schemes, lack of human capacities at central and municipal level, not established regional administrative structure for waste management and poor financial incentives for industry to deal with waste management.

Other directives related to different waste streams (packaging and waste from packaging, batteries and accumulators and their waste, WEEE, end-of-life vehicles) are at initial stage of implementation. Institutional set up in charge for implementing these directives need for building know-how (Structure + Numbers + Capabilities). Extended producer responsibility (EPR) scheme is not established for any waste streams, and no financial instruments for collection and establishment of separate collective systems are in place. There are some business activities related to recycling or treatment of waste, as well waste exports, however it is performed in a sporadic way. Import of waste is banned for several years under the public pressure that authorities can not ensure safe implementation. The establishment of waste databases and information system is at early stage. Apart from lack of implementation of several aspects of the requirements of waste directives on specific waste streams, some of the chapters have been included in the waste planning process and some instruments are in place:

* A decision on the use of economic instruments has been adopted for packaging and waste from packaging;
* A ban on the marketing of non-compliant batteries, end-of-life vehicles were introduced;
* Sufficient measures have been taken to ensure that non-complying batteries or accumulators are not placed on the market 2 years after entry into force by the State Technical Inspectorate and other responsible institutions.

Directive 1999/31/EC ‘*on the landfill of waste*’ and directive 2011/97/EU ‘*establishing criteria and procedures for the acceptance of waste at landfills*’ is at initial stage of implementation because financing of high costs that are needed for the construction of new landfills and the rehabilitation of the existing ones is not available. The DCM is amended last year (2018) to extend the transitional period for implementation up to 10 years. However, to meet the requirement of the Directive 1999/31/EC Albania will need transitional period after EU accession, thus Directive Specific Implementation Plan need to be prepared. At the moment there are estimated 199 dumpsites in Albania, some of which are still used by municipalities for waste landfilling. MTE is taking efforts to propose some intermediate steps as to allow, after some rehabilitation, some dumpsites to be used until new proper ones are constructed and to close or remediate the others.

Implementation of Directive 2006/21/EC ‘*on the management of waste from extractive industries*’ is in an advanced stage only in terms of institutional setup. Nevertheless, the Directive is not fully transposed yet thus can not be implemented. The main gap in implementation is related to capacities of the respective operators of extractive industries for preparation of waste management plans. The limited budget and administration capacity (only one person responsible) remain a big challenge for improving the situation. In addition efforts are needed for considering the existing hotspots, abandoned sites and especially for the rehabilitation of the sites for the existing operations where financial guarantees are paid but the operator closed the activity.

Implementation of Directive 86/278/EEC ‘*on protection of environment when sewage sludge is used in agriculture*’ is lacking behind due to coordination issues among relevant ministries, ending up having no control on the disposal of untreated sludge introducing to soil.

Directive 96/59/EC ‘*on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)*’ and Regulation (EC) no 850/2004 ‘*on persistent organic pollutants*’ are at initial stage of implementation even concerning the institutional set-up as a start.

Regulation (EC) no. 1013/2006 ‘*on shipments of waste*’ is not implemented in terms of legislation, rules and procedures required. However, in terms of operations MTE exercises a set of regulations as established by the bylaws in force, for some waste following the rules of the Basel Convention. Inspection and control by the Inspectorate are more advanced, while the capacitates at other key authorities such as Customs and Police are very limited.

Regulation (EU) no. 1257/2013 ‘*on ship recycling*’ is not implemented, as the Hong Kong Convention is not ratified by Albania and there are no legal bases for transposing the Regulation nor is the infrastructure in place.

Only Directive 2011/65/EU ‘*on the restriction of the use of certain hazardous substances in electrical and electronic equipment*’ is not transposed and thus has no even initial implementation.

In regard to EU negotiation DSPIs will need to be prepared for the Landfill directive and for four waste streams directives (batteries and accumulators, packaging, WEEE and end of life vehicles) as being assess as directives for which transitional periods will be needed. Waste Framework Directive should be as well consider during the process of EU negotiation.

**Administrative Capacity**

Ministry of Tourism and Environment, National Environmental Agency and in most cases Ministry of Infrastructure and Energy, with its new executive body National Agency on Water Supply Sanitation and Waste Infrastructure (AKUM) are the dominant authorities responsible for transposition, policy making and implementation for all directives, regulations and recommendation related to this subchapter. Currently the organigram of MTE has fragmented the staff dealing with waste in different units (only 2). The same persons oversee more than one Directive, more than just waste and more than just transposition/policy/implementation planning. Job descriptions are very general and do not point to the exact duties of the staff regarding the requirements of this Directive. MTE needs more staff in the waste management sector, capacity building and clear job description for the people in charge of waste issues.

Ministry of Infrastructure and Energy (MIE) has primary role in planning the infrastructure for waste management and AKUM is responsible for its implementation. At MIE there is only one person responsible to follow waste planning and AKUM there is still no person solely responsible for waste management. MIE is as well responsible for Extractive Industry Directive where only one person is responsible (who soon will be retired).

Other line ministries which have waste related responsibilities do cooperate with MTE for the transposition of waste directives relevant for their area of competence, as well as during the implementation phase. However, waste issues are not always a priority and they have limited staff and attention, dedicated to waste issues.

For directives related to specific waste streams (on packaging and packaging waste, on batteries and accumulators and waste batteries and accumulators, WEEE, on the restriction of the use of certain hazardous substances in electrical and electronic equipment) MTE is the main authority for the implementation of these directives. NEA, as the executive body of the MTE, is directly involved on keeping records in the field for the implementation of the directives. NEA has no dedicated staff or sector for these directives and at MTE there are only 2 people in charge dealing with waste issues including these specific directives. Additional staff and technical assistance is needed for all of them, to properly implement the obligations of the directives. For the establishment of the database for waste and these waste streams, guidelines and administrative procedures are needed to be developed especially at municipality level. There is an urgent need to establish economic instruments and legally establish system and procedures for the EPR schemes.

Current structure on the management of waste from extractive industries can be considered well-organised and there is a very good experience in these institutions in relation to extractive industry. However, there is only one person in MIE who works on this issue. As a top priority for the last century the sector has been well developed in terms of business activity, but the environmental aspects remain weak although addressed in the legislation. A sector for the environmental protection is needed at MIE and NANR (National Agency on Natural Resources) to ensure fulfilment of all environmental standards and requirements by the institutions and operators. This sector has a specific characteristic, as most of the problems are inherited. Further support for the sector, as staff qualification, proper management infrastructure, and financial incentives to better supervise the activities especially the abandoned ones and closed activities which pose a higher risk, are needed

Regarding implementation of requirements for Directive 1999/31/EC ‘*on the landfill of waste*’ and directive 2011/97/EU ‘*establishing criteria and procedures for the acceptance of waste at landfills’* and Regulation (EU) no 1257/2013 ‘*on ship recycling*’, the system has undergone a reform by the establishment of the NAWSSI (National Agency of Water Supply Sanitation and Waste Infrastructure). It is expected from this new executive body of MIE to further strengthen the capacities to implement the infrastructure of waste at both technical and financial level. However, the roles and responsibilities between MTE and MIE have been a long subject of disputes. Furthermore, the role of the municipalities on waste treatment is not clear and is being clarified including clearing of competences. The role of the Regional Councils has been diminished as is expected to be further reduced by the introduction of the concept of Waste Zones by the new draft Strategy for ISWM 2018-2033 and the Masterplan of Infrastructure of Waste. In this regard, a legal reform to improve the institutional framework, law harmonisation and alignment and adopt the new standards and targets for municipal waste management and increase capacity in number and quality is an absolute necessity.

Regulation (EC) no. 1013/2006 ‘*on shipments of waste*’ and Directive 96/59/EC ‘*on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)*’ are not implemented and requires an immediate intervention in order to improve legal and institutional framework. Existing institutions need to increase capacity in number and quality to accommodate these new requirements.

Ministry of Agriculture and Rural Development (MARD) is the leading institution dealing with implementation of Directive 86/278/EEC ‘*on protection of environment when sewage sludge is used in agriculture*’ in collaboration with NEA. Only one person in MARD is dealing with this issue. Further efforts are needed to strengthen capacities of Agricultural Technology Transfer Centres and clarify competences between institutions.

An Action Plan providing clear roles and responsibilities of the institutions involved as well as deadlines for the implementation of actions in relation to Regulation (EC) no 850/2004 ‘*on persistent organic pollutants’* has just started to be implemented. There is no administration set-up for dealing with this issue apart from the unit established within UNIDO supported project. DCM No. 505 dated 29.08.2018 “On the adoption of the National Action Plan for phasing out and eliminating POP” has been developed through a participatory and consultation process and is based on the assumption that current institutional set-up have the potential to implement the plan and the measures within the set deadlines. The implementation of the plan will show if there will be a need for institutional strengthening measures for the institutions involved in its implementation.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority[[2]](#footnote-2)** | **Level of transposition** | **Level of implementation** |
| 2008/98/EC***Waste Framework*** | MTE | Partially;34% | Initial stage |
| 86/278/EEC***Sewage Sludge*** | Ministry of Agriculture and Rural Development (MARD) | Fully transposed  | Initial stage |
| 2006/66/EC***Batteries*** | MTE | Advanced;82%  | Initial stage |
| 94/62/EC***Packaging*** | MTE | Advanced;81%  | Initial stage  |
| 96/59/EC***PCB/PCT*** | NEAMIE | Advanced;87% | Initial stage |
| EC/850/2004**POPs** | MTE | Partially;58 % | Initial stage |
| 2000/53/EC***ELVs*** | MTEMIE | Advanced;74%  | Initial stage |
| 2011/65/EU***RoHS (recast)*** | MTE | Not transposed;3% | Not implemented |
| 2012/19/EU***WEEE*** | MTE | Partially;38%  | Not implemented |
| 1999/31/EC***Landfill*** | MTE | Advanced;81%  | Initial stage |
| EC/1013/2006***Shipments of Waste*** | MTE | Initial stage;12% | Initialstage |
| 2006/21/EC***Mining Waste*** | MIE | Partially;45%  | Partly implanted  |
| 1257/2013***Ship Recycling*** | MTEMIE | Not transposed1 % | Not implemented  |

# Sub Chapter: Water quality

**Background information**

The sub-chapter of Water is composed of 10 pieces of legislations. The main Directive is *Water FrameworkDirective 2000/60/EC (WFD)*, which is unique Europe's key tool for protecting the quality of its waters in response to the increasing threat of pollution and the increasing public demand for clean waters.The key *WFD* objectives are: 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 (including polluter pays principle); getting the citizen involved more closely and streamlining legislation.

Based on the main requirements of the *WFD*, the following legal context’s European Water Policy, introduce targets and tools to be followed by MS, such as:

* Directive 2006/118/EC “*on the protection of groundwater against pollution and deterioration*”, establishes specific measures such as criteria for the assessment of good groundwater chemical status and criteria for the identification and reversal of significant and sustained upward trends and for the definition of starting points for trend reversals in order to prevent and control groundwater pollution. It also complements the provisions preventing or limiting inputs of pollutants into groundwater already contained in *WFD*, and aims to prevent the deterioration of the status of all bodies of groundwater.
* Directive 2007/60/EC “*on the assessment and management of flood risks*” requires if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. It also reinforces the rights of the public to access this information and to have a say in the planning process.
* Directive 2009/90/EC on “*technical specifications for chemical analysis and monitoring of water status*” lays down technical specifications for chemical analysis and monitoring of water status in accordance with *WFD*. It establishes minimum performance criteria for methods of analysis when monitoring water status, sediment and biota, as well as rules for demonstrating the quality of analytical results. It also requests that all methods of analysis, including laboratory, field and on-line methods, used for the purposes of chemical monitoring programmes carried out under *WFD* are validated and documented in accordance with EN ISO/IEC-17025 standard or other equivalent standards accepted at international level.
* Directive 2008/105/EC on “*environmental quality standards/priority substances*” lays down environmental quality standards (EQS) for priority substances and certain other pollutants, with the aim of achieving good surface water chemical status and in accordance with the provisions and objectives of *WFD*. MS should improve the knowledge and data available on sources of priority substances and ways in which pollution occurs in order to identify targeted and effective control options
* Directive 2008/56/EC on the “*establishment of a framework for community action in the field of marine environmental policy*” (Marine Strategy Framework Directive) offers a framework for the sustainable use of the marine waters also a comprehensive and integrated approach to coastal waters. The criteria and methodological standards for the implementation of Marine Strategy on good environmental status, specifications and standardized methods for monitoring and assessment were revised in 2017 through Directive 2017/845/EU.
* Directive 91/676/EEC on“*concerning the protection of waters against pollution caused by nitrates from agricultural sources*”, aims to protect water quality across Europe by preventing nitrates from agricultural sources polluting ground and surface waters and by promoting the use of good farming practices. It forms an integral part of the WFD and is one of the key instruments in the protection of waters against agricultural pressures. MS are obliged to monitor the nitrate concentrations in ground waters and surface waters as well as monitor eutrophication in surface waters, review and if necessary revise or add to the designation of vulnerable zones. This Directive was amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008.
* Directive 2006/7/EC on “*concerning the management of bathing water quality*” is amended by Regulation (EC) 596/2009 and Directive 2013/64/EU ensures timely information of the public during the bathing season, with an obligation to disseminate actively and promptly information on bathing water quality. It applies to surface waters that can be used for bathing except for swimming pools and spa pools, confined waters subject to treatment or used for therapeutic purposes and confined waters artificially separated from surface water and groundwater. Two main parameters for analysis are defined such as intestinal enterococci and Escherichia coli. The waters are classified according to their level of quality: poor, sufficient, good or excellent, linked to clear numerical quality standards for bacteriological quality.
* Directive 98/83/EC *on the “quality of water intended for human consumption: drinking water”*, is amended by Regulations (EC) 1882/2003, (EC) 596/2009 and Commission Directive (EU) 2015/1787 and Commission Decision 95/337/EC concerning questionnaires relating to directives in the water sector. This Directive concerns the quality of water intended for human consumption. The main objective of this Directive is to protect the human health from the adverse effects resulting from contamination of water intended for human consumption, guaranteeing its health and cleanliness. Subject of this directive are all drinking water supply systems serving >50 people.
* Directive 91/271/EEC on the “*concern of urban waste water treatment*”, as amended by Commission Directive 98/15/EC, Regulation 1882/2003 and Regulation 1137/2008. This Directive concerns collection, processing and the discharge of urban waste water, as well as the treatment and the discharge of waste water from certain industrial sectors. It intends to protect the environment from repercussions adverse effects caused by the aforementioned waste water discharges. It applies for collection and treatment of waste water in agglomerations of > 2000 population equivalents (p.e.)
* Directive 91/676/EEC “*concerning the protection of waters against pollution caused by nitrates from agricultural sources*”, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008. It aims to protect water quality by preventing nitrates from agricultural sources polluting ground and surface waters and by promoting the use of good farming practices. It also forms an integral part of the WFD and is one of the key instruments in the protection of waters against agricultural pressures. MS are obliged to monitor the nitrate concentrations in ground waters and surface waters as well as monitor eutrophication in surface waters.

**Transposition**

Considering the efforts done to align with the EU legislation, in the water subchapter 10 directives have been transposed at different level into national legislation. Only two of them have not been transposed yet such as: Directive 2006/118/EC *“on the protection of groundwater against pollution and deterioration”* and Directive 2008/56/EC on the *“establishment of a framework for community action in the field of marine environmental policy”* (Marine Strategy Framework Directive). It is not transposed as well the Decision 2010/477/EU/EU *Standards on good environmental statuson marine waters.*

Legal acts transposing the *WFD*include Law 111/2012 “On Integrated Water Management” as amended in 1018, DCM No 246, dated 30.04.2014 “On the definition of environmental quality standards for surface waters’”, DCM No 267, dated 07.05.2014 "On approval of the list of priority substances in aquatic environment '' and DCM No 63, dated 27.1.2016 “On the reorganization of operators providing drinking water supply, collection, removal and treatment of 856 wastewater”.

Law No. 111/2012 "On the integrated management of water resources" as amended in 2018, has transposed some of the provisions of the Directive of the *Urban Waste Water Treatment*. The transposition of the *Drinking Water Directive* is at an advanced stageaccomplishing 100% with the adoption of DCM No 379, dated 25.05.2016 “On approval of regulation on drinking water quality”, however some of the conditions set cannot be met by the authorities thus revision is needed in order to establish reasonable time line for achieving some water quality standards by the water supplying public utilities. In contrast, the transposition of the *Nitrates Directive* is at an early stage, where only 4 provisions of the Directive have been transposed into the national legislation. Also, the *Bathing Waters Directive* was completely transposed with DCM “On the approval of hygienic sanitary regulation” and “For the management of bathing water quality”, approved in 2010.

As part of progress in water administration field is considered also the adoption of DCM No 662, dated 21.09.2016 “On approval of tariffs of drinking water and liquid discharges”, DCM No 342, dated 4.05.2016 “On approval of territorial and hydrographic boundaries of water basins in the Republic of Albania and the centre and composition of the council for each of them”, and also DCM No 416, dated 13.5.2015 “On the approval of general and specific conditions, accompanying documents, validity deadlines, application forms for authorization and permission, decision-making review procedure and authorization and permit’s forms for use in water resources”.

Significant efforts are still needed in order the national legislation would be aligned with the EU water legislation, including both development of a new legislation but as well revision of the existing one in order to establish better mechanisms and instruments for implementation.

**Implementation**

The most important issues covered by the implementation of the water directives sub-chapter are grouped following:

* Level of implementation of Water Directives,
* River basin management plans,
* Water monitoring,
* Directive Specific Implementation Plans, and
* Competent authorities and administrative capacity.

*Level of implementation of Water Directives*

Directives under the water subchapter have been implemented at different levels. Partially implemented are four directives such as: Directive 2000/60 /EC on Water Framework; Directive 2008/105/EC on Environmental Quality Standards for Water; Directive 2006/7/EC on Bathing Water; Directive 98/83/EC on Drinking Water, in the Initial stage are four directives such as: Directive 2007/60/EC on Floods; Directive 2006/118/EC on Groundwater; Directive 2009/90/EC on Quality Assurance/Quality Control; Directive 91/271/EC UWWT, and not yet implemented there are two directives such as: Directive 2008/56/EC on Marine Strategy and Directive 91/676/EC on Nitrates.

As a summary: six defined/drafts river basin management plans exist, not all adopted and not yet been implemented. Only nine marine/coastal protected areas are registered, however not all are identified. The integrated water resource management strategy has been prepared, but not adopted yet. Water quality and its monitoring system have improved, however is not in compliance with the directives’ requirements. The number of operational waste water treatment plants increased, but their impact is limited by under developed networks and household connections. There is a strong need to extend sewer networks and waste water treatment plants, notably in urban, coastal and touristic areas. The planning of the implementation of the infrastructure related to waste water and drinking water is insufficient and there is no long term plan which wouldassess the financial recourses and time needed to fully implement the EU requirements. Such situation slows done the preparation of needed feasibility studies and project designs for construction of the water infrastructure. Apart of some projects’ activities (for Mati river basin) there is no risk assessment done for flood and no flood management planning document is prepared.

There are many donors present in the water sub-chapter thus there is a need for better coordination in order to efficiently utilise the available funds and to well plan water sector requirements implementation.

*River basin management plans*

The Law on Integrated Water Resources Management No. 111/2012 as amended has provided the legal umbrella for establishing integrated – WFD-compliant – river basin management. However, its actual implementation depends on further preparation and adoption of secondary legislation. For example, the draft DCM on classification of waters according to their chemical and ecological, quantitative and qualitative status is crucial, but has still not been adopted. Similarly, adoption of the draft DCM on content, development and implementation of the national strategy on water, river basins management plans and flood risks management plans are also pending. The first RBMP was prepared for the Mati River basin and issued in September 2010. Despite being adopted, it has not been implemented.

Currently, in terms of the so-far-achieved level of river basin planning and implementationin the country, the six river basin management plans are in different stages of development – and a brief overview is presented below:

* The Drin-Buna, being the largest (and also trans-boundary) river basin has been subject to many projects funded by different development partners (donors). The national part of the river basin management plan was prepared in 2018 under the ‘Water Resources and Irrigation Project’ with World Bank / Sida support. Moreover, under the DrinCorda project a transboundary management plan will be prepared for the extended Drin river basin, at transboundary level. In addition, a management plan for Lake Shkodra and Ohrid will be prepared as well. In particular, for the lakes as an integral part of this basin, under the Conservation and sustainable use of biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar (CSBL 4) (GIZ funded) Project, regular monitoring was conducted and specific reports were prepared with its main focus on biological monitoring and biodiversity issues related to the lake ecosystems.
* For the Mati river basin a river basin management plan was prepared in 2010 and the National Water Council adopted this plan in 2012. The plan was prepared in 2010 with EU funding. Despite of its adoption, the plan can be considered not more than a – well prepared - outline of a river basin management plan; the document elaborates well the WFD principles and its respective implementation requirements. Due to limited time insufficient data availability - the Mati RBM Plan was not meant to be more than an outline of a RBM Plan – with the aim was to provide clear recommendations for the preparation of a fully WFD compliant RBM Plan. The document is well structured, the analysis of pressures and impacts is descriptive, the economic analysis is only a description of major factorscontribution to the economy in the basin and the programme of measures contains very general measures. Through a separate project, a comprehensive Feasibility Study for improving flood protection infrastructure in Mati River has been prepared under the WBIF. Massive floods of Mati river have been recorded in 1962, 1971, 1976, 1979, 1986 and 1992, 2003 and during 2009-2010. The existing dikes have been overflown and the areas on two sides were inundated. The flooded areas have reached a surface of around 10 000 hectare. Despite these issues, the Mati river basin management plan does not comprise climate change and flood protection measures in the programme. Although the plan was prepared in 2010 and adopted in 2012 it was never actually implemented because the programme of measures did not elaborate sufficiently clear defined measures to meet specific water quality objective for this basin. Considering the time passed since the preparation of the outline RBMP in 2010, the Mati RBMP can now serve well as a (baseline) first cycle management plan from where lessons learned and problems identified can be used to ‘upgrade’ it and ‘improve’ its quality in order to continue with the second cycle and prepare full scale RBMP. Currently within the project Capacity Development – EU Support to Integrated Water Management (EUSIWM) in Albania (EU and ADA (Austrian Development Agency)) co-funded project the activities are ongoing for preparation of RBMP for Mati river basin.
* The Ishem-Erzen river basin is located in the centre of the country, comprising the two biggest cities in Albania - Tirana and Durres - with the highest population pressure on the environment in general but specifically to the water resources. As such, a management plan is crucial in order to facilitate decision making processes for policy makers including issues ranging from water use (from abstraction and to discharge), water quality management and water protection. A feasibility study was conducted in 2010 by SGI Studio Galli IngeneriaSpA, Italy based on monitoring of water quality in the Erzen river. A GIS system was established for the parameters monitored and data collected, however the system was never used. All the monitoring points are shown with the respective coordinates so they can be inserted in the maps. The report contains information on microbiological monitoring, physical chemical parameters for both surface and groundwaters, and water flow measurements. All the monitoring was conducted during 2009-2010. The document was never adopted and therefore never implemented. Within the EUSIWM project the activities are ongoing for preparation of Ishem-Erzen river basin plan.
* Shkumbin river basin has a very recently drafted management plan prepared by the EU funded IBECA Project. The document follows the outline of the management plan as required by the WFD and includes a programme of measures comprising also measures related to climate change adaptation. It is a well-structured plan finalized in 2018. The economic analysis is conducted only for water supply and sewerage nevertheless it is the first river basin to have a first economic analysis serving to cost recovery principles. The plan shall be subject to implementation as soon as it will be adopted.
* The Seman river basin has a river basin management plan prepared in 2018 under the ‘Water Resources and Irrigation Project’, with the World Bank / Sida support. This plan was prepared by the same consultancy as the Drin-Buna plan. The plan was not yet adopted.
* The Vjosa river basin is a transboundary basin. A river basin management study was conducted by a French water company in 2015. However, data generated through the study are not available; this concerns also the data of a water quality monitoring study on Vjosa river quality, however, there is no official track of the data gathered and its results. The study was conducted by a Greek university in cooperation with Vlora university. Within the EUSIWM project reparation of the Gap Analysis within 2019 will be done with a possibility to develop as well the RBMP (discussion between ADA/ EUD / AMBU on the next steps for the work in this basin).

River basin management plans status in Albania is summarized in the following table:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **RBMP** | **Analysis of the characteristics of the RBD** | **Review of the environmental impact of human activity** | **Economic analysis of water use** | **Establishing programmes of measures for each RBD** | **Status of adoption** |
| Drin-Buna River Basin | General descriptive information on the characteristics of the river basin report  | General information on pressures at the river basin  | General descriptive information on water use  | Few general measures are identified | Not adopted |
| Mat River Basin\* | General descriptive information on the characteristics of the basin | General descriptive information | No analysis of water use | No Programme of Measures | Approved by NWC Decision No. 3, date 12.10.2012. Not adopted by the Council of Ministers  |
| Ishem-Erzen River Basin\* | General characteristics of river basin | Descriptive information on pressures of the river basin | No information on analysis of water use | No Programme of Measures | Not adopted |
| Shkumbin River Basin | Good background information of characteristics of river basin | Analysis of the pressures (limited for some sectors) | Analysis of water use (focusing only on water supply and sewerage) | Programme of measures prepared including also climate change adaptation measures.  | Not adopted |
| Seman River Basin | General information on the characteristics of the basin | General information on the pressures in the river basin | General information on water use – no analysis | Few general measures are identified | Not adopted |
| Vjosa River Basin | Very general information on the characteristics of the river basin. | Very general information on the pressures in the river basin. | No information on analysis of water use (no work conducted). | No Programme of Measures  | Not adopted |

\*Activities for RBMP preparation included in the ongoing EUSIWM project.

\*\* To be decided if RMPB will be prepared within ongoing EUSIWM project.

*Water monitoring*

The current monitoring data on the quality (including the WFD’s "ecological status") and quantity (including the WFD’s "hydromorphological status") of water resources is insufficient. Monitoring and assessment of the state of water resources is required but NEA, the Albanian Geological Service, Institute of Public Health do not have laboratories equipped with all the analytical instruments, methods and consumables required for analysis of water samples for the assessment of the chemical status of surface water and groundwater bodies. Their respective staff capacity and expertise for monitoring and assessment are not sufficient to follow all WFD requirements. In addition, available funds for water monitoring are not enough to conduct monitoring as possible with the current capacities. Consequently, increase of the national budget for water monitoring is crucial for any progress in this regard.

The monitoring programme for the drinking water supply has improved, but is still far from meeting all requirements. A remaining major gap is the lack of monitoring of drinking water quality from private/local wells in rural areas. The safety of water supply is monitored by the State Sanitary Inspectorate under the Ministry of Health and Social Welfare which tests residual chlorine and fecalcoliform bacteria. In 2018, the average compliance rate for chlorine was 96% with values ranging from 22% to 100%, and 99% for fecal bacteria with values from 44% to 100%. Although the overall compliance rates are quite unchanged since 2007, some services are still experiencing issues to deliver proper drinking water to their customers.

The programme for monitoring the quality of bathing waters along the coast is adequate for the current identified bathing waters, however still not fully in compliance with the directive’s requirements and is not performed to all waters that are used for bathing. Bathing waters along the lakes (e.g. in Lake Ohrid at Pogradec) are not subjected to quality monitoring. Not all bathing waters have been identified and designated by authorities.

Groundwater quality and quantity: The currently monitored physico-chemical quality elements are adequate to some of the ground waters. However, heavy metals are not routinely analyzed, due to a lack of financial resources. Organic micropollutants, such as pesticides and polyaromatic hydrocarbons, are not yet analyzed, due to the lack of required equipment in the laboratory of the Albanian Geological Service. Groundwater levels are measured only while visiting the sites for sampling, thus two to four times per year. This is too low frequency for assessing the dynamics of groundwater levels.

Groundwater levels are preferably monitored with data loggers, which can often also measure, for example, water temperature and electric conductivity, but this is currently not a practice in Albania for ambient groundwater monitoring. The current groundwater monitoring network may not be representative for groundwater bodies delineated and characterized in line with the WFD. More monitoring sites are to be anticipated thus gap assessment of the current sites against the EU requirement is needed.

The major gap in the monitoring of lakes is the lack of measurements of biological parameters. Only the three major lakes (Ohrid, Prespa and Shkodër) are currently subject to routine water quality monitoring. The ambient water quality of reservoirs or artificial water bodies is not yet routinely monitored.

As a conclusion there is a need to establish comprehensive water management plan which will provide clear direction of how the water monitoring will develop in Albania. Such activity can start with preparation of an assessment of the current water monitoring including the human and technical capacity (monitoring station, monitoring equipment and laboratories) and the financial resources needed for its implementation. Understanding the situation and identified gaps can provide conditions for good long term planning of the water monitoring in Albania.

*Directive Specific Implementation Plans*

The national water coverage network reaches 78.42 % in 2018. However, there is a huge difference between urban and rural situations. Based on the 2018 data from the Benchmarking Unit (under AKUM), the urban water coverage reaches 93.3% while the rural coverage amounts to 58.4%. Based on the 2018 data from the Benchmarking Unit, the sewerage coverage reaches 51.7% at national level or 77.6% for urban areas and 12.8% for rural areas. Only 11% of the urban population is connected to wastewater treatment which remains very low. There is no wastewater treatment coverage in rural areas.

Based on the total design population of the WWTPs (approx. 2 million), the total quantity of sludge that will be produced at the design capacities of the WWTPs is estimated at about 35,000 tones dry solids per year (t ds/y). Consequently, sludge will become an increasingly problematic issue unless actions are taken to ensure that it is managed and regulated appropriately. Therefore, a National Sludge Management Strategy should be elaborated and implemented. The range of potentially feasible outlets for sludge may include agriculture[[3]](#footnote-3), forestry, land reclamation, energy recovery and landfill disposal. No laboratory in Albania has experience of analyzing sludge, so it is important that this capability is established. Even though the legislation for sludge usage is fully harmonized with the EU Sludge directive, so farit is not implemented. Sludge is used by some farmers in uncontrolled way and some analysis has showed due to huge dilution, sludge does not contain any pathogens that can harm the environment. Activities are needed in order to well analyze the most prospective use of sludge in Albania including to develop mechanisms for safe use of sludge in agriculture or to create facility for its disposal.

Considering the EU negotiations process, assessment has been made that these directives will need transitional periods to be fully implemented. As a consequence, in order to defend the timeframe for implementation, Directive Specific Implementation Plans (DSIPs) have to be developed, which will assess the full costs of implementation of the two directives and will provide clear plan how and by when the requirements can be met.

DSIPs draft report for UWWTD exist since 30 April 2009 but never implemented and is outdated. It is recommended to develop and adopt the Directive Specific Implementation Plans (DSIPs) for approximation of Directive 91/271/EC on urban waste water treatment (including also a Strategic Framework for Sludge Management in Albania) and for approximation of Directive 98/83/EC on the quality of water intended for human consumption (“drinking water”).

*Competent authorities and administrative capacity*

Competent Authority (CA) for Water sector directives and their respective collaborators are detailed as following:

* CA for Water FrameworkDirective 2000/60/EC is the Agency on Water Resource Management, in collaboration with the National Water Council and Technical Secretariat of National Water Council. It is consider as well as a CA responsible for development of water policy in Albania.
* CA for Floods Directive 2007/60/EC is the Agency on Water Resource Management, in collaboration with Ministry of Defense/Civil Emergencies and Ministry of Education/Institute of Geo-Sciences, Energy, Water and Environment (IGJEUM).
* CA for Groundwater Directive 2006/118/EC is the Albanian Geological Survey (AGS), in collaboration with the Agency on Water Resource Management and National Environmental Agency.
* CA for Quality Assurance/Quality Control Directive 2009/90/EC is the National Environmental Agency, in collaboration with the Albanian Geological Survey, the Institute of Public Health Laboratory, the Institute of Nuclear Physics Laboratory the Faculty of Natural Sciences Laboratory.
* CAfor Marine Strategy Directive 2008/56/ECis the Agency on Water Resource Management, in collaboration with the Ministry of Infrastructure and Energy.
* CA for Environmental Quality Standards Directive 2008/105/EC is the National Environmental Agency.
* CAfor Nitrates Directive 91/676/EC is the National Agency of Water Supply, Sewerage and Waste Infrastructure, in collaboration with Ministry of Agriculture and Rural Development.
* CA for Bathing WaterDirective 2006/7/EC is the Institute of Public Health / Ministry of Health and Social Protection, in collaboration with National Environmental Agency.
* CA forDrinking Water Directive 98/83/EC is the Institute of Public Health / Ministry of Health and Social Protection and National Inspectorate of Health In collaboration with the Ministry of Infrastructure and Energy, National Agency of Water Supply, Sewerage and Waste Infrastructure and Water regulatory authority.
* CA for UWWT Directive 91/271/EEC is the Ministry of Infrastructure and Energy, National Agency of Water Supply, Sewerage and Waste Infrastructure, in collaboration with National Environmental Agency and Water regulatory authority.

Based on legal framework, The National Water Council (NWC) is the inter-ministerial decision-making body responsible for the water resources administration chaired by the Prime Minister. The Agency for Water Resources Management (AMBU/AWRM) is the main authority in the country responsible for water resource management including policy/strategy preparation, management of water resources through preparation and implementation of the river basin management plans, hence implementation of the EU WFD requirements. It is organized in main departments and having main Water Basin Administration Offices(WBAO) at river basin level.

The responsibility for the overall water resource is the National Water Council, a central decision-making authority in the field of water resource administration in the Republic of Albania. National Water Council (NWC) is the main inter-institutional body chaired by the Prime Minister of Albania, Vice Prime Minister and line ministers responsible for drafting policies and plans for integrated water resource management.

National Agency of Water Resources Management[[4]](#footnote-4)(AMBU) is the executive authority of NWC responsible for the development and implementation of policies and strategies related to integrated water resources in Albania, ensuring effective functioning and monitoring of the total integrated water system in the country. One of the AMBU’scompetenceis to direct and coordinate the work with line ministries for all the integration processes in the European Union, as far as the water sector is concerned. The agency plays also the role of the Technical Secretariat of National Water Council. The capacity is not sufficient to follow the work load the agency has.

River Basin Councils (6 RBC) are set up under the DCM No 342, dated 4.05.2016 “On approval of territorial and hydrographic boundaries of water basins in the Republic of Albania and centre and composition of their council”, while Water Basin Administration Offices (4) (WBAO) are set up under the AMBU. The chairman of the RBC is the region's largest prefecture where the water basin is located, the vice-chairman of the RBC is elected by the Water Basin Council. The Secretary of the RBC is the Head of the Water Basin Management Office.

The River Basin Council approves the management plan for the water resources of the basin, the respective budget and makes the respective recommendations of the local government units of the implementation. In addition, it is responsible for approving water extraction tariffs and licenses (authorizations, permits and concessions) on water usage. In addition, RBCs are responsible bodies at local level for the integrated water resources management in the concerned basin, and it shall ensure the conservation and protection of the water resources, as well as an equal distribution of the water resources within the concerned basin. The WBAO play also the role for the technical secretariat to the RBCs.

Apart from legal arrangements, river basin councils and river management basin offices are limited in workforce because of the capacities required for planning and implementation of integrated RBMPs. Their main activities are merely focused on the preparation of permits for use of water resources (abstraction as well as discharge) and supervising their implementation. National authorities should strengthen national water management structures responsible for developing and implementing the RBMPs, in accordance with the EU water acquis. The establishment of a permanent training programme/learning and development platform for the respective water resources sector institutions is strongly advised and requested.

The administrative structure summary of water management authorities:

* AMBU 23 employees
* 4 Water Basin Administration Offices (26 employees) (under AMBU/AWRM management)
* 6 River Basin Councils (Appointed members – different for every Council Ishem-Erzen 21 members; Mat 15 members)

The following authorities in charge with 3 water directives have not appointed a person to oversee transposition/policy/implementation planning of the directives. The Albanian Geological Survey need to appoint a dedicated staff to follow the transposition/implementation of the Directive 2006/118/EC *“on the protection of groundwater against pollution and deterioration”*. Ministry of Infrastructure and Energy in charge for all maritime transport related issues, marine hydrocarbon projects; and wind offshore farms, infrastructure in the coastline, ports, marine spatial planning, integrated cross-sectoral plan for coastal line, ensures that planning is made on the basis of sustainable development of the territory through rational use of natural resources, need to appoint a dedicated staff to transpose/implement the Directive 2008/56/EC “on the establishment of a framework for community action in the field of marine environmental policy”. Ministry of Agriculture and Rural Development in close collaboration with National Agency of Water Supply, Sewerage and Waste Infrastructure need to appoint a dedicated staff to transpose/implement the Directive 91/676/EEC onthe concern of the protection of waters against pollution caused by nitrates from agricultural sources”.

The water basins structure can be summarised below:

* River basins
* Water Basin Administration Offices (under AMBU/AWRM)
* River Basin Councils

AMBU, Ministry of Infrastructure and Energy, Ministry of Tourism and Environment, Ministry of Health and Social Protection, Ministry of Defence are the dominant authorities responsible for transposition, policy making and implementation for all directives and recommendations related to this sub-chapter. It is obvious that at each ministry level there has been appointed only one person to oversee more than one Directive which by no means can follow the transposition/policy/implementation planning. Job descriptions are very general and do not point to the exact duties of the staff regarding the requirements of these Directives. In this situation, and considering the importance of water subsector in EU negotiations for Chapter 27 responsible ministries and other public bodies (competent authorities in Albania) needsignificantly more staff to be engaged in the water sector, including capacity building and clear job description for the people in charge of water issues.

As per above, the competencies in the water sector are distributed among different competent authoritiesandcollaboration and close coordination among them is necessary. This is partly achieved with the National Water Council, however it is far from the real need for coordination in this subchapter. Considering that the main policy CA is the Agency on Water Resource Management, there is a need this agency to take the lead and manage the whole water subchapter. This leading competencyisvery important during the EU negotiations as any lack of coordination may have impact of the negotiations dynamic.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2000/60 /EC ***Water* Framework** | Agency on Water Resource Management (AMBU)  | Partially41%  | Partially implemented |
| 91/271/EEC ***UWWT*** | MIE (to clarify with AMBU who will have policy making competencies)  | Partially;66 %  | Partly implemented |
| 2008/56/EC ***Marine Strategy***  | AMBU | Not transposed;0%  | Initial stage |
| Decision 2010/477/EU/EU ***Standards on good environmental statuson marine waters*** | AMBU | Not transposed;0%  | Initial stage |
| 98/83/EC ***Drinking Water*** | Institute of Public Health (IPH) (to clarify with MIE who will have policy making competencies) | Fully transposed100%  | Partially implemented |
| 91/676/EEC ***Nitrates***  | MARD  | Initial stage;15%  | Not implemented |
| 2006/7/EC ***Bathing Water*** | IPH | Fully transposed;100%  | Partially implemented |
| 2006/118/EC ***Groundwater*** | AMBU  | 0% | Initial stage |
| 2008/105/EC ***Environmental Quality Standards of Water*** | National Environmental Agency (NEA) | Partially;37%  | Initial stage |
| 2009/90/*EC* ***Quality Assurance Quality Control*** | NEA | Initial stage;20%  | Initial stage |
| 2007/60/EC ***Floods***  | Ministry of Defence (MoD) | Initial stage;10%  | Initial stage |

# Sub Chapter: Nature protection

**Background information**

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.

* The main and most important directives are the *Wild Birds* and *Habitats Directives* regulating the protection of species and habitats through the establishment and proper management of a network of designated areas known as Natura 2000 network.
* The *CITES* regulation sets up requirements for the protection species of wild fauna and flora by regulation their trade.
* 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 *FLEGT* and *EUTR* regulations aim to regulate the trade of an important natural resource such as timber. Both regulations set up requirements for market operators placing timber products on EU market to respect and provide for appropriate forest law enforcement, governance and trade.
* The regulation on *access to genetic resources* and fair and equitable sharing of benefits from their utilization is a complex regulation aiming to regulate the register of genetic collections, monitor user compliance and promote best practices.
* The regulation on *leg-hold traps* aims to halt the use of cruel animal trapping tools by prohibiting both the sale of equipment as well as pelts obtained from animals trapped by their use. Additionally the directive on the *import of skins of certain seal pups* and the regulation on the *trade of seal products* aim to protect a diverse [clade](https://en.wikipedia.org/wiki/Clade) of [carnivorous](https://en.wikipedia.org/wiki/Carnivorous), [fin](https://en.wikipedia.org/wiki/Fin)-footed, [semiaquatic](https://en.wikipedia.org/wiki/List_of_semiaquatic_tetrapods)[marine mammals](https://en.wikipedia.org/wiki/Marine_mammal) (the seals).

**Transposition**

The directives and regulations under this subchapter are transposed at different levels. Only one Directive (*Habitat Directive*) is at an advanced level of transposition. Most of the others are partially transposed at different levels (from 31% to 65%).

The Law 81/2017 on Protected Areas and Law 9587 of 20.07.2006 on Biodiversity Protection (amended) transpose most of the requirements of the *Habitat Directive*. Specific requirements are also transposed by the Law 8294 of 02.03.1998 “On ratification of the Convention on the conservation of European wildlife and natural habitats (Bern Convention)” and the DCM 866 of 10.12.2014 “On approval of the list of natural habitat types, plants, animals and birds with interest for European Community”. Amendments of the Law on Biodiversity Protection have been prepared which are at the moment in public consultation procedure. The amendments will increase the level of transposition and are expected to be approved by end of 2019.

Some requirements of the *Bird Directive* are transposed by the Law 10006 of 23.10.2008 “On the protection of wild fauna” and the DCM 897 of 21.12.2011 “On the procedures for the designation of Special Areas of Conservation” and DCM 546 of 07.07.2010 “On the approval of the list of Wild fauna species object of hunting”.

Since 2003, Albania adheres to the *CITES Convention* (Law 9021 of 06.03.2003 “On adhesion of the Republic of Albania in the “Convention on International Trade of Endangered Species”). Some requirements of the *CITES regulation* are transposed by the Law “On designating rules and procedures on international trade of endangered species of wild fauna and flora protection” (9867 of 31.01.2008). Additionally, the Order of Minister of Environment 726 of 26.10.2005 “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” transposes some requirements of this regulation as well.

The Law “On forests and the forestry service” (9385 of 04.05.2005) transposes some of the requirements of the FLEGT and EUTR regulations. 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*.

Four directives/regulations are not transposed at all (see summary table below). Although the Law “On Hunting” (10253 of 11.03.2010) mentions the prohibited hunting means/tools including among others leg hold traps, the requirements of the Leg-hold traps regulation are not transposed.

Albania is adhering to *Nagoya protocol* (Law 113/2012 “On adhering of the Republic of Albania in Nagoya Protocol “On Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization” of the Biodiversity Convention “On Biological Diversity”. However, the requirements of the ABS regulation are not transposed yet.

**Implementation**

For most of directives/regulations under this sub-chapter implementation is at an initial stage. No specific plans and/or dates are set for full implementation. First, full transposition of all directives/regulations must be completed. The most important document is the “Policy Document on Nature protection” which set up the basis for the implementation of requirements of most of directives/regulations under this sub-chapter. Until June 2019, 18% (528,057 ha) of the Albanian territory is under protected areas. 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.

There are several donor-funded projects supporting various aspects of implementation and building capacities of relevant institutions. These projects have produced a number of valuable documents that can support significantly the implementation process (Plan for implementation for the Bird and Habitat Directive, preliminary list of Natura 2000 sites). However, the implementation on designating the SAC and sites to be proposed under NATURA 2000 is in early stage mostly due to the lack of recourses to conduct the required research and monitoring and to prepare relevant management plans. Better involvement with strategic approach of academia is needed which can contribute in obtaining relevant data from the nature. Monitoring of species and habitats is not continuous and data base is not developed as to be presented as reliable for decision making. Implementation is also hindered by lack of funds to conduct appropriate monitoring, insufficient coordination among involved institutions and low enforcement mechanisms.

**Administrative capacity**

The main institution responsible for the implementation of directives/regulations under nature sub-chapter 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 National Environmental Agency (NEA), National Agency for Protected Areas (NAPA), State Inspectorate on Environment, Forests, Water and Tourism.

The National Agency for Protected Areas has the overall responsibility for the management of protected areas in Albania. 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 protected area.

Although the main scope is nature protection, some of the directives/regulations require control of customs and/or markets, or shared responsibilities on the management of natural resources, which mean a closer cooperation with other institutions (Ministry of Finance and Economy, Customs office, Ministry of Agriculture and Rural Development, Municipalities, etc.). In this regard, clear procedures and cooperation agreements must be developed and enforced. Custom office will need to increase its knowledge and capacity for implementation of CITES regulation.

Implementation of regulations/directives under this sub-chapter 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.

At an overall assessment, relevant institutions are set up but their capacities are weak both in numbers, equipment and 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. Clear mechanisms and procedures for permitting, licensing, derogation and public consultation must be developed and implemented.

So far, nature conservation activities are mostly funded by donor contributions. The proportion of financial support from the state budget should increase significantly to provide for the implementation of monitoring activities and conservation measures required by the directives/regulations. Additional financing should support continuous capacity building and improved institutional set up.Well designed information system for nature protection can contribute to better data gathering and reporting.

For some directives/regulations (e.g., Seal skins and seal pups) there is little interest for their implementation as considered not relevant for the country.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2009/147/EEC***Wild Birds*** | NAPA | Partially;65%  | Initial stage |
| 92/43/EEC***Habitats*** | NAPA | Advanced;86%  | Initial stage |
| 1999/22/EC***Zoo*** | MTE | Partially;50% | Initial stage |
| EEC/3254/91***Leghold Traps*** | MTESIEFWT | Not transposed;6 % | Not implemented |
| EC/338/97***CITES*** | MTESIEFWT | Partially;56% | Partially implemented |
| 2173/2005***FLEGT*** | MARD (to be clarified with MTE) | Partially;36% | Initial stage |
| 995/2010***EUTR*** | MTE (to be clarified with MARD) | Partially;31%  | Initial stage |
| Regulation 511/2014 ***ABS Regulation*** | MTEMARD | Not transposed | Not implemented |
| Regulation 1007/2009 ***Seal products*** | NAPA | Not transposed | Not implemented |
| 83/129***Skins*** | NAPA | Not transposed | Not implemented |

# Sub Chapter: Industrial pollution control

**Background information**

The directives included in this chapter are related to the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products (Directive 2004/42/EC), on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (Regulation (EC) 1221/2009), on industrial emissions (Directive 2010/75/EU), on the control of major-accident hazards involving dangerous substances (Directive 2012/18/EU), on the limitation of emissions of certain pollutants into the air from medium combustion plants (Directive (EU) 2015/2193).

Directive 2004/42/EC *on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products* has as the main objective to limit the total content of VOCs in certain paints and varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone. The Directive regulates the technical specifications for certain paints and varnishes and vehicle refinishing products.

Regulation (EC) 1221/2009 *on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS),* repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC**.** EMASaims to create a Community eco-management and audit scheme which allows voluntary participation by organisations located inside or outside the Community. EMAS promotes continuous improvements in the environmental performance of organisations by establishment and implementation of environmental management systems.

Directive 2010/75/EU *on industrial emissions*applies to the operations-installations from different industrial sectors and introduces set of rules in order to prevent, reduce and as far as possible eliminate pollution arising from industrial activities in compliance with the ‘polluter pays’ principle and the principle of pollution prevention. Operations of the installations shall be based on the best available technology (BAT) which is developed for specific industrial sectors.

Directive 2012/18/EU *on the control of major-accident hazards involving dangerous substances*lays down rules for the prevention of major accidents, which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner.

Directive (EU) 2015/2193 *on the limitation of emissions of certain pollutants into the air from medium combustion plants*aims to reduce and regulate the emissions on combustion plants with a rated thermal input equal to or greater than 1 MW and less than 50 MW (‘medium combustion plants’), irrespective of the type of the fuel they use. This Directive shall also apply to a combination formed by new medium combustion plants of two or more combustion plants, including a combination where the total rated thermal input is equal to or greater than 50 MW.

**Transposition**

The directives and regulations part of the IPC sub chapter are mainly partially transposed with the exception of the Directive 2004/42/EC on *VOCs paints* which is fully transposed and Directive 2012/18/EU*Seveso III*, which is not transposed.

Directive 2004/42/EC on on*VOCs paints* is fully transposed by the DCM 907 date 21.12.2016 on the limitation of emissions of VOCs due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products. Bans of placing such products included in this directive are in place.

*EMAS* Regulation (EC) 1221/2009*)*is transposed only at 26%. The main legal act transposing the regulation is DCM No. 633, of 15.7.2015 “On approval of procedures and requests for granting eco-management and audit schemes which transposes the designation of the competent bodies for the EMAS eco-management and audit scheme”, but articles related to the procedure of registration, enforcement and control of the applicationsare not transposed. Currently no new legal acts are foreseen to be approved to transpose the remaining articles.

Directive 2010/75/EU on *industrial emissions(IED)* is transposed only partially by a large number of legal acts which cover different parts of the directive. The main legal acts transposing the directive are Law no. 10448 of 14.7.2011 “on Environmental Permits”, Law no. 10431 of 9.6.2011 “on the Protection of Environment”, Law no.10463, of 22.09.2011 “on Integrated Waste Management”, DCM no. 178 of 6.3.2012 “on Waste Incineration,”DCM No 419 of 25.06.2014 “On the determination of specific requirements, conditions and rules for the review of environmental permits of type A, B and C, for the transfer of environmental permits, for the conditions of environmental permits and the detailed rules for the review by the competent authorities till to the issuance of the permits from NLC”.The main problems with transposition are related to the BAT and the Emission Limit Values. However, permitting of the installations which are under the scope of this directive is not integrated and still the same installation should receive several permits in order to be able to operate. MTE is in the process of removing C permits so that they could be set on the municipal level or abolish at all, however, this does not have any impact on the transposition of this directive.

Regulation EC No. 66/2010 on *Eco-label* ispartiallytransposedby the legal act DCM No. 220, of 11.03.2015 “On approval of the procedure and criteria for granting an Eco-label, its use and validity; as well as the composition and functioning of the Commission for the issue of Eco-label”. Articles related to the development and revision of an Eco-label still have to be transposed. Some efforts have been made in order to transpose some of the eco-label criteria for certain products, but, as fornow, no legislation is adopted for this matter.

Directive 2012/18/EU on *Seveso III*is not transposed and, apart from general legislation related to prevention and rescue there no other acts that transposes this directive.

Directive (EU) 2015/2193on *Medium combustion plants*is only partially transposed (21%). The main legal acts transposing the directive is Law No. 60/2014 amending the existing Law No.10448 of 14.7.2011 on Environmental Permitting, Council of Ministers Decision No.97 of 14.2.2018 “On the determination of specific requirements, conditions and rules for the review of environmental permits of type A, B and C, for the transfer of environmental permits, for the conditions of environmental permits and the detailed rules for the review ….”, Council of Ministers Decision Nr.435/2002 on Emission Norms. There is adraft Law on revision of Environmental Permitswhich is not adopted yet. Additional legal act is the Decision Nr.633 of 26.10.2018 “Measures upon air quality protection from emissions deriving by burning of fossil fuel and gas from vehicles”. There are some other legislation which are relevant for this directive, however do not transpose directly any article of this directive.

At this stage is more than evident that the work on transposition of this chapter to the Albanian legislation is still important. In addition, there is a need to revise some of the existing legislation as to provide more practical measures and legal instruments to allow better implementation and enforcement of the legislation. Revision of the permitting system might be needed which will take into consideration the IED, to loosen up the burden of having too many environmental permits and to introduce integrated permits only for the installations covered by the IED. The limited transposition has a direct impact on the implementation of the related directives.

**Implementation**

The level of implementation of the directives in this sub-chapter is very uneven and it ranges from advanced for the directive *IED* 2010/75/EU to not implemented for the *EMAS Global*Regulation (EC) 1221/2009. For the other cases, the level of implementation falls from initial stage to partly implemented.

The *IED* directive 2010/75/EU is a very complex and related to a large range of industrial installations and emissions. There is in place a procedure to apply, deliver and control the permitting process from the central level to the local level, by three levels of application - national (MTE and NEA), regional branches of NEA and the Inspectorate and requirements of self-monitoring reports prepared by the operators themselves. However, implementation of BAT or referring to it is missing. A new law on Environmental permits is being prepared by the MTE but has not been adopted yet. This new version will fill in the existing gaps on some of the raised issues.The inspectorate is missing main elements in implementation of this directive, that isknow-how and technical equipment, thus performing a complete inspection on the sites is challenging. Gaps exist on specifying the modalities of the random and planned controls on sites as a consequence the controls are limited to self-evaluation of the operators. It is estimated that about 20 installationsare under the scope of the *IED*, however there is no register of theseinstallations, nor their level of implementing the directive’s requirements is assessed. This directive will potentiallyneed a transitional periods for full implementation thus actions are needed to identify the installations and to start preparing DSIP which will serve to substantiate the transitional periodson installation by installation level.

Concerning the Regulation on *EMAS* (EC) 1221/2009, the DCM no. 633 of 15.7.2015 has entered in force on the first of January 2017, but is not implemented on the ground. No promotion activities, communication with Chambers of Trade and Commerce, individual organizations so farhas happened. There is a very low understanding of the EMAS in the country thus no interest exist for its application.

The Directive 2004/42/EC on *VOCs paints* and Directive (EU) 2015/2193 on *Medium combustion plants* are in the initial stage of their implementation. Although the directive 2004/42/EC *VOCs paints* is fully transposed, its implementation is only related to introduced bans of placing on the marked the products identified in the directive. However, the control on the market is not performed thus implementation could be consider as being in the early stagy. Among the main reasons identified for a such poor level of implementation of this directive is lack of human resources in the structure dealing with the implementation of the directive within the MIE, as wellaslack of coordination among the responsible institutions. Regarding 2015/2193 directive *Medium combustion plants*, relevant installations which are under the scope of this directive have not been identified. Even some of the emission limit values have ben introduces, such as for NOx, SOx and dust, however there is no adequate procedure in place for their implementation through requirements for the corresponding installations.

Directive 2012/18/EU *Seveso III*is not transposed and thus not implemented. There is no evidence if there is any installations in Albania which is relevant for this directive. Efforts should be made first to assess the current situation in Albania in order to understand how and what instruments to use to transpose and implement this directive.

**Administrative capacity**

The mains institutions responsible for the transposition and implementation of above directives and regulations of this sub-chapter is the Ministry of Tourism and Environment, National Environmental Agency and the State Inspectorate for Environment, Forests, Waters and Tourism.

*IED* and *Medium combustion plants* directives are under the responsibility of the NEA within the permitting obligations. NEA is responsible for monitoring implementation and compliance with the environmental standards during the permitting process (issuing Type A & B environmental permits). The Permitting Sector at NEA has a staff of 4 people (chief of sector and 3 specialists). Regional Environment Agencies, issuing Type C environmental permits soon to be abolished. There is no person in the MTE who is solely responsible for these directives but rather competencies are performed by two staff members responsible for air.

For Directive 2004/42/ECon *VOCspaints*responsible authority is the MIE and the market inspectorate, which has no person which is responsible for this directive. For the Directive 2012/18/EU *Seveso III*it is not clear which institutions should be responsible to transpose and implement. The main CA is assigned to MTE however, considering the scope of the directive; the implementation should be within the Ministry or Interior. Clarification of this issue is important in order to take the next step for transposition of this directive.

It is clear lack of capacities in the responsible institutions, and especially on the field of inspectionand law enforcement. Knowledge and experience of the experts working especially in regional branches of the National Environmental Agency and on the State Inspectorate of Environment, Forests, Waters and Tourism has to improve considerably and the staff number has to increase. This also concerns necessary improvements for equipment (cars, computers, laboratory equipment, laboratory kits etc.).

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2010/75/EU***IED*** | MTE | Partially;70% | Advanced |
| 2012/18/EU***Seveso III*** | MTE (to be clarified with Ministry of Interior) | Not transposed;9 % | Not implemented |
| 2004/42/EC***VOCs paints*** | MTE | Fully transposed; | Initial stage |
| EC/66/2010***Eco-label*** | MTE | Partially;41% | Initial stage |
| EC/1221/2009***EMAS***2011/832/EU***EMAS Global*** | MTE | Partially;26% | Not implemented |
| Directive (EU) 2015/2193***Medium Combustion Plants*** | MTENEA | Partially;21% | Initial stage |

# Sub Chapter: Chemicals

**Background information**

The EU chemical legislation includes 7 regulation/directives. Albanianlegislation is partially aligned with this sub-chapter requirements. The framework law on chemicals management was adopted in March 2016, but several pieces of secondary legislation are pending.

*Regulation (EC) No 1907/2006 - (REACH)-* The purpose of this Regulation is to ensure a high level of protection of human health and the environment, including the promotion of alternative methods for assessment of hazards of substances, as well as the free circulation of substances on the internal market while enhancing competitiveness and innovation.

This Regulation is based on the principle that it is for manufacturers, importers and downstream users to ensure that they manufacture, place on the market or use such substances that do not adversely affect human health or the environment. Its provisions are underpinned by the precautionary principle.

*Regulation (EC) No 1272/2008 classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006* – *(CLP)*-ensures a high level of protection of human health and the environment as well as the free movement of substances, mixtures and articles.

*Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals*–*(PIC)-*implements the *Rotterdam Convention* on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the ‘Convention’); promote shared responsibility and cooperative efforts in the international movement of hazardous chemicals in order to protect human health and the environment from potential harm; contribute to the environmentally sound use of hazardous chemicals.

*Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos*is aiming at preventing andreducing pollution by asbestos in the interests of the protection of human health andthe environment,limiting asbestos emissions into the air, asbestos discharges into the aquatic environment, improving asbestos waste management.

Regulation (EU) 2017/852 – mercury- establishes measures and conditions concerning the use and storage of and trade in mercury, mercury compounds and mixtures of mercury, and the manufacture and use of and trade in mercury-added products, and the management of mercury waste, in order to ensure a high level of protection of human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Regulation (EU) No 528/2012 improves the free movement of biocidal products within the Union while ensuring a high level of protection of both human and animal health and the environment. Particular attention should be paid to the protection of vulnerable groups, such as pregnant women and children.

Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 establishes measures for the protection of animals used for scientific or educational purposes.

**Transposition**

The level of transposition of the EU regulations and directives under this subchapter various from 10 % to 41 %. Only PICRegulation isfully transposed. The main Regulation on Chemicals (EC) No 1907/2006 – *REACH*has20 % transposition.

The main national law for this sub-chapter is Law No. 27 of 17.3.2016 “on Management of Chemicals”, 17.3.2016.

On 26.06.2019 the Council of Ministers passed the DCM on the banning of exports of metallic mercury, certain mercury compounds and mixtures and the safe storage of metallic mercury.

Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010on the protection of animals used for scientific purposesis not transposed.

**Implementation**

Since the chemicals legislation is quite new, Law No. 27 of 17.3.2016 “on Management of Chemicals”, (enter in force in 2018) the implementation is in initial stage. The law envisages establishment of a Chemical Office which will be responsible for overseeing the implementation of chemicals legislation, drafting secondary legislation, awareness raising and engaging with industry. MTE through Sida funded KemI project will receive support in establishment of the Chemical Office that is expected to improve the implementation of the legislations in the future. No specific plans and/or dates are set for full implementation.

So far it can be assess that MTE is implementing requirement related to export and import of hazardous chemicals following the procedures as established by PIC convention.

MTE, customs and inspectorates do not cooperate well as to ensure implementation of the legislation. Detailedanalysisof tasks and duties among involved institutions is needed as to designate clear competences and responsibility in implementation. There is also an urgent needtorevise the National Plan for a Safety Management of Chemicals that provide guidance for the relevant administration considering the chemicals groups of pesticides, fuel products, industrial chemicals and consumers’ chemical. This Plan must be revised every 5 years.

**Administrative capacity**

Ministry of Tourism and Environment (MTE) has the main responsibility in developing policies and strategies for chemicals management. General Directorate for Environmental Policies and Strategy in which2 persons are working on chemicals, among other issues. Establishing of Chemical Office, as foreseen in Art 6.4 Law No. 27 of 17.3.2016 “on Management of Chemicals”, is a priority as this office will be responsible for preparation of sub-legal acts stemming from this law (27 in total); oversee the implementation of the provisions of this law and the provisions issued for its implementation; inter-institutional coordination regarding the management of chemicals; international co-operation and overseeing implementation of chemical legislation in Albania. Its establishment was foreseen in the budget for the year 2019 envisaging employment of 3 persons at the beginning and reaching 12 persons in time. Until now this office is not established. Capacities are weak both in numbers and in skills required for implementation of EU directives and regulations for chemicals sub-chapter. The Chemical Office will be responsible for the “helpdesk” mechanism and public information, register the applications for import and export of substances and certain hazardous preparations according to the data collected from the different ministries and agency in charge by the Law. Increase the administrative capacity is a need;both increase the number of staff in MTE (Chemical Office) and with appropriate equipment.

Many of requirements are dealing with introducing different chemical products on the Albanian market so Inspectorate for Market Surveillance (IMS) under the Ministry of Finance and Economy (MEF) need to be well informed and trained how to understand and control the different chemical products that can be found in the Albanian market. There is very little knowledge of these requirements within IMS and no person is particularly in charge.

Ministry of Health and Social Protection (MHSP),Department of Programming Standardization and Harmonization of Regulatory Framework, with 3 responsible persons, provide legal advice and monitoring of implementation of the regulatory framework and is functioning as biocidal products authorization secretariat. MHSP is responsible for occupational health and safety related to chemical hazards in the workplace, for issuing permits for the production of substances and preparations of the classes 6 to 145, for their evaluation, testing, management and control. In addition, MoHSP should control the import, manufacturing, marketing, storage, use and decontamination of hazardous substances, issuing of permits for new chemicals that are used by industry, agriculture and the consumers.

Ministry of Agricultural and Rural Development (MARD), Directorate of Deregulation, is responsible for permits, licensingand monitoring of chemicals used in agriculture (pesticides, herbicides and insecticides) and has the lead in developing policies and strategies for plant protection products (PPP). MARD has competencies for developing legislation and registration of PPP in cooperation with several institutions. Institutions that perform certain professional and technical activities during the PPP registration procedure, including toxicological and ecotoxicological research, and physico-chemical analyses of PPP are: the Institute of Food Safety and Veterinary Matters (IFSV), the Department of Plant Protection (DPP) of the University of Agriculture, Tirana, the Institute for Public Health (IPH) and MTE. The import of PPP iscontrolled by MARD through National Food Agency and has the authority to suspend or prohibit any kind of PPP or fertilizer that does not comply with approved standards.

Despite institutions are performing their functions, the capacity of the above institutions, in particular MHSP and MARD, are not sufficient toefficiently implement the whole system of chemicals management. Further strengthening of their capacity is needed, both human and technical, in particular for registration, data recording and reporting, collecting of chemical usage data, characterization and properties, and of the chemicals’ life cycle evaluation.

Ministry of Infrastructure and Energy- MIE is the competent authority for the licensing of activities related to chemicals classified as dangerous according to the legislation in force and is responsible for issuing of permits for the activities that produce substances and preparations that possess the properties of class 3 (extremely flammable), 4 (very flammable) and 5 (flammable), including evaluation, testing and their administration.

Anti – Trafficking Directory, Albanian Customs Administration carry out control and monitoring of import/ export of hazardous chemicals.

Environmental Inspectorate, State Sanitary Inspectorate, and State Labour Inspectorate are responsible for enforcing the control of all stages of the chemical‘s life cycle.

In overall, administrative capacities of involved institutions are not sufficient to manage chemicals in Albania and have to be strengthened, inter institutional coordination and cooperation improved. However, situation is expected to be improved with the establishment of the Chemical Office and with the implementation of the project “Improved chemicals management in Albania” (KemI Project), whereinstitutional capacity development is one of the major areas of the project activities.In September 2019 a DCM was adopted for the organisational structure of NEA in which Chemical Office was envisaged with NEA structure. However, until this report was prepared Chemical Office was still not established thus clarification of competencies between MTE and NEA is further needed.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2010/63/EU ***Welfare Experimental Animals*** | MARD (to be clarified with MTE) | Initial stage;20 % | Not implemented |
| 87/217/EEC ***Asbestos*** | MTE(to be clarified with NEA) | Initial stage;10 %  | Not implemented |
| 528/2012/EU ***Biocides*** | MHSA | Initial stage; 9 %  | Initial stage |
|  EC/649/2012 ***PIC regulation*** | MTE (to be clarified with NEA) | Fully transposed96 % | Partly implemented |
| EC/ 1907/2006 - ***REACH*** | MTE (to be clarified with NEA) | Initial stage;20 % | Initial stage |
| Regulation EC 1272/2008 ***CLP*** | MTE (to be clarified with NEA) | Partially;41 %  | Initial stage |
| EU/2017/852 ***Mercury*** | MTE (to be clarified with NEA) | Initial stage; 10 %  | Initial stage |

# Sub Chapter: Noise

**Background information**

The aim of *Environmental Noise* directive (2002/49/EC) is to define a common approach intended to avoid, prevent or reduce on a prioritized basis the harmful effects, including annoyance, due to exposure to environmental noise. To that end the following actions shall be implemented progressively:

* the determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;
* ensuring that information on environmental noise and its effects is made available to the public;
* adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and to preserving environmental noise quality where it is good.

The Directive also aims at providing a basis for developing Community measures to reduce noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery.

**Transposition**

The Directive is at advance level of transposition into the national legislationwith the Law No.9774, of 12.07.2007, “On Assessment and Administration of Environmental Noise”, amended with the Law 39/2013. There are several secondary legislation adopted which further transpose this directive, such as: Guideline No.1 “On minimum requirements for strategic noise mapping”, Guideline No.2 "On indicators, assessment methods, rules and technical requirements of the methodology for assessing the level of noise, and for verification of the interventions made to resolve and improve the situation" adopted in 2013; Joint Guidance No. 8 "On noise limit values in certain environments" from 2007; DCM No. 587 "On the monitoring and control of noise levels in urban and tourist centres" from 2010; A common Order “On Approval of the Regulation “On Protection of Environment from Noises from Civil Aviation” approved by the Minister Environment No. 11262 Prot. and by the Minister of Transport and Infrastructure No. 7398/1 in 2014; and Guideline No. 1, “On the approval of minimum requirements for drafting noise action plans” from 2018.

The legal framework for noise provides good base for the implementation, however, the absence of relevant administrative structure and human capacity hampers the implementation.

**Implementation**

The Directive is in the initial stage of implementation as majority ofrequirements are not implanted and no actions are being taken for their implementation. In particular:

* there is no development related to the drafting of the National Noise Management Plan;
* there is no local government strategy or budget for local noise management plans;
* there is no institution for noise assessment according to the methodology set out in Annex I of Commission Directive (EU) 2015/996;
* there is no institution yet for development or approval of noise maps, action plans for agglomerations, major roads, major railways and major airports;
* agglomerations, major roads, major railways and major airports as per directive have not been designated;
* noise monitoring is very limited and only performed on several points. Namely, NEA monitors noise at 11 cities: Berati, Fieri, Koça, Saranda, Tirana, Kukësi, Shkodra, Pogradeci, Gjirokastra, Vlora and Lezhaat 57 locations. There is only one noise monitoring equipment.

The implementation of the noise legislation was supported by adoption DCM No. 123 “On Approval of the National Action Plan for the Management of Environmental Noise” in 2011. However, this plan was only followed by adoption of the relevant secondary legislation, and only few measures have been taken into consideration, manly related to take some actions of noise monitoring.The plan will need to be updated as to provide all measures needed to fulfil the requirementsreflecting the current administrative structure.

There is an urgent need to start with implementation of this directive, firstly, designating the agglomerations, main roads, main railways and main airport. Next, developing the relevant noise maps and plans, and training the authorities to prepare these documents. Development of well defend information data base is needed as to provide required information to the public.

**Administrative capacity**

Ministry of Tourism and Environment has an overall responsibility for policy development and planning and compliance with EU noise requirements.The establishment of the Noise Technical Council at the Ministry of Tourism and Environmentis envisaged by the Law on Assessment and Administration of Environmental Noise (Noise Law). It is supposed to be an advisory and inter-institutional body on noise issues, whose mission is to assist the MTE in the development of its noise policy. Such Council is not yet established.

According to the provisions of the Noise Law, NEA is in charge of the quality check and quality control for the measurements and collects, processes and keeps the noise monitoring data at the national, regional and local level and per each economic sector in a noise register.

Institute of Public Health (IPH) is in charge of noise pollution control as the national body for the monitoring and reporting of the noise pollution as designated by the law. The Noise Law has requested IPH to establish a new sector on noise, as a reference unit for the noise measurement and assessment, which at the moment has only 3 technicians within the Directorate of Health and Environment.

Noise monitoring has been undertaken by the NEA since 2014. Prior to this noise monitoring was undertaken by the IPH, which has been contracted by NEA. The IPH began collecting noise data in 2007 and also did so in 2008, 2010 and 2011. Noise monitoring currently is entire done by the NEA. However, some challenges in clarifying the competencies still remain that should be overcome between the IPH and NEA.

NEA publishes an annual report on the State of Environment where special chapter is dedicated to Noise. There are 3 persons (head of sector and two specialist) in the Sector of Environmental Quality, Directorate of State and Quality of Environment at NEA that are responsible for all monitoring requirements including noise. There is only one equipment that NEA is using for monitoring and considering that the laboratory is not accredited for noise monitoring, the data remain indicative.

The State Inspectorate of Environment, Forests, Water and Tourism with its 12 regional branches and in total 99 environmental inspectors are responsible for noise control however almost no serious inspections is performed in this regards. The National Inspectorate of Health is responsible for the control and law enforcement related the public health.

Many competencies in environmental noise management are under local level. Municipalities are responsible for development of Strategic noise maps, action plans and program of measures. At this stage there is no structure at municipal level which is responsible for noise management. Only municipal police officers had made some interventions for noise accidents from neighbourhoods.

It could be concludedthat there is almost no administrative capacity for implementation of noise legislation. It is an urgent need to establish at least the minimum structure in NEA for implementation of the legislation and to raise the awareness of the municipalities of their responsibilities in regards to noise management.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| 2002/49/EC***Environmental Noise*** | MTE | Advanced;86% | Initial stage |

# Sub- Chapter: Climate change

**Background information**

The main aspects covered by the EU sub-chapter’s directives and regulations relate to actions on climate change such as moving towards low carbon economy; reduction of non-CO2 emissions, including fluorinated greenhouse gases; action on hydrofluorocarbons under the Montreal Protocol on substances that deplete the ozone layer; reducing the quantities of hydrofluorocarbons placed on the market, including its effects on the supply for equipment where the use of hydrofluorocarbons greenhouse gas emissions and for implementing the Kyoto Protocol.

The requirements of the directives and regulations under this chapter pay a special attention to aspects such as monitoring, reporting, regular assessment, certification and training. More in specific, this sub-chapter includes:

- Directive 2003/87/EC *establishing a scheme for greenhouse gas emission allowance trading within the Community* which establishes a scheme for greenhouse gas emission allowance trading within the Community, referred to as Community scheme, in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner;

- Directive 1999/94/EC *on the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars* which aims to ensure that information relating to fuel economy and CO2 emissions of new passenger cars offered for sale or lease in the Community is made available to consumers in order to enable them to make an informed choice;

- Directive 98/70/EC *relating to thequality of petrol and diesel fuels*, provides for technical specifications on health and environmental grounds for fuels to be used for vehicles equipped with positive-ignition and compression-ignition engines;

- Directive 2009/31/EC *on the geological storage of carbon dioxide*, which establishes the legal framework for the environmentally safe geological storage of CO2 to contribute to the fight against climate change;

- Regulation (EU) No. 517/2014 *on fluorinated greenhouse gases* which establishes rules on containment, use, recovery and destruction of fluorinated greenhouse gasses; imposes conditions on the placing on the market of specific products and equipment that contain, or whose functioning relies upon fluorinated greenhouse gases; imposes conditions on specific use of fluorinated greenhouse gases as well as establishes quantitative limits for the placing on the market of hydrofluorcarbons;

- Regulation (EC) 1005/2009 *on substances that deplete the ozone layer* which provides for rules on the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of substances that deplete the ozone layer, on the reporting of information related to those substances and on the import, export, placing on the market and use of products and equipment containing or relying on those substances;

- Regulation (EU) No 525/2013 *on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change*, which establishes a mechanism forensuring the timeliness, transparency, accuracy, consistency, comparability and completeness of reporting by the Union and its Member States to the UNFCCC Secretariat; reporting and verifying information relating to commitments of the Union and its Member States pursuant to the UNFCCC, to the Kyoto Protocol and to decisions adopted thereunder and evaluating progress towards meeting those commitments; monitoring and reporting all anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol on substances that deplete the ozone layer in the Member States; monitoring, reporting, reviewing and verifying greenhouse gas emissions and other information pursuant to Article 6 of Decision No 406/2009/EC; reporting the use of revenue generated by auctioning allowances; monitoring and reporting on the actions taken by Member States to adapt to the inevitable consequences of climate change in a cost-effective manner; evaluating progress by the Member States towards meeting their obligations under Decision No 406/2009/EC;

- Regulation (EU) 510/2011 *setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO2 emissions from light-duty vehicles* which establishes CO2 emissions performance requirements for new light commercial vehicles;

- Regulation (EC) 443/2009 *on setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles*, which establishes CO2 emissions performance requirements for new passenger cars in order to ensure the proper functioning of the internal market and to achieve the overall objective of the European Community of 120 g CO2/km as average emissions for the new car fleet;

- Decision No 406/2009/EC *on greenhouse gas emission reduction commitments up to 2020*, which lays down the minimum contribution of Member States to meeting the greenhouse gas emission reduction commitment of the Community for the period from 2013 to 2020 for greenhouse gas emissions covered by this Decision, and rules on making these contributions and for the evaluation thereof;

**Transposition**

Alignment process for this sub-chapter requirements is still in an early stage.

Albania has ratified the most recent amendment to the Montreal Protocol known as Kigali Amendment, the Kyoto protocol and is a state party to the Rio Convention on climate change.

There is a draft law in an advance stage and awaiting the adoption by end of 2019which will partly transpose the Directive 2003/87/EC *Emission Trading System (EU ETS)* as amended as well as align the Regulation (EU) No 525/2013 *on Monitoring mechanism*. The draft law aims to provide for a comprehensive legal and institutional framework in relation to actions to be undertaken towards climate at national level and in accordance with EU acquis on climate change, to contribute to global efforts towards climate change through fulfillment of country obligations as a party of the Convention, to speed up the adoption against climate changes by mitigating the harmful effects of climate changes as well as to contribute to reduction of the greenhouse gas emissions.

As regards the transposition of particular pieces of EU acquis under this sub-chapter, except for Regulation No. 517/2014 *on fluorinated greenhouse gases* for which the level of alignment is advanced at more than 79%, the rest have not been transposed or transposed partially, less than 30 %. More specifically:

Regulation No. 517/2014 *on fluorinated greenhouse gases* has been aligned through DCM No. 865, dated 10.12.2014 “For the reduction and stabilization of fluorinated greenhouse gases” at the level of 79,1%.

Regulation (EC) 1005/2009 on *Ozone Depleting Substances* was aligned in beginning of 2019 through DCM No 10, dated 09.01.2019 “On the adoption of rules for the produce, import, export, placing in the market and use of ozone depleting substances as well as for the export, import, placing in the market and use of products and equipment containing these substances” at a level of 22,7%.

Directive 1999/94/EC *CO2 emissions from cars and vans* and Directive 98/70/EC *on Fuel quality*, respectively 15,6% and 29%. The first Directive has been transposed through Law 8308 of 18.3.1998 ‘On road Transportation” as amended and Law No.8450 dt.24.1.1999 “On processing, transportation and trade of fuel and gasses” and the second on by Law no 8450 of 3.3.1999 “On the Processing, transportation and marketing of fuel, gas oil and the by-products”, as amended, Law no 9876 of 14.2.2008 “On Production, Transportation and Marketing of Biofuel and other renewable fuel for transportation” and DCM no 147, of 21/03/2007, “For the quality of gas, gasoline and diesel”. It should be noted that above legislation mainlyare transposing some definitions from the directives.

**Implementation**

Considering that the transposition of the EU *acquis* related to climate change is in early stages, the implementation is in very early stage as well. Even the transposed parts are not adequately implemented especially as regards monitoring, reporting, inspection as well as training and certification requirements.

On July 2019, the Council of Ministers approved the DCM No. 466, dated 03.07.2019 “On the adoption of the Strategic Document and National Plans for mitigating greenhouse gases and for adoption against climate changes”, which entered into force end of July and will be updated every 4 years. This document addresses the mitigation aspects as well as adaptation aspects and supports the implementation of EU *acquis* in the field of environment and climate change and aims at inter-sectorial and inter-institutional coordination, in this respect.

Ozon and fluorinatedgassesrequirements implementation is driven by National Ozone unit that is established within the UNIDO provided support mainly related to control of import and exports and placing on the market ozone depleting substances.

**Administrative capacity**

The authority which has a dominant position for this sub-chapter is the Ministry of Tourism and Environment. However, there are some *acquis* for which the lead is or might be, when defined, the Ministry of Infrastructure and Energy.

In MTE there are two persons which are responsible for climate change issue, however, they are as well responsible for other issue, thus can notallocate sufficient time for this sub-chapter. Consequently, many developments in climate have been implemented through the donors support. There is an urgent need to establish adequate staff under a separate sector as a structure within MTE which will be responsible for the climate change EU acquis.

There is a National Ozone Unit which is responsible for permitting procedure for import, export and placing on the market ozone depleting substances. There are 3 specialists in this unit which are implementing procedures according to the Montreal protocol and act as well as Project Implementation Unit. Custom authority is controlling the imports-experts and maintains a register of the quantities imported or exported.

National Environment Agency and State Inspectorate on Environment, Water and Forests, Ministry of Health, Ministry of Infrastructure and Energy, Ministry of Education for the part of training and General Directorate of Customs has an important role in overall institutional set-up for this sub-chapter. MIE does not have any structure or person responsible for climate change. One person working on energy issue is involved in MIE activities related to climate. The capacity and knowledge has to increase within institutionsin particular MIE and MH. MTE should take the lead in establishing and maintaining good mechanism for inter-institutional coordination for climate change activities. There is a need tosubstantially strengthen reporting and inspection functions as well.

This sub chapter is one of the weakestin terms of administrative capacity and urgent actions are needed at least to establish the minimum required institutional structure which will lead the process of transposition and implementation of the EU acquis in climate change.

**Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **Directive/regulation** | **Main competent authority** | **Level of transposition** | **Level of implementation** |
| Regulation (EU) 525/2013 ***Monitoring mechanism*** | MTE | Not transposed; | Not implemented |
| Directive 2003/87/EC ***EU Emissions Trading System (EU ETS)*** | MTE | Not transposed; | Not implemented |
| Directive 2008/101/EC ***Emissions Trading System Aviation Activities*** *(****EU ETS)*** | MTE | Not transposed; | Not implemented |
| 406/2009/EC ***Effort Sharing Decision*** | MTE | Not transposed | Not implemented |
| Regulation (EC) 1005/2009 ***Ozone Depleting Substances*** | MTE | Partially;22,7%  | Initial stage |
| Directive 2009/31/EC ***Carbon Capture and Storage*** | MTE | Not transposed | Not implemented |
| Regulation EU 517/2014 on ***Fluorinated gases*** | MTE | Advanced; 79,1%  | Initial stage |
| Directive 98/70/EC ***Fuel Quality*** | Ministry of Infrastructure and Energy (MIE) | Partially;29%  | Initial stage |
| Directive 1999/94/EC ***CO2 emissions from cars and vans*** | Not determined yet | Initial stage; 15,6% | Not implemented |
| Regulation (EC) 443/2009 ***New Passengers Car*** | Not determined yet | Not transposed; | Not implemented |
| Regulation (EU) 510/2011 ***Light Commercial Vehicles*** | Not determined yet | Not transposed; | Not implemented |
| Regulation (EU) 2018/841 ***LULUCF*** | Not determined yet | Not transposed; | Not implemented |

1. Each transposed article receives 5 points. When transposed less than 70 % of articles –it is considered as partially transposed, when less than 20 % - initial stage and less than 10 % - not transposed. If more than 70 % - advanced stage. If all articles are transposed - fully transposed. [↑](#footnote-ref-1)
2. National Environmental Agency (NEA) and Inspectorate of Environment Forest Water and Tourism (SIEFWT) are involved into implementation and enforcement of each directive and regulation and not repeated in the table. [↑](#footnote-ref-2)
3. DCM no. 127, dated 11.2.2015 “On the requirements to use the wastewater sludge in agriculture” [↑](#footnote-ref-3)
4. DCM no. 221, date 26.4.2018 “On the Organization and Functioning of the Water Resources Management Agency” [↑](#footnote-ref-4)