**Approach for Chapter 27 EUNegotiations**

# Introduction

Approach for Chapter 27 Negotiations (ACN) provides a summary of the expected process and main aspects of the methodology for preparation for Chapter 27 screening and negotiations for EU membership (EU negotiations).

It is proposed by the programme Support Albanian Negotiations in Environment, Chapter 27 (SANE27) in agreement with the Ministry of Tourism and Environment (MTE), in order to have better understanding regarding potential developments and required set of activities in the preparatory process for EU negotiations for Chapter 27.

It is well understood that the situation is constantly changing and this requires periodic adjustments in the Approach as well. Therefore, ACN is understood as a “living” document and will be adjusted each time when more information is available or if methodology for preparation has to be reviewed. It is planned that revision will take place each 6 months during planning meetings when progress will be checked against ACN principles and the next stage actions will be planned.

# Accession negotiations

*Summary of the accession negotiations process*

1. European Commission's (EC) recommendation to open negotiations.
2. European Council endorse the Commission’s recommendation to open negotiations.
3. “Negotiating Framework” (establishing guidelines and principles for the accession negotiations with the candidate country) developed by European Commission and approved by the Council.
4. First Accession Conference(between the governments of the EU countries and that of the candidate country) with Albaniato start negotiations.
5. Timetable for screening of various chapters proposed.
6. Receiving Chapter 27 questionnaire from the European Commission.
7. Developing (by Albania) written answers to the European Commission’s questionnaire regarding each directive and regulation and providing them before the bilateral meeting.
8. Development of presentations and participation in the bilateral screening meeting.
9. Bilateral screening meeting.
10. Screening report, which sets some conditions – opening benchmarks (if Albania is considered not yet ready for opening negotiations in specific area) or (if Albanian’s situation is considered sufficiently mature to negotiate) proposes opening chapter for negotiations.
11. Fulfilling the opening benchmark.
12. After EC confirms that the country has fulfilledthe opening benchmark, EC invites country to prepare and submit the Negotiating position.
13. Development of the Negotiating Position by the country in close cooperation with

the European Commission (informal coordination).

1. Approval of the Negotiating Positions in the Government and official submission to the EC.
2. European Commission develops draft Common Position (DCP), which is coordinated and approved by the EU Member States - Working Party on Enlargement and Countries Negotiating Accession to the EU. DCP defines all the obligations county needs to fulfil in order to be ready for closing of the specific chapter (closing benchmark).
3. Chapter is opened for negotiations in the Intergovernmental Conference on Accession which is organised two times a year (June and December).
4. Negotiating, developing additional information, providing clarifications, reviewing positions, developing Addendum to the Negotiating Position. Based on DCP a Working group for Chapter 27 *Environment and Climate Change*develops and Action plan on the fulfilment of closing benchmark as response on how the country is planning to achieve defined obligations, in which timeframe, etc.
5. Closing negotiations when the EU approves that the country has fulfilled all the obligations defined in the Common Position for the chapter.

In regard to the abovementioned steps, the revised enlargement methodology - *Enhancing the accession process - A credible EU perspective for the Western Balkans* from February 2020 needs to be taken into account especially since the negotiating chapters will be organised in thematic clusters.[[1]](#footnote-1)

*Indicative milestones for planning of preparatory activities 2020- 2021.*

|  |  |  |  |
| --- | --- | --- | --- |
|  | Milestone | Timing | Comment |
| 1 | Receiving Chapter 27 questionnaire from the European Commission | November – December 2020 | If European Council agrees to open negotiation in October 2020 |
| 2 | Preparing written answers to the European Commission’s questionnaire | January – March 2021 |  |
| 3 | Development of presentations | March – April 2021 |  |
| 4 | Participation in the bilateral screening meeting | May – September 2021 |  |

*Negotiating framework*

Negotiating framework will establish main requirements for negotiations. Few conditions from the Negotiating framework most likely will include:

1. Albania will have to apply *acquis* as it stands at the time of accession.
2. Albania must bring its institutions, management capacity and administrative and judicial systems up to Union standards.
3. Furthermore, in addition to legislative alignment, accession implies the timely and effective implementation of the acquis.
4. Where considerable adaptations are necessary requiring substantial effort including large financial outlays, appropriate transitional arrangements can be envisaged as part of an on- going, detailed and budgeted plan for alignment.
5. Where necessary, specific adaptations to the acquis will be agreed (and negotiated through Negotiating Position adopted by the country and approved by EU through DCP).

These conditions will establish corresponding criteria on how the progress will be measured. Demonstration of:

1. Level of transposition and how transposition will be completed by the date of accession.
2. Institutional capacity and how required capacity will be developed before accession.
3. Level of implementation and plans to implement most of requirements before accession.
4. If necessary, transitional periods could be negotiated supported with the implementation plans.
5. If required, specific adaptations shall be identified (for example, geographical adaptations or adaptation periods) and timely agreed.

Negotiations under each chapter are based on two key elements:

* Screening process;
* Opening, negotiating and closing of the chapter.

# Screening

Screening has two stages:

* Explanatory meeting;
* Bilateral meeting.

During **explanatory** meeting the European Commission explains requirements of the environmental *acquis*. Differently from the other countries experience during negotiations, for Albania and North Macedonia part of screening – explanatory meeting - has been organised before the official negotiations process started. Explanatory meeting took part in Brussels May 13 – 17, 2019. Presentations from the screening are available in the MTE (DICAA) and can be consulted when needed(the link for the presentations is (SANE27 website when developed) or you can contact [sane27al@outlookc.om](mailto:sane27al@outlookc.om)for receiving the presentations)

During **bilateral**screening and then later during negotiations for Chapter 27, attention will be paid to the following aspects:

* Level of transposition/ alignment;
* Plan for full transposition/ alignment including legal acts to be adopted and schedule for adoption;
* Maturity of institutional system – nomination of competent authorities and their capacities, main stakeholders and their involvement;
* Institutional strengthening plans and capacity development measures in order to close institutional gaps;
* Level of implementation of requirements, remaining gaps, financing source and time bound plans for full implementation.

Bilateral meeting is a detailed examination (by the Commission), together with Albania of the status of approximation for each major Chapter 27 directive and regulation in order to determine how well the country is prepared to comply with environmental acquis.

There is no formal instruction regarding screening process. Process follows practices that has been established in screenings of previous countries. It is important that meeting on behalf of Albania are represented with relevant experts from each of the sub-areas of the meeting meaning that they are included in preparation of the presentations but also there for any additional explanations that might be needed during the meeting.

Bilateral meeting will take place after the Negotiating Framework is adopted and negotiations process starts with the first Intergovernmental Conference on the Accession. Then schedule for bilateral screening meetings will be established as well. Chapter 27 is usually not at the very beginning of the screening process, meaning, that meeting most probably would happen about 6 – 8 months after the accession negotiations starts.

Different from most of other sectors, Chapter27 has directive/ regulation specific questionnaire to be answered in written. Several weeks before the bilateral meeting[[2]](#footnote-2), the European Commission will send the questionnaire for written answers to be developed by Albania. Written answers are provided to the Commission several weeks before the bilateral meeting.

Because chapter 27 is big and the time for presentations is short, **written information is very important and screening meeting by the Commission is used more for clarification and additional questions**. Essential to answer what is already done in transposition and implementation and what are plans to complete the process.The main problem that countries usually face is to declare the implementation dates in particular in cases when policy document (plans, strategies) regarding full implementation of requirements are not developed.

Parts A and B of the legal act specific questionnaire are the same for all directives and regulations:

A. Which parts of the provisions of the Directive have been transposed (aligned)?

B. When and by which measures transposition of the remaining provisions is foreseen?

Part C is directive specific and related to competent authorities and implementation.

Bilateral meeting has similar format as it was already during explanatory meeting, just opposite – country representatives provide presentations regarding situation and plans for each directive and regulation. Following agenda, first presentations will be done by the country and then will be followed with questions from the Commission. Considering that time allocated per legal act is very limited, presentations shall provide main points and leave about half of foreseen time for questions.

Bilateral screening findings and the assessment will be presented in the Screening Report, which is drafted by the European Commission and approved by the Member States. It usually takes about 6-10 months to issue the Report after the Bilateral screening meeting.

Screening Report contains assessment of the degree of alignment and implementing capacity of the country and it gives an assessment whether the country is ready to open negotiations in the area or it needs to fulfil additional requirements such as an opening benchmark (which is then defined in the conclusion of the Screening report).

After EC confirms that the country fulfilled the opening benchmark, the country is invited to submit the Negotiating position.

Member States decide unanimously on the benchmarks or opening of a chapter on the basis of the Commission's recommendation.

Main outputs of the preparatory process at this stage of negotiations:

1. Written answers to the questionnaire for all directives and regulations.
2. Presentations for each directive and regulation.
3. Delegation to the bilateral meeting.
4. Preparation and training regarding presentations.

# Negotiations

Chapters are opened based on positive conclusions from the Screening Report, Opening Benchmark Assessment Report (OBAR) if opening benchmarks have been given and when country’s Negotiating Position (NP) is considered sufficiently mature to negotiate.

Negotiating position again will include information on status and plans for **full**transposition, institutional development and implementation. Structure of the Negotiating Position will be established by the national coordinating institution. But, despite of how different chapters are arranged, it will always contain following information for each directive and regulation:

1. Current situation in each of the sub-chapters of the Chapter 27:
   1. Legal framework
   2. Institutional set-up and capacities
   3. Implementation status
2. Plans for full alignmentin each of the sub-sub-chapters of the Chapter 27:
   1. To complete transposition/ alignment
   2. To strengthen institutional capacities
   3. To fully implement requirements
3. Transitional arrangements:
   1. Request for transitional periods (DSIPs attached)[[3]](#footnote-3)
   2. Geographical adaptations (e.g., Birds and Habitats directives with justification in the attachment)

When the draft Negotiating Position is developed, according to the recent practice, drafts informally will be provided to the European Commission for comments. It may include several rounds until the Commission provides “green light” for the official submission.

Following national procedures, draft Negotiating Position will be submitted to the Government for approval. After the NP is approved, it will be submitted to the EU for further procedure.

As soon as the EC receives the position, it will start preparing Draft European Union Common position (DCP) which will be then provided to the Member States (MS) for endorsement. After all MSs agree, opening of chapter for negotiations will be decided by the Intergovernmental Conference on the Accession.

Negotiations may require development of the Addendum to the NP which will be prepared by the country and submitted following the same procedure as for the NP itself.

During negotiations questions for clarification and requests for additional information shall be expected as well as support to the Chief Negotiator on all aspects of the Chapter 27 NP from the Chief of the WG for Chapter 27.

Negotiations (preliminary) will be closed when all Member States agree on the Common Position without conditions or with some closing benchmarks - to be met by Albania before negotiations considered to be closed.

Main outputs of the preparatory process at this stage of negotiations:

1. Negotiating position for each directive and regulation.
2. Supporting materials - DSIPs for each proposed transitional period, Investment Financing Plan, Institutional Capacity Development Plan.
3. Substantiation materials for geographical adaptations.

# Chapter 27

Currently for preparation for screening and negotiations it is considered that Chapter 27 includes 73 main legal acts – directives and regulations in 9 (+1) sub-chapters:

1. Horizontal legislation
2. Air quality
3. Waste management
4. Water quality
5. Nature protection
6. Industrial pollution control
7. Chemicals
8. Noise
9. Climate change
10. Chapter 27 also includes civil protection area.

List of Chapter 27 directives and regulations is presented in Annex 1.

# Role of coordinators and directive/ regulation responsible persons/ institutions

In order to organise and successfully prepare for screening and negotiations for Chapter 27, number of institutional responsibilities shall be considered. This first of all concerns functions of coordinating structure and directive/ regulation responsible institutions and persons.

**Responsibilities of the Secretariat of the IIWG Chapter 27**

Secretariat of the IIWG Chapter 27 is a responsible organisatioanl unit within the Ministry responsible for one chapter. In MTE that is Sector for Coordination and Integration within the Department for Integration, Coordination, Assistance and Agreement (DICAA). The head of the sector is at the same time secretary of the IIWG Chapter 27.

Secretariat is key link between Chief of the IIWG and the members of the IIWG (including coordinators of the sub-chapters).

Secretariat responsibilities for the IIWG Chapter 27 includes:

* coordinates the tasks arising from the negotiations on Albania's accession to the European Union within the Chapter 27;
* in close cooperation with the members of IIWG and members of Sub-chapter WGs prepares an analytical review and assessment of compliance of Albanian legislation with the acquis communautaire (including questionnaire, Draft Negotiating position, etc);[[4]](#footnote-4)
* prepares reports during analytical review and assessment of compliance with EU legislation, as well as reports on the progress of negotiations;
* performs technical processing and prepares the basis for the work of IIWG (all materials in close cooperation with the Chief of the IIWG) such as meetings, etc;
* makes sure that functioning of the IIWG is in line with the Operational procedures (including quorum during the meeting, minutes from the meeting, statement of secrecy, etc..);
* Supervise timetable for inputs and further delivery;
* Based on inputs received from the members of IIWG and coordinators of sub-chapter WGs prepares various inputs into documents – answers, negotiating position, etc;
* Review inputs, provide quality assurance for documents to be provided to the Government or the EU;
* keeps documentation in accordance with the rules of office business, prepares press realises, update websites/social networks and promotes the work of the IIWG;
* performs other administrative and technical tasks related to negotiations within the Chapter 27 in line with the instructions of the Chief of IIWG

**Coordinators of Sub-chapter Working Groups[[5]](#footnote-5)responsibilities include**:

* Serve as a focal point for national institutions and the EC for the relevant sub-chapter within the Chapter 27;
* Serve as “documentation/ information” center for specific sub-chapter;
* Maintain list of acquis potential for screening/ negotiations and responsible persons/ institutions;
* Proposes the list of members of the sub-chapter WGs to the IIWG;
* Distribute information and tasks to the members of sub-chapter WG in line with instructions received by the Secretariat of the IIWG/Chief of the IIWG (including timeline, format, etc);
* Coordinates inputs from members of sub-chapter WG in order to prepare materials requested by the Secretariat;
* Organise the work of the sub-chapter WG and informs the Secretariat of the IIWG on the undertaken/implemented activities;
* During the meetings of the IIWG, informs the IIWG on the undertaken activities between two meetings of IIWG.

**Directives/ regulations responsible persons/ institutions responsibilities includes[[6]](#footnote-6)**:

* Assess legal, institutional and implementation situation for legal act under responsibility;
* Develops written information according to the request and guidance of the Secretariat of the IIWG/Chief of the IIWG and/or coordinator of the sub-chapter WG;
* Develops written information and presentations for bilateral meeting, participate in the meeting, make presentation and answer to questions;
* Participates in work of IIWG 27and/or at the Sub-chapter WG;
* Provide information to the Secretariat of the IIWG/Chief of the IIWG and/or coordinator of the sub-chapter WG;.

Functions will be established through the IIWG27 Procedures.

# Principles for preparation for Chapter 27 screening and negotiations

Preparation for negotiations is based on several main principles which do establish the background of the approach and guides preparatory activities.

1. *Ministry of Tourism and Environment assuming and strengthening coordinators role.*

MTE is leading the preparatory process for Chapter 27. This role is assigned by the Order No. 94, dated 20.05.2019 of the Prime Minister “On the establishment, composition and functioning of Inter-Institutional working groups for the European Integration”. There are about 20 national institutions involved into Chapter 27 activities, what requires strong coordination role from the Ministry of Tourism and Environment in order to plan preparation process and provide guidance inside the Ministry and also to other Chapter 27 institutions. This coordinating role has to be constantly maintained and strengthened. For implementation of coordination role, several mechanisms are or is going to be established:

* Coordination structure in the MTE: designated Head of the WG for Chapter 27 from MTE and secretariat of the WG;
* Inter-institutional Working Group for Chapter 27;
* Sub-chapters Working Groups and designated coordinators of the sub-chapters from relevant institutions (most of them will be from MTE in line with the nature of sub-areas);
* Stakeholders meetings.

Supporting the Ministry’s coordinating role is one of main tasks for SANE27.

Status – process is ongoing, Ministry’s coordination role is being strengthened.

1. *Establishing responsibilities for each directive and regulation.*

Established responsible institution and individuals is a must for successful organisation of the preparatory process. At the same time, assignment of responsibilities shall be realistic in sense of load – too many directives/ regulations under the same person would not solve the task.

Status - Efforts are being made to complete the list as soon as possible (annex 1).

1. *Achieving right composition of Ch27 Inter-institutional Working Group.*

IIWG27 is the main working structure where approach to preparatory process is agreed, deadlines established and controlled, positions are approved. MTE shall aim to include all persons and institutions responsible for directives and regulations as members of the IIWG27 and/or its sub-WGs.

Status – list of responsible institutions and persons proposed for the prime-minister approval does not involve all responsible persons. The list willneed to be amended after all competent authorities are identified and responsible persons are known. Alternatively, if approval through the PM Order is not possible, full list could be approved by the IIWG and all responsible persons invited for the IIWG meetings fulfilling the same responsibilities as persons approved by the Order.

1. *Establishing Sub-chapter Working Groups (SWGs - Water, Waste, Air, …).*

Sub-chapter Working Groups allow to better concentrate attention on specific topics. Before decisions are made by the IIWG27, SWG provide forum for professional discussion, makes coordination process easier and more efficient. It also allows to better integrate and involvestakeholders from business, academia and civil society organisations. It is planned to establish 10 SWGs for all sub-chapters through the IIWG27 Procedures.

Status – Heads and Members of SWGs are being identified. Members planned to be approved with Procedures beginning of 2020.

1. *Developing of IWG27 procedures*

Clear Procedures would help to organize IWG27 activities and decision-making process, communicate among involved institutions, strengthencoordinating role of the MTE. The Procedures should also include establishment of the SWGs.

Status - Draft Operational procedures of the Inter-Institutional Working Group for Chapter 27 Environment and Climate Change are developed and being coordinated with MTE. Planned approval - beginning of 2020.

1. *Preparing for screening bilateral meeting*

Assessment during screening will be based on information provided by Albania regarding current status and plans for full transposition, institutional development and implementation. In order to prepare for the meeting, work will be concentrated on:

* Develop written materials for screening - answers to screening questions (based on some country questions) regarding situation and future plans;
* Adjust answers after questions are received for Albania;
* Develop presentations for bilateral screening on legal, institutional and implementation situation and plans for full transposition, institutional building and implementation;
* Train presenters to provide most important information inside allocated time limits through simulation of bilateral screening meeting.

Status – situation assessment and planning is ongoing, in particular, though SPA process.

1. *Implement Screening Preparatory Assessment (SPA) methodology as a key part of preparatory process*

Assessment of transposition, institutional and implementation situation for all directives and regulations, identification of gaps and planning of actions to close these gaps is the core of the preparatory process. Assessment is organised with the support of SANE27 through the Screening Preparatory Assessment (SPA) process. SPA methodology has been agreed by the IIWG27 and is being implemented.

Screening Preparatory Assessment includes:

* Legal, institutional and implementation situation assessment for 73 major EU environmental legal acts developed;
* Remaining gaps to fully transpose and implement EU environmental requirements identified;
* Actions to close identified gaps are being planned;
* Technical assistance needs to support approximation efforts of the Albanian administration preliminary identified and will be discussed with potential donors.

Implementation part of the SPA is based on screening questionnaires from some other country. When completed, SPA document will provide advice on potential answers to the questionnaire. In this way Albania shall be ready for filling in questionnaire as soon as it is received from the European Commission.

Status – ongoing. SPA documents planned to be completed by end of2019.

1. *Start preparing to negotiate transitional periods and adaptations*

Implementation of some of requirements is not realistic during short periods because of high costs and pressures on public and private financing, time-consuming establishment of required systems and change of behaviour. Transitional period (TP) – number of years allowed for implementation after Albania will become member of EU.

When transitional periods are negotiated, Albania will need to provide Directive Specific Implementation Plans (DSIPs), where request for longer implementation is justified. DSIPs usually include:

* Legal, institutional and implementation situation assessment;
* Description of main EU requirements for specific directive;
* Identification of legal, institutional and implementation gaps (comparing existing situation and EU requirements);
* Development of measures to close gaps;
* Assessment of costs of these measures;
* Proposing financing system;
* Development timetable for implementation of measures.

Such plans have to be developed for each directive for which transitional periods will be negotiated.

Currently there are 20 directives identified for potential transitional periods. DSIPs development process shall be organized in order to decide if TP are needed or directive can be implemented without the TP. If decided to request TP, then DSIP will become part of the Negotiating Position package (Negotiating Position and DSIPs will be approved by the Government before submission to the EU).

Overall demand for financing will be summarised in the Investment Financing Plan.

Status – identification of directives and planning of DSIPs development process is ongoing (annex 2).

1. *Target donors’ assistance to support Chapter 27 negotiations*

When preparing for negotiations, all aspects related to approximation and specific negotiations needs have to be considered. As gap assessment indicates, there is still substantial action required in all sub-chapters of Chapter 27. Speed of change does depend on number of issues, but also on success in mobilising technical assistance to support government’s action.

SPA process also includes assessment and identification of needs for technical assistance and summarising them into the Need Assessment Document (NAD) with more than 30 Project Fiches (PFs). Project fishes will have as a source of information for improved cooperation with donors for Chapter 27 approximation support.

Status – Summary list of proposed PFs is developed, agreed with MTE andpresented to donors community November 11, 2019. Project fishes have been finalised in December 2019, however they will be regularly further adjusted as situation develops.

1. *Plan actions and timetable for preparation*

In order to timely prepare for screening and negotiations, timebound action plan (Roadmap) which is followed by all institutions and persons responsible for directives and regulations has to be developed. MTE will develop action plan with timetable which will be presented and agreed in the IIWG27 meeting and then followed by institutions. MTE will ensure monitoring of implementation and revision of the plan when necessary.

Status – Roadmap, based on expected timetable has been developed and provided by MTE to the Ministry of Europe and Foreign Affairs (annex 3). Will need to be adjusted to changing deadlinesrevising activities as needed. New revision was done in March 2020 (annex 3).

1. *Achievemaximum approximation progress before the bilateral screening meeting*

Preliminary assessment indicates substantial gaps in transposition, institutional system and in implementation. If situation is not considerably improved during 2020, would be difficult to expect positive outcomes from the bilateral screening (expecting that the Screening Report proposes to open chapter for negotiations).

Based on identified gaps, actions have to be taken to achieve as big as possible progress in transposition and implementation. Focus could be on actions before the meeting including:

* To speed up adoption of legal acts where drafts are developed and in process. If required, prioritise transposition of framework directives;
* Develop transposition plans for all directives;
* Define competent authorities for all directives;
* Where progress is done, speed up finalization and adoption of sub-sectoral or directive/ regulation specific strategic documents;
* Achieve progress in implementation (where this is possible in short time);
* Aim to develop short implementation plans at least for most important directives;
* If time allows, combine legal, institutional, implementation plans into Action Plan for Chapter 27.

Status–ongoing. Planned legal acts for approval are included in NPEI which is revised each year

1. *Keeping stakeholders involved and informed*

Cooperation with stakeholders is one of key aspects for successful preparatory process. Several mechanisms are planned: including representatives of stakeholders into IIWG27, Sub-chapter Working Groups, special stakeholders’ meetings, making information available on the IIWG27 home page,Stakeholders involvement description will be provided in the Chapter 27 Communication Guidelines.

Status – Guidelines under preparation, expected beginning of 2020. Possibility to use SANE27 website starting June 2020as temporary IIWG27 home page.

1. *Mobilise additional institutional resources for coordination and approximation*

Current situation in coordination and sectoral units is not sustainable. A big load on small number of people can make expected progress unrealistic. Possibilities for increasing staff or reallocation of responsibilities mobilising more people for the approximation task shall be explored. Current assessment indicates lack of at least 15 positions.

In order to assess overall demand for strengthening of institutional capacities, Institutional Development Plan will be prepared.

Status–Development of Institutional Development Plan is foreseen in the project proposal submitted to Sida. The project is expected to start end of 2020.

# Annexes

1. List of Chapter 27 directives and regulations and allocation of responsibilities.
2. List of Directives for which transitional periods might be needed and preparation of Directive Specific Implementation Plans (DSIPs) and directives/regulations that might need adaptations.
3. Roadmap.

*Annex 1.*

List of Chapter 27 directives and regulations and allocation of responsibilities.

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

*Annex 2.*

List of Directives for which transitional periods might be needed and preparation of Directive Specific Implementation Plans (DSIPs) and directives/regulations that might need adaptations

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Title of the legal act | Responsible | How DSIP/ other required document will be developed | DSIP start - developed | Progress |
|  | *Transitional periods* |  |  |  |  |
| 1 | INSPIRE Directive 2007/2/EC | ASIG | ? |  |  |
| 2 | CAFE Directive 2008/50/EC (and 4th daughter directive 2004/107/) | MTE | Proposed to Sida[[7]](#footnote-7) | 2021-2022 |  |
| 3 | Sulphur Content Directive 2016/802/EC including amending Directive 2012/33/EC for Marine Fuels | MIE | ? |  |  |
| 4 | Directive 94/63/EC (VOC Petrol stage I) | MTE/ MIE | ? | 2021-2022 | Included in NAD - PF |
| 5 | Directive 2009/126/EC (VOC Petrol stage II) | MTE/ MIE | ? | 2021-2022 | Included in NAD - PF |
| 6 | NEC Directive 2016/2284/EU | MTE/ MIE | Proposed to Sida | 2021-2022 |  |
| 7 | Waste Framework Directive 2008/98/EC amended with Directive 2018/851 | MTE/ MIE | ? |  |  |
| 8 | Packaging and Packaging Waste Directive 94/62/EC amended with Directive 2018/852 | MTE/ MIE/ MSWH | ? |  |  |
| 9 | Landfill Directive 1999/31/EC amended with Directive 2018/850 | MTE/ MIE | ? |  |  |
| 10 | WEEE Directive 2012/19/EU amended with Directive 2018/849 | MTE/ MIE | ? |  |  |
| 11 | RoHS Directive 2011/65/EC | MTE/ MIE | ? |  |  |
| 12 | Waste Batteries Directive 2006/66/EC amended with Directive 2018/849 | MTE/ MIE/ MFE | ? |  |  |
| 13 | End-of Live Vehicle Directive 2000/53/EC | MTE/MIE | ? |  |  |
| 14 | Water Framework Directive 2000/60/EC | AWRM (AMBU) | ? |  |  |
| 15 | Marine Strategy Directive 2008/56/EC | AWRM (AMBU) | ? |  |  |
| 16 | Nitrates Directive 91/676/EEC | MARD | ? |  | Included in NAD - PF |
| 17 | Urban Waste Water Treatment Directive 91/271/EEC | MIE/ AKUM | Sida/ SANE draft proposal  GIZ - transposition | 2019 - 2022 | Draft project proposal send to Sida for approval and MIE for comments |
| 18 | Drinking Water Directive 98/83/EC | MHSA/ MIE/ AKUM | Sida/ SANE draft proposal | 2019 - 2022 | Draft project proposal send to Sida for approval and MIE for comments |
| 19 | Industrial Emissions Directive 2010/75/EU | MIE/ MTE/ NEA | Proposed to Sida | 2021-2022 |  |
| 20 | Directive 2003/87 EU Emissions Trading System (EU ETS)(Directive (EU) 2018/410 will replace) | MTE | Proposed to Sida | 2021-2022 |  |
|  | *Adaptation periods* |  |  |  |  |
| 21 | Biocidal Products Regulation (EU) No 528/2012 | MTE | KEMI/ Sida |  |  |
| 22 | REACH Regulation No 1907/2006 | MTE | KEMI/ Sida |  |  |
| 23 | CLP Regulation (EC) No 1272/2008 | MTE | KEMI/ Sida |  |  |
|  | *Geographic adaptations* |  |  |  |  |
| 24 | Wild Birds Directive 2009/147/EC | MTE/ NAPA | ? |  |  |
| 25 | Habitats Directive 92/43/EEC | MTE/ NAPA | ? |  |  |
|  | Investment Financing Plan | MTE | Proposed to Sida |  |  |

***List of Abbreviations***

|  |  |
| --- | --- |
| ASIG | State Authority for Geospatial Information |
| AKUM | National Water Supply and Sewerage Agency |
| AWRM (AMBU) | Agency for Water Resource Management |
| MFE | Ministry of Finance and Economy |
| MIE | Ministry of Infrastructure |
| MTE | Ministry of Tourism and Environment |
| MHSA | Ministry of Health and Social Affairs |
| NAPA | National Authority of Protected Areas |
| NEA | National Environment Agency |
| Sida | Swedish International Development Agency |

Annex 3.

Roadmap

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Action** | **Responsible** | **Responsible people** | **Deadline** |
| 1 | Prepare written answers and action plans to the bilateral screening questionnaire (BSQ).  *Deadlines in this document are based on expected usual developments as in previous enlargements (assumed Questionnaire to be sent in September 2020). If the schedule from the Commission will appear different, deadlines shall be adjusted*. | MTE  DICAA | Coordination DICAA  Air: Agalliu/V. Kola  Waste: Karalliu/Baduni  IPC: E. Shkurta (AKM) | January – December 2020 |
| 1.1 | Based on preparatory work done under SPA process, develop draft response to the Bilateral Screening Questionnaire (BSC) for the sub-chapters Air, Waste and Industrial Pollution and Control | Responsible persons under DICAA coordination  Responsible persons for each directive / regulation under coordination of Head of Sub-chapter Working Groups (WGs) | Air: R. Agalliu / V. Kola  Waste: L. Karalliu / R. Baduni  IPC: E. Shkurta (AKM)  Coordination: DICAA | January - March 2020 |
| 1.2 | Organise Sub-sectoral working groups meetings to review the answers – revised answers as per comments received by SANE27 | DICAA to coordinate  Heads of SWGs to coordinate with responsible persons per directive |  | April 2020 |
| 2 | Develop Action plans for each directive / regulation (template to be presented by SANE27) | DICAA to coordinate |  | May – July 2020 |
| 2.1 | Organise meetings (instruction) to present the process for preparation of the Action plans  - SANE27 to support with national and international experts | DICAA to coordinate  Responsible persons for each directive / regulation under coordination of Heads of SWGs |  | May – June 2020 |
| 2.2 | Prepare Action plans for each directive and regulation | Responsible persons for each directive with support of national and international experts engaged by SANE27  Heads of SWG to coordinate  DICAA overall coordination of the process |  | May – July 2020 |
| 2.3 | Agree on the answers and actions plans for sub-chapter Air, Waste and IPC by the IIWG27 members | DICAA to coordinate  Head of IIWG27 | V. Kola  R. Baduni  E. Shkurta | July 2020 |
| 3 | Based on preparatory work done under SPA process, develop draft response to the Bilateral Screening Questionnaire (BSC) for the sub-chapters: Horizontal legislation, Nature, Water, Noise, Chemicals, Climate Change and Civil Protection\*  \*to work on official questions in case received by EC | DICAA to coordinate  Responsible persons for each directive / regulation under coordination of Heads of SWGs | Add names of subchapter WG heads | September – December 2020 |
| 3.1 | Organise Sub-sectoral working groups meetings to review the answers – revised answers as per comments received by SANE27 | DICAA to coordinate  Responsible persons for each directive / regulation under coordination of Heads of SWGs | Same as 3. | October - November 2020 |
| 3.2 | Develop Action plans for each directive / regulation (template to be presented by SANE27) | DICAA to coordinate  Responsible persons for each directive with support of national and international experts engaged by SANE27  Heads of SWG to coordinate |  | November – December 2020 |
| 2.3 | Organise meetings (instructions) to present the process for preparation of the Action plans | DICAA to coordinate  Responsible persons for each directive / regulation under Head of SWGs |  | November 2020 |
| 2.4 | Prepare Action plans for each directive and regulation | Responsible persons for each directive with support of national and international experts engaged by SANE27 |  | November 2020 – March 2021 |
| 4 | Revision of the answers and actions plan following official BSQ for Air, Waste and IPC sub-chapter | DICAA to coordinate  Responsible persons for each directive / regulation under Head of SWGs coordination |  | January - March 2021 |
| 5 | Agree and approval of the answers and actions plans for Chapter 27 (all sub-chapters) by the IIWG27 members, prior sending to the European Commission | DICAA to coordinate  Head of IIWG27 | Elkida, Evisi  Deputy Minister Cuci | March - April 2021 |
| 6 | Prepare for the bilateral screening meeting in Brussels |  |  | January – April 2021 |
| 6.1 | Develop instructions for the presentations and time management | DICAA to coordinate,  SANE27 to provide instructions |  | January 2021 |
| 6.2 | Present and agree instructions with all Chapter 27 institutions | DICAA  IWG meeting  Head of IIWG27 |  | January 2021 |
| 6.3 | Develop presentations for the Bilateral meeting in Brussels | Responsible persons per directive under Heads of SWG coordination |  | February - March 2021 |
| 6.4 | Review presentations, provide comments if any | DICAA  SANE27 |  | February – March 2021 |
| 6.5 | Decide regarding delegation for Chapter 27 (necessary in order to appoint people for presentations) | Head of IIWG27  MTE |  | March 2021 |
| 6.6 | Organise simulation of bilateral meeting, making presentations and identifying potential questions Commission may ask for clarification | Head of IWG  DICAA MTE  SANE27 |  | March 2021 |
| 6.7 | Participate in the Bilateral Meeting in Brussels | DICAA to coordinate  Responsible persons to give presentation |  | April 2021 as indicative date (depends on EC) |
| 7 | Preparation of IPA III programming document for Window 3 – Environment and Climate Change |  |  | January – September 2020 |
| 7.1 | Preparation of IPA III document from part 1 – part 7 and Annex I and II | DICAA to coordinate  Responsible departments from MTE and other ministries / agencies |  | January – February 2020 |
| 7.2 | Revising the IPA III document as per comments received by MEFA TA project | DICAA  SANE27 to contribute with experts’ support |  | April 2020 |
| 7.3 | Preparation of IPA III document from part 8 and 9 and Annex III, and Action document for 2021 - 2022 | DICAA to coordinate  Responsible departments from MTE and other ministries / agencies |  | May – June 2020 |
| 7.4 | Public consultation of the draft IPA III document for Window 3 with stakeholders | DICAA to coordinate  Head of IIWG27  SANE27 |  | June – July 2020 |
| 7.5 | Revision of the IPA III document after public consultation | DICAA  SANE27 |  | July – September 2020 |
| 7.5 | Accepting - Finalising IPA III document by IIWG27 and submitting to Government for approval priori sending to European Commission | DICAA to coordinate  Head of IIWG27 |  | September 2020 |
| 8 | Revise NAD documents following action plans and IPA III development | DICAA to coordinate  Responsible persons  SANE |  | September – December 2020 |

1. Chapter 27 is included in cluster ***Green agenda and sustainable connectivity***together withfollowing chapters: 14 - Transport policy; 15 – Energy and 21 - Trans-European networks. [↑](#footnote-ref-1)
2. Usually questionnaire is sent in between of explanatory and bilateral meetings. Considering that explanatory meeting for Albania and North Macedonia already took place, it is difficult to exactly plan when the questionnaire may be received. But in any case not later than some 6 weeks before the bilateral meeting. [↑](#footnote-ref-2)
3. Montenegrin experience was that the DSIPs were submitted after the submitting of the Negotiating position and opening of the Chapter, while Serbian experience was that the DSIPs were submitted together with the Negotiating position. [↑](#footnote-ref-3)
4. It is important to clarify the role of secretariat of the IIWG and the coordinator of sub-chapter. Secretariat is the one that, in close cooperation with the Chief of the IIWG defines preparatory process “approach” and coordinate activities during preparatory period. The coordinators of sub-chapter, in line with the instruction received from the Secretariat, communicates and coordinates the members of sub-chapter WGs in order to obtain the necessaryinformation in line with the request defined by the Secretariat/Chief of the IIWG; [↑](#footnote-ref-4)
5. In order to ensure efficiency of the IIWG but to avoid that IIWG has hundreds of members (since that would lead to inefficient meetings), it is most efficient and effective to establish sub-chapter WGs. In that regard, coordinator of sub-chapter is focal point for specific sub-chapter within the Chapter 27, member of IIWG, but since one person can’t be responsible for all tasks within one area it is only logical to form a team – sub-chapter WG that will consist of all relevant stakeholders involved in implementation of legislation/policy in specific sub-chapter within Chapter 27 (persons/ institutions responsible for directives/ regulations within specific sub-chapter of Chapter 27). Some members of sub-chapters WGs can also be members of IIWGs. [↑](#footnote-ref-5)
6. This person is nominated by the relevant institution to be member of the IIWG and/or sub-chapter WG and in that regard receives tasks and requests for inputs from Secretariat of the IIWG/Chief of the IIWG and/or coordinator of sub-chapter WG. [↑](#footnote-ref-6)
7. These directives have been proposed by SANE27 to Sida as possible to be included in the new program for supporting MTE [↑](#footnote-ref-7)