

## Co-PLAN written contribution to 2014 EU Progress report – on Chapter 25 “Energy” and Chapter 27 “Environment and Climate Change”

### Chapter 15: Energy

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##### Energy efficiency

The Albanian Energy sector is mainly characterized by the dependence of the country to its water resources<sup>1</sup>, as 95% of domestic's generation relies on hydropower, by the actual limitation on oil and coal production, and by legal barriers such as incomplete market structures. Facing production issues and growing demand, the government has recently recognized that promoting greater energy efficiency and use of renewable energies should decrease the dependence on energy imports and brings more balance into the energy system.

In the frame of the Albanian National Strategy of Energy (ANSE), the government adopted the National Energy Efficiency Action Plan (NEEAP) for the period 2010-2018. The Action Plan sets a target to reduce EE by 9% until 2018, while primarily aims to align the Albanian legal system to the EU Acquis, and in particular with “the Directive 2006/32/EC of April, 5, 2006 on “energy efficiency end use and energy services”, the Directive 2002/91/EC on “Energy performance building”, and with the Directive 92/75/EC also named the “Energy Labeling Directive”.

Currently the Law on energy efficiency has still not been adopted. At last, the Ministry of Energy and Industry has shown its commitment to accelerate steps and efforts for its review and final approval. It may be wise to revise the actual draft, as to ensure its alignment with the latest EU directives. Together with this law, Ministry of Energy is going to prepare a new law on energy performance of buildings and a series of secondary legislation for facilitating the implementation of the main laws. The implementation of the future Law provisions should be guaranteed by a clear strategy and work plan, in particular building standards should be enforced, energy audits should be promoted and findings implemented.

Innovative financing should be promoted as well financial incentives, since the main question will remain “how to finance the concrete activities of EE, such as thermal building insulation”. Pilot projects, trainings, coaching and enhanced coordination should serve to implement concrete measures and demonstrate the benefits of Energy Efficiency.

Some recent progress has been made to implement the National Energy Efficiency Action Plan for 2010-2018. In the framework of the "Human Capacity Development" project, funded by GIZ - German Society for International Cooperation, 14 auditors have been trained in November, December 2012 in the area of Buildings Energy Efficiency. In addition, through the EU-financed Tempus project, new curricula and new VAT and master programs will be introduced soon for raising human capacities on energy efficiency issues.

##### Renewable energy

The Law on renewable energy is going to be reviewed again aiming at further alignment with the acquis. In addition the Ministry of Energy and Industry has expressed it committed to compile and adopt rapidly all the secondary legislation in support of the main law.

<sup>1</sup> World Bank Report on Albania's Energy Sector: Vulnerable to Climate Change  
<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/0,,contentMDK:22717197~pagePK:146736~piPK:146830~theSitePK:258599,00.html>

## Chapter 27: Environment and climate change

### **Horizontal legislation:**

There is no substantial progress in the field of horizontal legislation. The law on *Strategic Environmental Assessment* started to be implemented as part of the preparation of the Detailed Local Plans, in compliance with the Law no. 10119 (23.04.2009) "On Territorial Planning". In January 2014, the new law on environmental permitting entered in force, laying down the rules for permitting for different categories (Type A, Type B, And Type C) of operation for certain activities, which pollute the environment in Albania. The actual procedures applied with respect to the Environmental Impact Assessment (EIA) and Environmental Permitting are not in line with the newly adopted legislation and therefore not in line with the *Acquis communautaire*.

Two Decisions of Council of Ministers (DCM), specifically on public consultation procedures and an "On Defining Specific Requirements, Conditions and Rules for Processing and Transfer of Environmental Permits" have yet to be approved. The DCM together with the law on environmental permits of 2011, fully transpose the EU Directives 2008/1/KE "on integrated prevention and control of pollution". A major concern in this regard, is the enforcement of environmental permitting by the responsible authorities. Strengthening of capacities is however required to ensure the full implementation of new rules and procedures.

However despite the improvement of legal framework, the non-implementation of the environmental legislation continues to constitute a major problem in Albania. The Environmental impact assessments are not systematically carried out or more probably, are not properly carried out. Therefore, even if the legal framework is complete and functional, the quality of assessment and reports is lagging behind. In addition, public access to information and participation in decision-making are still not properly ensured.

### **Waste management:**

Legislation on waste management was further improved, although this legal framework designates no decent institutional mechanisms ensuring their implementation. In the frame of the completion of secondary legal framework, after the approval of specific DCM "On the landfills of waste" and "On the incineration of waste" in 2012, there are a list of important DCM ("On Waste Transfer Notes", "On Hazardous Waste Consignment Notes", "On the waste segregation at source", "On Waste Statistics", etc.), and Ministry Orders (On Formats for Reports on Landfill of Waste", On Formats for Reports on Incineration of Waste") waiting for review and final approval.

Despite the completion of the legal framework with specific legislation on different currents of waste, their implementation remains weak since the legal framework offers no institutional mechanisms ensuring its implementation.

Planning framework is under completion where new waste areas management plans earlier prepared in Tirana, Elbasan, were followed by waste area plans in Lezha, Shkodra, Diber, Fier and Gjirokastra. Until now no waste area plan is officially approved yet by the authorities at regional level. In addition there are a series of local waste management plans developed and approved at local levels.

However despite many improvements in the legal and planning framework, few improvements are achieved on the ground, while accomplishment of objectives seems far away. There is an ongoing concern of having a considerable gap between short term objectives (reference of 2005) and the current state of waste management in Albania. This may require a review process and discussion between all stakeholders and probably adoption of short term targets, which better reflecting the reality and targeting more achievable progress.

Municipalities have very weak capacities (building and financial capacities as well as lack of instruments and appropriate infrastructure to manage their waste) to manage waste, including at the end destination. They lack the financial means for covering such a process and should rely more in politics of Public-Private-Partnership. Up to now there is no substantial progress in that perspective.

Waste management remains a serious cause of concern in Albania. Most of the waste is still disposed of unsafely in legal and illegal dumpsites or burned. To date, only two sanitary landfills complying with EU standards exist. The construction of one landfill in Korça and another one in Saranda is under way, while a new landfill is under designed in the region of Vlora. Separation of

waste at source has not officially started with few exceptions occurring informally and recycling rates are very low. There are still no facilities for hazardous, medical and construction waste, and no clear procedure for the management and control of landfills. New investments in the area of waste should focus more on waste separation and recycling. Since the adoption of changes of the existing law on waste management, from 2013, the import of waste is not anymore allowed, requiring more focus on waste generated internally. However, recycling companies are somewhat skeptic as they still ask to import raw materials to improve the amount of recycling materials collected internally.

A new National Committee on Waste Management is established, comprising involving ministries and led by the ministry of Environment. Its goal is enhancing cooperation between national stakeholders at national level for ensuring implementation of strategy on waste sector.

#### **Air quality:**

The new law on air quality and implementing legislation on air quality assessment and requirements on certain related pollutants is being discussed among in line ministries but has not yet been adopted. An amendment to the Law on national taxes adopted in April 2013, which reduces taxes on used cars, remains and is not in line with the *acquis* on environmental protection. The air quality monitoring program has not seen any improvements. The maintenance of the air quality stations remains problematic.

#### **Water quality:**

Clear definition of institutions competencies involved in water resources management, improvement of inter institutional coordination, further legislation approximation and implementation enforcement, drafting management plans for all river basins in compliance with EU Water Directive 2000/60/EC and EU Flooding Directive 2007/60/EC, and establishment of the electronic cadastre for water resources; drafting National Strategy of Integrated Water Management; and establishment of environmental quality norms for surface water resources in compliance with EU Directive, are some of the immediate steps to be accomplished within a short and mid - term period in water sector management.

In support of the implementation of the law "On integrated water management" (Approved in 2012/2012), major efforts are required from MoE finalizing and enabling approval of secondary legislation, precisely DCM "On Water Priority Substances", DCM "On River Basin Management Plans", DCM "On Urban Waste Water Treatment", DCM "On Water Environmental Quality Norms" etc.

#### **Institutional capacities for the water sector:**

Some of the immediate steps to be accomplished within a short and mid - term period in water sector management are: the clear definition of institutions competencies involved in water resources management, improvement of inter institutional coordination, further legislation approximation and implementation enforcement, drafting management plans for all river basins in compliance with EU Water Directive 2000/60/EC and EU Flooding Directive 2007/60/EC, and establishment of the electronic cadastre for water resources; drafting National Strategy of Integrated Water Management; and the establishment of environmental quality norms for surface water resources in compliance with EU Directive.

Taking into account the latest development, as the preparation of Management Plan of Mati River Basin is a completed process, it should be followed by the followings:

- Approval of measures planned for its implementation;
- Establishment of a electronic database;
- GIS data gathering and maps;
- Capacity building of local actors responsible and trainings to improve water sector data reporting for the European Environmental Agency.

The monitoring process of permits for exploitation of river basin and their inert materials should be improved, followed by information and awareness session with local authorities, CSOs, groups of interest for protection and conservation of quality and quantity of water resources.

According to the ISES (2013-2020), riverbeds rehabilitation should be 60% (by 2015) compared to the situation in 2011, and 90% (by 2020). Furthermore, monitoring of legislation implementation and routine controls to ensure good administration and protection of water resources, quality of

groundwater resources; enforcement of law implementation to protect environment from activities that damage and pollute water resources, and the one that exploit river basins should continue at regular basis.

Also collaboration and meetings with neighbor countries for common exploitation of cross-border water resources according to environmental standards should follow a continual improvement approach.

During the last decade, management of water resources had undergone several changing development reforms. Still the institutional framework for management of water resources is fragmented and needs further improvements as the followings:

The Ministry of Environment should:

- Finalize and adopt the national strategy for integrated management of water resources;
- Implement the following components of the Mati River Basin Pilot Management Plan, as development of specific quality objectives for all water body types, economic analysis of water pollution and water management, stakeholders' involvement, public participation and awareness;
- Adopt a special regulation, which defines and describes the procedures for drafting, reviewing and approving river basin management plans;
- Develop river basin management plans for all river basins.

The National Water Council should:

- Improve capacity river basin councils and river basin agencies to enable them to enforce legal and regulatory procedures, and ensure a sustainable management of water resources;

Strengthen river basin agencies' responsibilities, especially in terms of coordination of local sectors, and establish them as recognized partners in water resources management at the local level.

### **Nature protection:**

In the field of *nature protection*, the proportion of protected territory was increased by 0.17% to reach 16%. However, the protection of those areas still needs to be guaranteed. National Strategy for Sustainable Forest Management is still missing. National inventory of forest is one of the main tasks that the Ministry of Environment has taken responsibility to develop in the following year. A reinvestment program for rehabilitation of forest areas with national value as Lura, Qafshtama, is still missing.

The parliament adopted a moratorium on hunting of birds and mammals but its implementation remains weak. Furthermore its implementation would demand monitoring efforts, reform on structures responsible for fauna protection and game management and intensive education efforts. The current reformation of forestry staff has produced instability and lack of control of illegal activities in forests, pastures and wildlife.

As regards *administrative capacity* in the environment sector, the number of staff in the National Environmental Agency and the State Environmental Inspectorate was again subject of reform producing thus instability. The Environment Ministry's capacity for programming and implementation remains weak. Local authorities have scarce financial and administrative resources to develop the required infrastructure and services.

### **Climate change:**

The need for dialogue is desperately necessary in the field of environmental protection and particularly for the adaptation towards Climate Change effects and mitigation measures for reducing our own GHG footprint. This process has been supported by the recent approval of important pieces of horizontal legislation including the Law on Environmental Protection, Law on Environmental Impact Assessment, Law on Environmental Permitting and the Law on Strategic Environmental Assessment. Albania should take mitigation commitments consistent with those of the EU and its Member States for the purpose of the post-2020 climate agreement. Still a comprehensive country-wide climate policy and strategy is lacking. Significant efforts are still required to enhance the country's monitoring, reporting and verification capacity.



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Albania participated regularly in the climate component of the Regional Environmental Network for Accession (RENA) and ultimately with Environment and Climate Regional Accession Network (ECREAN). Climate awareness at all levels remains low and cooperation between all relevant stakeholders requires further strengthening.

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