

REGIONAL THEMATIC REPORT

Country Specific Report

Written Contribution for the 2019 Annual Report

Under the Env.Net Project:

“Environmental Network factoring the environmental portfolio for Western Balkans and Turkey in the EU Policy Agenda”

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Scope: Regional Country Specific Report on Circular Economy is an annually publication of the network which Introduce and explore the topic of circular economy in the Western Balkan + Turkey region.

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Regional Thematic Report Country Specific Report

Written Contribution for the 2019 Annual Report



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01 | INTRODUCTION

The regional report assessment is prepared on behalf of the project “ENV.Net Factoring the Environmental Portfolio for Western Balkan and Turkey in the EU Policy Agenda” and is based upon the contribution of the specific country report. The main focus of the report is the monitoring of the transposition and implementation of the EU acquis, within the environmental status, legislation, and circular economy spectre, in the national legal framework that each country has progressed. The purpose of country-specific thematic report is to identify issues, raise awareness and provide the findings to policy-making actors.

02 | ALBANIA

Chapter 27 – Screening Preparatory Assessment Report

2.1 Introduction

Chapter 27, Environment and Climate Change, represents the EU policy with the focus on how to preserve the environment and hinder climate change based on the principles, but not limited to polluter-pays, policy assimilation in national legal acts, environmental protection through sustainable usage and raising public awareness. Environmental acquis contains 10 sub-chapters by covering over 200 legal acts in total, grouped into 73, which require intensive commitment and investment from the country aspiring to negotiate on EU accession policy.

- Horizontal legislation – 7 directives and 1 recommendation;
- Air Quality – 5 directives;
- Waste management – 10 directives, 2 regulations, and 1 recommendation;
- Water quality – 10 directives;
- Nature Protection – 4 directives and 6 regulations;
- Industrial pollution control – 4 directives and 2 regulations;
- Chemicals – 2 directives and 6 regulations;
- Noise – 1 directive;
- Climate change – 5 directives and 5 regulations.
- Civil Protection

Based on the conclusions given in the Screening Preparatory Assessment Report (SPA), in support of the program Supporting Albanian Negotiations in Environment, Chapter 27 (SANE27), and shadow reporting from the perspective of the Civil Society Organisation well experienced with environmental issues, this assessment report intends to give an overview of the progress that national institutions have made to transposing and implementing the EU framework, on Chapter 27, into the existing national legislation and challenges ahead the path; each sub-chapter evaluation is disseminated into 3 essential areas, which are, respectively:

- the level of transposition and implementation – describes, in short, the overall transposition and implementation stage of the specific sub-chapter as well as the progress of component directives and regulation;

- administrative capacity – pronounces, in short, the institutional setup, the level of expertise to implement the legal acts, tools and financial resources at hand;
- the outcome of the present implementation status – highlights the main causes of the present implementation level and related consequences on human health and environment.

The SPA Report has not elaborated the 10th sub-chapter, Civil Protection, as it does not belong to the Ministry of Tourism and Environment and subordinate agencies. It is categorized as the legal act to be dealt by the Ministry of Internal Affairs.

2.2 Horizontal Legislation

2.2.1 Level of transposition and implementation



The Horizontal sub-chapter is summarized in 7 directives and 1 regulation; the level of transposition in Albanian legislation is partially completed (75% of its provisions), while the implementation process is mostly at an advanced level. Only 2 of the directives have not yet been implemented, although the adaptation stand of the provision is high, specifically the one on Environmental Liability and Environmental Crime.



2.2.2 Administrative capacity

Generally speaking, the administrative set up of the responsible institutions need further improvement of capacity building and financial resources for full implementation. In some cases, institutional reform and division of primary responsibilities are required for there are several agencies involved in performing the same directive. The implementation progress of Horizontal Legislation is further hindered due to the fact that most of the human resources are concentrated in the central administration, leaving very little capacities for major and minor local municipalities to operate in

1. According to SANE27 Report, the level of transposition is categorised as: "Fully transposed/ Advanced/ Partially/ Initial stage/ Not transposed. When transposed more than 70 % of articles indicate as - Advanced, when less than 20 % - Initial stage and less than 10 % - Not transposed

alignment with the European legislation; the same situation applies for regional environmental agencies and inspectorates which have limited resources to exert their territorial activity.

Furthermore, the continuous restructuring of administration due to political influences have led to the destabilization of the institutional setup and bewilderment of competencies; the most recent case of the institutional changes is the transfer of Inspectorate of Environmental Protection competencies from the Ministry of Tourism and Environment (MTE) to the Ministry of Internal Affairs (MIA). As a result, the issue of several environmental permissions are being divided among several institutions; for instance, the competent authority for issuing the permit to practice acoustic pollution (environmental permission type C) from businesses remains still vague for at the moment there is a conflictual institutional clash between MTE and Municipality of Tirana, with the latter claiming that the rights to grant the permits passes to the municipality.²

2.2.3 Outcome of the present implementation status

The directive of the Strategic Environmental Assessment (SEA) Protocol (on the assessment of certain plans and programmes impacting the environment) is fully approached in the Albanian legislation and so is the implementation process. However, even after being fully transposed, there are several cases that need to be addressed such as the poor quality of the data provided in the SEA report, complexity between the SEA process and other regulations, and the unspecified timeline for public consultation.

The Recommendation for Minimum Criteria for Environmental Inspections (RMCEI), at the moment, is moderately transposed and implemented for most of its procedures are already foreseen in national environmental legislation. Although, Albania has made several steps forward to implement the directive by taking part and embracing a number of regional projects.

Both directives, Access to Information and Public Participation and Access to Justice are harmonized in full in Albanian legislation for it provides strong legal basis and well-established institutions to push forward the implementation phase, which currently is at an advanced level. However, there is still needed to strengthen the capacity building, human and financial resources, specifically at local governmental institutions. Also, the publications on official websites of local institutions regarding the progress of environmental initiatives need to be more frequent and accessible to the public. On the central level, several online portals have been created which give access to the public and provide coordination information for public participation.

Environmental Liability Directive, which defines the principle of polluter-pays, is at a preliminary phase of transposition in the national legislation; as a consequence, the implementation has not begun yet. The main issues related to the adaptation of this directive include the lack of appropriate expertise, licensed authorities to evaluate the environmental damages and financial provisions to approach external consultants and cover damages when it is not done by polluters. As a result, due to the lack of law enforcement, the operators accountable for environmental losses have become

2. <https://shqiptarja.com/lajm/debati-per-lejet-mjedisore-klosi-i-pergjigjet-veliajt-shkeljet-do-ti-kalojne-rendit>

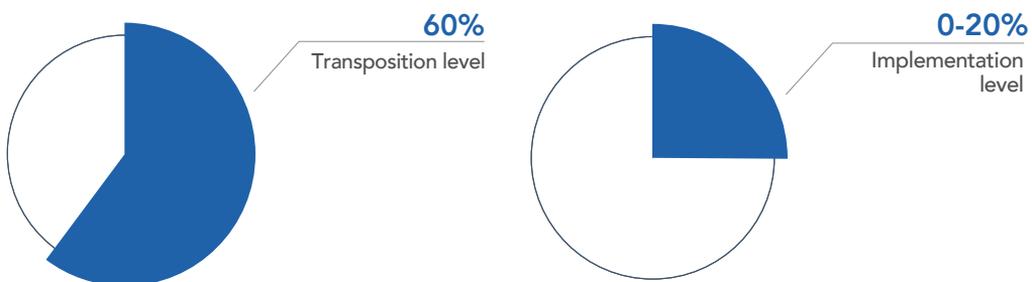
less responsible for the damages they cause; let alone accepting the related cost for environmental recovery.

INSPIRE directive is almost fully transposed with only some articles remained still; the implementation process is yet at an early stage. The responsible agency, State Authority for Geospatial Information has been established which provides network services in agreement with Commission Regulation (EC) No 976/2009; the main inconsistency remains the partial noncompliance of existing data profile with the INSPIRE standards.

Directive on Environmental Crime is partially approached in Albanian legislation due to legal complexity for including it within the Criminal Code and approval from the parliament members. However, environmental crime is treated and punished in accordance with the Criminal Code. Unfortunately, little has been done to enforce the law given the fact that water resources pollution, environmental damage, and wildfire caused by human activities are persistent for many years already.

The Environmental Impact Assessment (EIA) directive has reached an advanced phase of transposition and implementation in the state legal framework. The EIA assessment serves as the mechanism to evaluate the impact of a certain project it has on the environment and socio-economic consequences. However, in Albania there is still ambiguity about the scale of specific projects that need to undergo EIA procedure and the time required to deliver the assessment also due to the complexity of the directive itself and potential inconsistencies with other directives concerning the environment. As a result, when the EIA requirements are bypassed due to bureaucratic procedures as well as public participation, this can lead to social discontent fearing the environmental damage. In this regard, the most vulnerable sector include the construction of hydropower plants and civil works in environmentally protected areas.³ On the other hand, long processing time by delaying the project start work might lead in turn to increased project cost.

The overall % of the transposition and implementation level of the Horizontal Legislation in the national legal framework



2.3 Air quality



2.3.1 Level of transposition and implementation

Albania has shown commitment to meet the air quality standards by adaptation and implementation of the EU Directive 2008/50/EC into the national legislation but not limited to other directives and related regulations. As such, in 2014 the government drafted the National Air Quality Strategy (NAQS), which have set the ground rules to achieve the objectives of air quality and increase the air pollution issues awareness among local governmental units all over the country.⁴ However, the implementation of NAQS has not found place and MIE has failed to report on the progress of this regulation in national level; the lack of approval of air quality national action plan has left the municipalities without local action plan which could set the regulations for controlling the air pollution.⁵ As a result, the compliance process has not been met in full in addition to several administrative constraints, which will be elaborated in the next paragraph.

The EU acquis on air quality includes 5 directives where the transposition level in the Albanian legislation is completed for about 67% of its package. Considering separately, 3 out of 5 directives are fully transposed while the rest (NEC and Sulphur Content) stands at an early stage. Regarding the implementation phase, regardless of the differences between the transposition level, all directives are currently at a preliminary phase. The deadline given for the full implementation process varies between directives, with the latest in December 2026.

2.3.2 Administrative capacity

The implementation of this sub-chapter is mainly entrusted to the Ministry of Transport and Environment, although there is still a discrepancy of allocation of competencies between the institutions for the 3 directives. Specifically, directive on Stage II VOCs Petrol (Volatile Organic Compounds) and Sulphur Content are temporarily assigned to one of the directories of MTE, however, there is still to be clarified whether the collaborative directory of the Ministry of Infrastructure and Energy (MIE) should take the leading role for they are accountable for the fuel quality standards. Once this matter is settled, there are still concerns about the insufficiency of the institutional setup, expertise capacities and availability of resources and logistics capability to perform the assigned tasks.

The National Environmental Agency (NEA), as the competent authority, is allocated only 3% of the national budget to carry on periodical measurements and monitoring of air qualities in largely populated areas and align its program with EU framework.⁶ Due to the limited financial resources, NEA has not generated the Environmental Status Reports in 2018, which reflects the lack of certified data for monitoring the parameters of outdoor air quality for the last 3 years at local and national level. Also, the agency lacks the register that reveals the monitoring data of polluted gases emission from any of the industrial activity lines. Other deficiencies related to monitoring adequately the air quality include the lack of local action plans for maintaining the air quality

3. European Commission (2019)

4. Decision of Council of Ministers (DCM), nr. 594, 2014

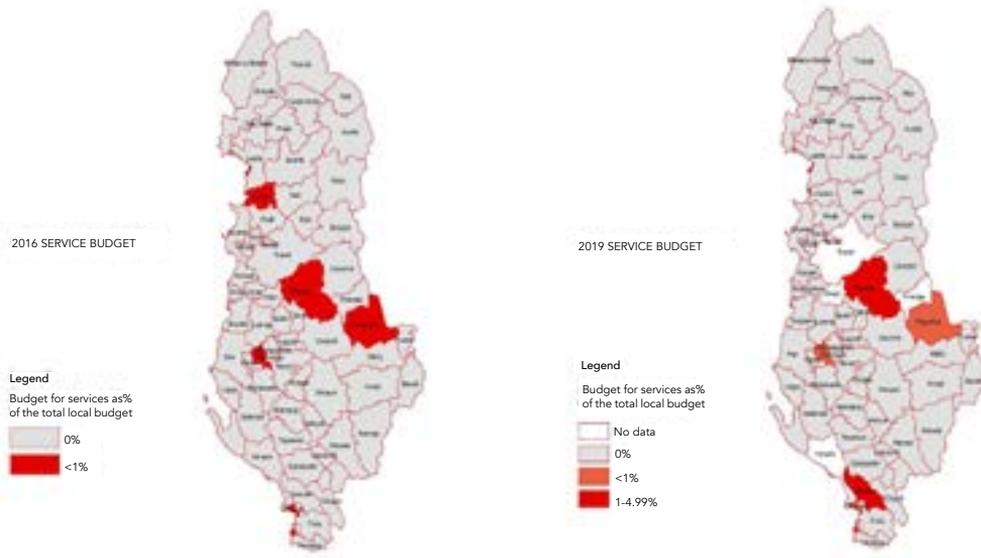
5. Eurosaï (2019)

parameters within the EU standards and the generation of maps indicating pollution sources and concentrations in urban areas.⁷

As it stands, the limited capacity of network monitoring stations restricts the overall assessment of the air quality parameters. For instance, some of the most polluted cities, such as Fier, are not covered by monitoring stations, where the air pollution parameters have surpassed the ceiling values based on historical values. In addition, most of the city suburbs and rural areas are not covered by the current network stations.⁸

The following fig.1 shows the map of local territorial governance in Albania and insignificant amount of financial resources dedicated to environment protection. The map shows the amount of money spent from each municipality, as % of their budget as it is indicated by the color legend, for the protection of environment from pollution by including 3 parameters, air quality, water quality and land quality. The values are analysed for the period 2016-2017 and 2019; the data show the insignificant amount of money that municipalities have allocated for services related to environmental protection. The highest value distributed in 2016 and 2017 are 0.7% and 2.9% of the total budget, respectively. Regarding the period 2018-2019, the budget has hardly changed at all, with only 0.1%.⁹

Figure 1. The local budget allocated for services towards environmental protection, 2016-2019



6. UNECE (2018)

7. Co-Plan (2019)

8. UNECE (2018)

9. "Financat Vendore për Shërbimet Mjedisore në Shqipëri, 2016-2019" (2018)

<http://www.uri.org.al/web/wp-content/uploads/2018/01/Raporti-Final-Financat-Vendore-p%C3%ABr-Sh%C3%ABrbimet-Mjedisore-2018.pdf>

2.3.3 Outcome of the present implementation status

Considering that air quality is heavily influenced by the emission of burning fuels and 5 key air pollutants, it is vital to advance the implementation process of this EU legal act, which stands at an initial stage, in order to protect the human health and environment from negative impact.

NEC directive, focused on the reduction of the national emission of certain atmospheric pollutants, aims to decrease the emission of 5 main air pollutants that cause harm to human health and the environment. The initial phase of implementation makes it difficult for the government to set the pollution upper limit values, due to the lack of emission inventory system, and further to fulfill the commitments for reducing the number of air pollutants by half until 2030, compared with 2005. The present implementation state has hindered the establishment of National Air Pollution Control Programs, which will monitor the progress of the implementation process in alignment with the EU's Air Quality Directive.

Volatile Organic Compounds (VOCs) Petrol directive is fully transposed in the country's legislation, however, the implementation phase is still at a very preliminary phase due to a number of reasons, just to mention a few, the weak institutional structure and limited supporting instruments, insufficiency of technical capacity and financial resources. As a result, there are no techniques to reduce and control the losses of petrol from storage and transportation facilities, which makes it almost impossible to estimate the harm caused to the environment. The number of petrol transporting mobile containers is not maintained in a system, which undermines the liability of transporting certificates for dangerous goods and prevention of loss during loading and unloading of petrol. As it stands, the location sites of petrol storages and transportation terminals have been identified, although MTE has still to define and publish an inventory of areas that need protection from building VOCs petrol.

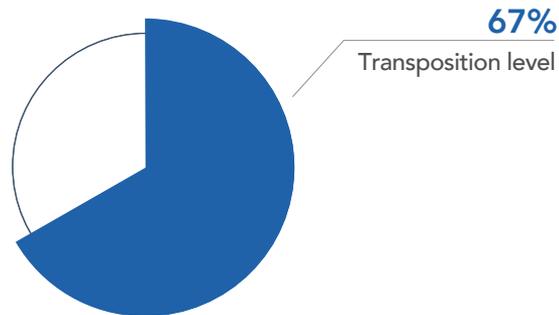
Sulphur content directive is both transposed and implemented at an initial level. The poor implementation does not allow for regularly testing and controlling the quality standards of the marine fuel. In addition, there is a lack of screening system, which checks the logbooks of ships and apply enforcement guideline, by introducing fines to operators running against the regulations.

Stage II VOCs Petrol, although it is transposed in full, still remains at the preliminary stage of implementation. As such, there is no inventory whether the existing petrol stations, be it new or refurbished, meet the requirements of this directive concerning the petrol recovery system. In addition, for introducing more efficient and fair penalties to the operators not complying with the regulations, further technical support must be provided to the State Inspectorate for Environment, Forestry, Water and Tourism (SIEFWT) or State Technical and Industrial Institute (STII) staff. Under this circumstance, it is difficult to measure and control the amount of vapour released in the atmosphere from the fuelling of vehicles at petrol stations. The full implementation is expected to take place by 2026.

Regarding the ambient air quality and cleaner air for Europe (AAQ) directive, most of it is transposed within the country legislation but there is still much to do to make it more effective on the ground, considering its importance to improve the air quality. The flows within institutional setup, be it building capacity and effective measurable resources, has created obstacles to properly monitor the air quality and reducing pollution either through 'green-mode' solutions or improving the current road

infrastructure; fuel exhaustion from cars are the main pollutants of the environment and mostly risking the wellbeing of inhabitants. It is immediate to establish a real-time monitoring system which is accessible to the public in order to raise public awareness towards avoiding the most polluted areas and time intervals.

The overall % of the transposition level of the Air Quality in the national legal framework



2.4 Water quality

2.4.1 Level of transposition and implementation

The water quality legal act is comprised of 10 directives and its transposition is partially completed, reaching only 39% of its provisions. There are only 2 directives that are transposed at an advanced level, while for another three the transposition has not started yet. The implementation level is at a preliminary phase, due to both the low level of transposition and staff capacity of the institution in charge of the execution of the legal act.

2.4.2 Administrative capacity

The institutional set up is in place, but strengthening is required. Given that water quality directive requires an intensive assessment of the quality parameters, staff training, accredited equipment, and laboratories are needed to carry on the responsibilities laid down. Financial resources are scarce compared to the demands needed to fulfill most of the articles described in the water quality legal act, refer to fig.1.

2.4.3 Outcome of the present implementation status

The directive on Water Framework is transposed and implemented partially. The 6 river basins in Albania are already recognized, though the characteristic digital data attributed to each basin is still lacking. Bilateral agreements between neighbouring countries are in place, but there is a need for capacity building within responsible institutions as new obligations are incorporated into the water framework. Regarding the register of protected areas, it has already been built but it still lacks the monitoring tools which makes it difficult to identify the present state of areas under protection. Also, the environmental human impact assessment regulation and program of measures are not in action due to the pending approval from DCM.

Urban wastewater treatment directive is partially transposed, while the implementation has reached an advanced stage. The sewer system service is largely provided to



urban areas, while in rural zones this service is poor and needs further development. In addition, the establishing of inventory of agglomerations related to the directive is partially completed as it is yet to be drafted a list of them and classify each individual size. Also, the program for technical and financial assessment as well as setting the regulation for pre-treatment of industrial discharges are still to be established; as a consequence, the groundwater and coastal water pollution from industrial waste have become vulnerable and evident in a number of cases.

Nitrates directive transposition is at an early stage as well as the implementation phase. Currently, the identification of waters that are more vulnerable to nitrate pollution is not implemented yet, and nor is the monitoring and preventing program for the nitrates entering water bodies. Also, the missing regulations on the limit for use of fertilizers have not been established yet, as a result, the nitrate pollution entering fresh and groundwater from agricultural practices is unknown; this issue is aggravated due to the lack of inspection programs and regulation reinforcement system.

Drinking water directive is transposed in full, with the implementation process reaching an advanced level. The identification of private providers of drinking water, setting quality standards and monitoring system has already been implemented.

Bathing water directive is transposed in full, while the implementation progress varies within the directive. The identification, quality assessment, and classification of bathing water are fully implemented, while the directive for bathing water profile, bacterial risk measures, public information and accreditation of laboratory networks are still at an early phase.

Groundwater directive is not transposed, although there is already a draft on the development and implementation of the national water strategy which needs further updating. On the other hand, the implementation process is at the primary stage. The groundwater monitoring program is set and the upper limit of chemical content is determined based on EU certification standards. However, measures for the prevention of non-hazardous substances entering groundwater are at the initial phase. The register of exemptions is already established but it needs regular upgrading.

The assessment and management of flood risks directive are poorly transposed and the implementation progress is at initial stage. The identification of flood types impacting the climatic region has not been completed yet. The preliminary risk assessment requirements and mapping are partially implemented, specifically for the Drin-Buna river basin; however, to assess the flood risk in a broader picture it is necessary to complete the assessment for the rest of the river basins. The national plans for risk management do not exist for it is the responsibility of the regional river basin councils to create their own. To make the Flood Risk Management Cycle more effective, the development process must be carried out in the cyclic order as described within the directive. In addition, public awareness has not been applied in full, which raises concerns about the readiness of the population to prepare and adapt to flood risks.

Marine strategy framework directive is neither transposed nor implemented. As a result, the legislation for the preservation of the marine environment, biodiversity, and natural resources are vulnerable to unsustainable use and disturbance from human activities.

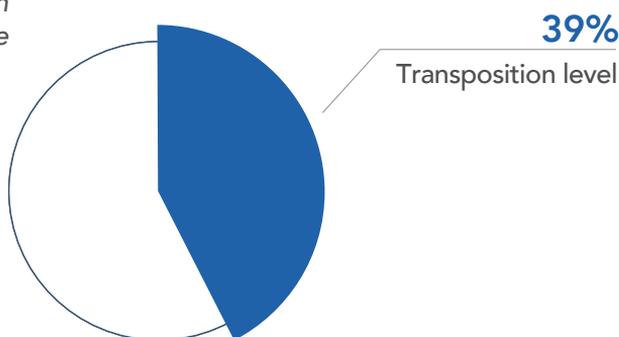
The directive on “Environmental quality standards in the field of water policy” is partially transposed and implemented. This implies that the application of EQS and

analysis for specific substances in biota and sediments are not fulfilled. The designated institutions to carry on the tasks are still to be clarified and the monitoring system is partially established and it requires further upgrading. Consequently, it is difficult to take effective measures against the pollution of the water surface by identifying the pollutant sources and tackle the effluence processes.

Quality Assurance/Quality Control directive is at the initial stage with regards to transposition and implementation. Currently, in practice, it does not exist any recognized program for monitoring the water chemical content or minimum methodology criteria for carrying out water quality analysis, sediment and biota because of the large amount of money required for the investment of establishing water treatment plants.

Currently, in Albania there are 12 water treatments plants, where only 4 of them are accredited for operation from the Albanian Water Regulatory Authority. The ones in Korça and Pogradec are fully operational, while the other 2 in Durres and Velipoje run at partial capacity. The rest of the plants are either experiencing technical problems or do not meet the required standards to be licensed. The investment cost for setting up the water treatment plants in Korça and Pogradec has reached the value 8.5Mln EUR and 2.5Mln EUR respectively; due to the large investment capacity, most of the funding has been provided by the German based Credit Institute for Reconstruction (KfW) and the rest from the public financial resources.¹⁰

The overall % of the transposition level of the Water Quality in the national legal framework



2.5 Waste management

2.5.1 Level of transposition and implementation



Waste management legal act is regarded as one of the most delicate ones, which needs to be treated thoroughly due to its extensive range of waste resources and products as well as its direct impact on human health and the environment. Said that this legal act comprises 10 directives, 2 recommendations, and 1 regulation. On average, only about 60% of the total provisions are adopted in the Albanian legislation, where the transposition levels between the directives and regulations differ widely. The most transposed directives are the Sewage Sludge and PCB/PCT, while the least ones include RoHS (recast) and Ship Recycle. Regardless of the transposition level, all the directives and recommendations are either at the initial stage or not implemented, except the directive on Mining Waste which is in advance level of its implementation.

10. "Financat Vendore për Shërbimet Mjedisore në Shqipëri, 2016-2019" (2018)

2.5.2 Administrative capacity

The poor level of transposition and implementation comes mainly as a result of the lack of solid staff structure, capacity building, and resources (financial and equipment). In some cases, there is still unclarified coordination between institutions (central or local) and agencies, which are in charge of implementing the EU directives. There are several institutions, which have either appointed one person for addressing a certain directive or have not identified one yet; also the limited information about the directives' obligations is not clear for representatives of municipalities and relevant experts. As such, the implementation process is undermined and further delayed to meet the fulfillment deadlines.

2.5.3 Outcome of the present implementation status

Sewage sludge directive nonfulfillment, due to the above-mentioned reasons, has created inconvenience with regards to its monitoring, reduction, and usage due to the lack of advanced treatment. The treatment facilities are not well established; thus the release of untreated sludge in the ground and urban wastewater is not measured and controlled. As a result, the usage of sludge in soils for agricultural purposes is not regulated, which in turn causes contamination of soils when the limit values are surpassed. Unfortunately, there is still not a recording and analysis system that would keep track of the amount and acceptable organic values of the sludge to be considered appropriate for usage.

The transposition of Packaging directive is in advance level for it has already been incorporated in the Waste Management Plan, but its implementation stands at an initial phase. The partial fulfillment of the directive and development of legislation has hampered the creation of a waste management plan and packaging waste recording system in most of the municipalities. Currently, the sustainable waste treatment facilities and approach of waste separation at source is still narrowly established, where most of the wastes are dumped in landfills; the latter is considered as the least favorable approach in the waste management pyramid. Also, there is a lack of transparency between the number of wastes that collecting companies report to municipalities, which makes it difficult to identify and treat wastes hazardous to human health and the environment.

The directive on the disposal of polychlorinated biphenyls (PCB) and polychlorinated terphenyls (PCT) has reached an advance stage of transposition, whether the implementation is still at an initial stage. Although the responsible institution has been identified, the setup of the program for identification and proper disposal of PCB containing materials is not implemented. The operators have not self-declared to the National Environment Agency (NEA) the number of products that contain PCB, which makes it difficult to establish an inventory of such products. The absence of a monitoring system for analysing the origin and appropriate disposal of PCB products by competent authorities leaves gaps in assessing the risks that post-treatment of PCB products has on human health and the environment.

The transposition of directive on Landfill is at an advanced level, however, the implementation needs more effort to progress furthermore. Unfortunately, the number of landfills and dumpsites is considerably large, about 200, where most of them are illegal. Even though, the minimum level of standards in landfills, be it illegal or licensed, for preserving and treating the waste are not met. There is no assessment

of the pollution caused to the environment and agricultural land in the vicinity as well as underground water from the leakage of waste released gases from decomposition and treatment by compression.

End-of-life vehicles (ELVs) directive transposition is in advanced level, whereas implementation is at the initial phase even though minor improvement has been made. As in previous cases, the separation scheme of waste streams concerning the end of life vehicles is still to be implemented, which is partly influenced by the lack of awareness of the end-users for the risks that it has on the environment. There are no liable data over the amount of the wastes collected for the private companies engaged for the collection end of life vehicles wastes do not make their data transparent to the authorities. Also, the General Custom Directory does not possess a system in order to identify the hazardous spare parts of vehicles that enter the country borders, which increases the chances of monitoring and controlling the environmental pollution from these wastes.

Mining waste directive is partially transposed due to the insufficiency of experts to put forward the implementation process, which is currently at an advanced level. Due to the insufficiency of financial resources, it has been impossible to recover the existing and abandoned dump sites, which threaten the protection of the environment. Although penalties have been introduced to the non-compliant operators for properly closing the dumpsite, the government still fails to use money resources due to bureaucratic procedures and ineffective managing system. Also, the waste management guidelines imposed to operators for the treatment of abandoned sites are not established yet. The public participation and awareness in the decision-making process of mining waste activities are still at low levels.

Batteries directive has progressed at an advanced level, while the implementation is at an initial phase. Therefore, the database for monitoring waste resources of batteries and accumulators and the treatment process is still to be established at a local level. The low implementation level has also impacted the schemes of sorting the batteries and accumulators at source for recycling and treatment, mainly due to the lack of separate sorting infrastructure. Also, the monitoring and controlling of waste resources have become a hard task for the authorities given that the waste collection operators do not declare regularly to the authorities about the amount of this particular waste. On the other hand, the public is not well informed about the dangers that the collective disposal of batteries has on the environment.

Waste framework is partially transposed with the implementation process standing at an early stage. This has come due to the overall poor management strategy of wastes, to begin with, little attention given to sustainable waste management in alignment to waste hierarchy, lack of incentives to promote separate waste treatment among companies and raising public awareness as well as unstable institutional structure and insufficiency of experts at all levels. Unfortunately, most of the financial capacities are invested in landfills and building incinerators. As a result, the disposal of wastes in landfills and burning them in the incinerators have put the human health and environment at great risk. The low rates of waste recycling have had very little contribution to the reduction of waste products and environmental protection.

RoHS directive, aiming at the restriction of the use of certain hazardous substances in electrical and electronic equipment, has been neither transposed nor implemented. As result, the identification of responsible authorities has not been implemented yet; in turn, the Albanian legislation does not have any regulation on limiting the use of

dangerous components in electrical and electronic devices and introducing penalties for putting in the market such products.

Waste electrical and electronic equipment (WEEE) directive transposition is partially developed and the implementation phase is at an initial stage, which reflects the lack of know-how institutional structure within the authorities in charge. Separate waste collection infrastructure and financial resources have yet to be developed, which in turn pose concerns to meet the EU directive goals for separate collection and treatment of WEEE. Additionally, the missing of the Extended Producer Responsibility (EPR) system creates voids to oblige producers to comply with the EU directive. At the local level, there is still to be decided the sites for treatment and recycle of WEEE. As in previous cases, the companies do not declare the amount of WEEE collected, which makes it difficult to build up a system for monitoring and promoting the recycling of this stream of waste. The latter comes also due to the lack of public information on the risks that WEEE has on the environment.

RMCEI recommendation is partially approximated and the implementation level stands at an initial phase. The lack of capacities within the institutions is one of the reasons for poor implementation of the recommendation. As a result, the environmental inspection is rarely performed, let alone the full establishment of administrative capacities and the environmental inspection plan.

Ship recycling regulation is neither transposed nor implemented since Albania has not ratified the Hong Kong Convention. As a result, there is no legal base to be adopted into Albanian legislation as ship recycling is left out of the framework "On integrated waste management". Given that ship recycling is an activity that does not exist in Albania, the lack of licensed companies for ship recycling and appropriate infrastructure does not provide the full conditions to make this regulation implementable.

Shipment of waste regulation is partially transposed and so is the implementation phase, since the framework on "Integrated Waste Management" does not cover regulation on shipment of waste. Although the EU regulation is not implemented, MTE, through Inspectorate, yet applies its practices based on regulations foreseen in existing laws; based on these regulations, the shipment operators report periodically to the authorities. However, the database that controls the waste shipment in/out of Albania is still to be improved and custom institutions lack the capacity and logistics to monitor the waste content. Under such conditions, further measures must be taken to monitor and stop illegal shipment via increasing know-how institutional setup and enforcement of the law for uncompliant operators.

2.6 Nature protection

2.6.1 *Level of transposition and implementation*

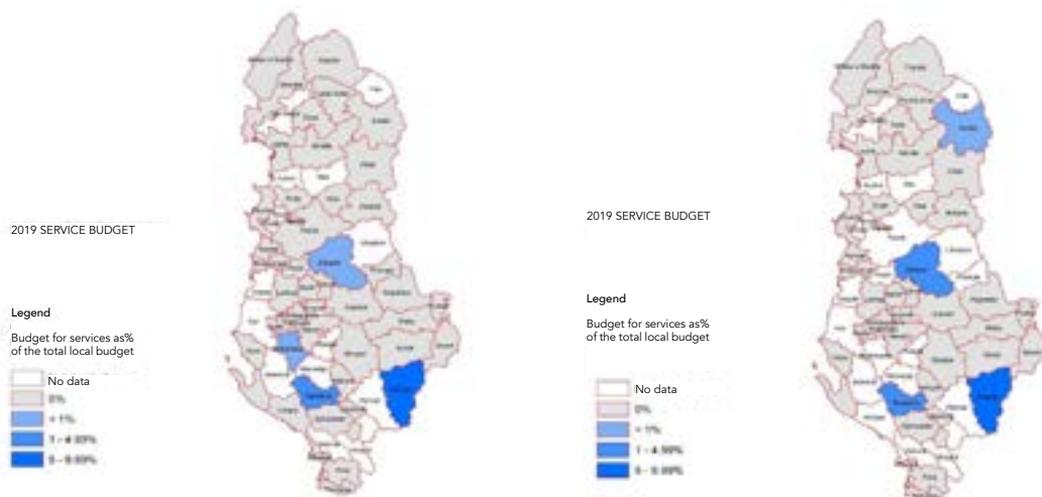


The nature protection sub-chapter consists of 4 directives and 6 regulations, which in overall count only for 33% of the transposition process. The least transposed regulations are the ones on Legholds traps, ABS, Seal products, and Skins; as a consequence, these regulations are the ones that are at a very early stage of implementation or not implemented at all.

2.6.2 Administrative capacity

In common, with a few exceptions, the designated competent authorities have been identified for the adaptation and implementation of the directives and regulations. However, the main issues lay down to the limited institutional capacity, as the institutional set up requires further strengthening, and financial resources to ensure the appropriate fulfillment of the nature protection sub-chapter. To illustrate, the following map, fig.2, shows the fraction (in %) of the total budget that each municipality has dedicated to measures for the administration of forest and pasture for the period 2016-2017 and 2018-2019. In the first period, the largest amount of the total budget spent was 1.5% in 2016, while in 2017 it decreased slightly down to 1.3%. In the 2nd period, the analysis shows that there has been no significant change for in 2018 and 2019 the expenditures allocated to nature protection constituted only 1.4% of the total budget.¹¹

Figure 2. The local budget allocated for services towards preservation of forest and biodiversity, 2016-2019



2.6.3 Outcome of the present implementation status

Habitat directive on the conservation of natural habitats and wild fauna and flora is transposed at an advanced level, while the implementation phase stands at a moderate stage. The competent authorities have been already identified, however, despite many institutions and agencies engaged to implement and enforce the regulations, there is still a lack of staff and resources to cover the entire protected areas in the country. Also, due to the insufficiency of effective monitoring systems and enforcement of preservation measures, several protected habitats have deteriorated as private businesses have settled in and run their activities in noncompliance to the regulations. In turn, this has disturbed the indigenous flora and fauna. Besides law enforcement, raising public awareness and education are some of the practices to engage the community to protect the specially protected areas and wild flora and fauna.

11. "Financat Vendore për Shërbimet Mjedisore në Shqipëri, 2016-2019" (2018)

The Zoo directive is partially adopted into the Zoo legislation but implementation remains at a low level. The current zoo infrastructure and the required space for protecting and maintaining the wildlife are in poor condition and minimalistic; in turn, this has led to the ill-treatment of animals, reduction in number, and weakening the health of the captured ones. Furthermore, the situation has worsened both due to deficiency in staff expertise and the present legal conflict between MTE and Municipality of Tirana over the zoo management. The designated authorities for inspection and issuing zoo permits in compliance with this directive have not been decided yet.

The conservation of wild birds' directive is partially approximated and implemented. Endangered species are partially identified although there is not a complete evaluation of bird population species and migratory population. The list of endangered wild habitats and safeguard protection networks are still not designated, which put wild birds and their habitats in open to harmful human activities. The lack of conservation measures and weak enforcement of the hunting moratorium law, which is valid until 2021, the preservation of massive and unselected hunting of birds (and other animals) remains still an issue in Albania.

ABS regulation is partially transposed in the draft proposal for changes in the biodiversity legal act, while the implementation progress is at an initial phase yet. As such, currently, several measures are not established, to begin with, the lack of inventory of biological diversity resources, undetermined designed authorities, and insufficiency of know-how institutional set-up able to monitor and control user compliance to EU standards.

The regulation on the protection of species of wild fauna and flora by trade regulation is transposed partially, once Albania ratified CITES convention back in 2003. Although decision-making authorities are in place, the scientific and custom authorities are still to be clarified. The implementation phase is at an advanced stage, however, there are several issues to be addressed such as initiating inspection campaigns, raising public awareness and increasing capacity building at customary points.

Skin directive is neither transposed nor implemented, as a result, none of its articles has been fulfilled with regards to the control of imported seal pups skin for commercial purposes. The same goes for the regulation on Trade in Seal Products, which is neither transposed nor implemented. Given that Albania has no ground on marketing seal products and explicit legislation, the implementation process is mainly attributed to the Directory of Customs (DC).

The leghold traps regulation is not transposed yet, therefore the implementation has not taken place yet. However, the hunting ban legal act covers also the prohibition of hunting wild animals through leghold. Given that the law is partially enforced, leghold hunting remains an issue especially in the regions that are out of sight from authorities. The regulations on prohibiting the trade of timber (EUTR) and importing it (FLEGT) are moderately adopted in Albanian legislation for timber trade banning, and forest and the forestry service, respectively. The institutional set up is scarce with human resources and requires capacity strengthening in order to support properly the implementation strategy; only at MTE, there are only a few people in disposal supervising the forestry department. Although there are protection mechanisms against timber trading, it still fails to comply in full to EU directive. The enforcement law and punishment against unlicensed timber trading are weak as quite often happens that trucks loaded with wood trunks transport them freely in the market mainly for construction purposes.



2.7 Industrial pollution control

2.7.1 *Level of transposition and implementation*

The allocation of competencies between the responsible authorities for the execution of the EU legal acts has influenced the progress of transposition and implementation of this sub-chapter into the Albanian legislation. This sub-chapter consists of 4 directives and 2 regulations, where the overall transposition level in Albanian legislation is completed partially, about 30% of its provisions; the implementation degree varies within the legal act, where the majority is either initially or not implemented. Only the IED directive has reached an advanced level of implementation. The closing date for full implementation of the directives and regulations is not set, except the directive on IED, which is to be completed by 2020.

2.7.2 *Administrative capacity*

The Ministry of Tourism and Environment is mainly holding responsible for the advanced process in the national legal framework. As it appears the competencies between institutions are clear for IED directive and 2 regulations, while for the other 3 directives the competencies are determined among authorities but it still remains vague the role that each institution plays to perform the components of the EU legal act.

Most of the issues identified so far include the insufficiency of expert human resources; even in cases when the institutional set up is in place, it still requires capacity building for ensuring that each legal act is treated appropriately. In some cases, the coordination between institutions, missing management plans and standardization of reporting methodology delay the implementation progress. The regulation and strengthening of existing sub-legal acts is a necessity to define the function of each institution and agency in charge of putting forward the EU directives.

2.7.3 *Outcome of the present implementation status*

The implementation of the directive on Medium Combustion Plants (MCP) is still underdeveloped; to begin with, the designated authority has to be assigned yet. The partial implementation has led to uncertainties about the accuracy and transparency of information that the monitoring system receives about the new openings of MCP and emission data from private monitoring laboratories and NEA. This comes due to the lack of qualified personnel and up to date accreditation of laboratories owned by the National Environment Agency (NEA) and the Institute of Public Health (IPH).

Industrial Emission Directive (IED) is partially adopted in national legislation and the implementation process is at an advanced stage. The incomplete state of transposition has left gaps in identifying installations and activities consuming organic solvents and determine the threshold limit of emission capacity; therefore, the reporting system and database of emissions are not put in place yet. The losing track of the number of installations that produce and release titanium biocides comes also as a consequence of partial transposition of the directive.

The low transposition level of the Seveso III directive (on the control of major-accident hazards involving dangerous substances) makes the implementation process difficult to progress. The gap in the legal base has created difficulties to define the competent authorities, who will be responsible for drafting safety reports, laws and effective

systems on controlling hazardous accidents involving dangerous chemicals. On the other hand, the operators have no legal guidance on applying accident protection policy and issuing safety reports. In addition, there is not foreseen any legal action which would allow the competent authorities to take information from operators, investigate possible major-accidents and take measures against operators.

VOCs Paints directive is implemented at a low level, though it is fully transposed in the Albanian legal act. Identifying accountable authorities has yet to be decided. Due to poor implementation, the environmental permission criteria is still unclear, since the limit values and labeling specifics on using VOCs are to be determined. The lack of implementation has led to confusion between NEA and Technical and Industrial State Institution (TISI) setting up the monitoring program and issuing reports.

The implementation of Eco-label regulation is at an early stage; however, the authorities carrying on the tasks are well established. The revision of the EU legal act on Eco-label and deciding the preconditions for the labeling demands for more progressive steps. Also, there must be more effort to control the usage of Eco-label on products.

The eco-management and audit scheme (EMAS) regulation is partially transposed but still has not been implemented. There is no clear vision about which authority will be key to implement the regulation. As a result, there are no established accredited institutions that can manage the system for registering and maintaining the database with organizations that take part in a community eco-management and audit scheme. Also, there is no assistance to be offered to organizations that seek legal information about environmental protection policy related to their activity.

2.8 Chemicals



2.8.1 *Level of transposition and implementation*

The chemicals sub-chapter is composed of 2 directives and 6 regulations, which makes the transposition level vary from one to another; overall, the transposition of chemical sub-chapter is achieved partially, scoring only 33% of its provisions. The implementation process depends on the level of transposition; as such, there is only one directive which is in an advanced stage of implementation, while the other is not implemented at all for the transposition has not taken place yet. Almost all the regulations and directives miss the set date when the implementation must be applied in full.

2.8.2 *Administrative capacity*

The leading institution assigned to implement the chemicals EU legal act is mainly MTE and its subordinate agencies. Other responsible institutions include the Ministry of Agriculture and Rural Development (MARD) and the Ministry of Health and Social Affairs (MHSA). Given the wide distribution of authorities that will implement the legal act, for most of the directives and regulations, there is still confusion about the competencies allocation between agencies and directorates. With this regard, it is necessary to clarify the position and responsibilities of each institution and strengthen the capacity building both by increasing and training the personnel in order to ensure appropriate application of the legal acts.

2.8.3 Outcome of the present implementation status

The implementation of EU directives on chemicals remains at the initial stage, which leaves gaps in regulating the usage of chemicals present in the market for various purposes by posing a potential risk to human health and the environment. The missing implementation of biocides regulation hampers the identification of substances used in biocidal products, limits the control of usage and unification of biocide standards in compliance with EU directives.

Regarding the usage of asbestos, Albania is rich with materials containing asbestos inherited from the past regime, which can be found mainly in construction works; also, asbestos is present in waste materials generated from demolition or construction constituents. Thus, the limited enforcement of the regulation prevents the reduction and mature disposal of asbestos products, while preserving human health and the environment. Considering the implementation of the directive on the protection of animals used for scientific purposes, Albania does not exercise any activity of this kind which is supported also by the lack of national legal act.

Although mercury pollution is not widespread within the country, excluding a part of Vlorë bay seawater, which has a high concentration of mercury due to the previous operation of PVC-plant located nearby, poor transposition/implementation status of the EU legal act leaves space for unregulated trade of mercury-related products, storage, and waste management. Therefore, mercury pollution might harm human health and the environment on a larger scale than what is previously identified.

The legal act on Persistent Organic Pollutants (POPs) is in an advanced stage of transposition but implementation remains yet at an initial stage. Considering that pollution hotspots from persistent organic pollutants vary from agricultural areas to landfills and industrial sites, improving the implementation level is crucial to control the storage conditions, preserve the usage and production of chemicals and substances, under Stockholm Convention on Persistent Organic Pollutants, which are later released in the market.

The Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH) legal act is at the initial stage of implementation, where only 20% of its provisions are transposed in the national legislation. Given that the designation of competent authority such as Chemicals Office is at an early stage, the process of setting effective inspection, recording the chemical products, be it domestic or imported, in the Electronic Chemical register and raising public awareness about dangerous chemicals, might not result effectively. The chemical office is also involved in carrying out the regulations described in the EU regulation for classification, labeling, and packaging of substances and mixtures; as mentioned earlier in the REACH legal act, the lack of its establishment has created obstacles to put forward the implementation of CLP regulation.

Although Chemical Office contributes to the implementation of EU regulation related to export and import of hazardous chemicals, the latter is the only legal act that is fully transposed and implemented in Albania; it shows that the flow of hazardous substances is performed under EU regulations while preserving human health and environment.

2.9 Noise



2.9.1 Level of transposition and implementation

The Noise sub-chapter is summarized in 1 directive only; the transposition status within the Albanian legislation is at an advanced level, reaching up to 86% of its provisions, where 33 out of all 43 articles are already transposed. However, according to the Screening Preparatory Assessment (SPA) report, the implementation level remains at an initial stage for a number of reasons such as the lack of progress in drafting the National Noise Management Plan, absence of local government strategy or budget for implementation at a local level as well as mapping the noise distribution for specific areas. Unfortunately, there is not a set date for implementing the directive in full.

2.9.2 Administrative capacity

The formation of institutional capacity to carry on the directive appropriately is still under the way, as it requires the rise and strengthening of institutional structures and provides funding resources for facilities and technology.

2.9.3 Outcome of the present implementation status

Although the level of transposition is high, the initial stage of implementation does not fulfill the aim of the legal act. As such, the reality shows that noise pollution remains an issue in urban areas, which is difficult to be regulated within the acceptable norms due to insufficient monitoring equipment and technology. Additionally, the intellectual capacity is still limited and needs further enhancement of building expertise. Another contributing factor is the lack of financial funds that the local governments need to implement the regulations accordingly. There are not enough resources to map different noise scale footprints for specific areas, which makes it hard for responsible institutions to take measures for monitoring and managing noise levels. Given that other authorities are impacted by noise legal acts, such as Public Health Institute, shortage of adequate infrastructure and personnel does not enable the proper evaluation of the damage that high levels of noise have on human health.

2.10 Climate change



2.10.1 Level of transposition and implementation

The climate change sub-chapter includes 4 directives, 5 regulations, and 1 decision; the overall transposition level is relatively low, about 13% of its provisions. Most of them are either at the initial phase of transposition or not transposed at all with the exception of Fluorinated Gases regulation which is at an advanced level. The same can be said for the implementation process, which is either at an early phase or not implemented.

2.10.2 Administrative capacity

The entering of new directives in Albanian legislation requires not only commitment from the designated authorities to transpose and implement the legal framework in full but also needs strengthening of existing institutional set up through building capacity and provision of financial and technical assistance.

2.10.3 Outcome of the present implementation status

Fuel quality directive is partially transposed and so is the implementation phase due to the lack of a proper national legal framework which foresees the adaptation of this directive. As a result, the responsible institution has yet to be decided, though it is considered that MTE will take the leading role, in cooperation with MIE. Currently, Albanian institutions do not have a register of the total amount of consumed fuel or a monitoring system of evaluation of fuel quality aligning with EU standards and data storage. Under such circumstances, taking measures towards reducing the emission of gases in the air has become a difficult task, which has led to high levels of pollution from fuel combustion.

Fuel economy and CO₂ emission directive and the regulation on Light Commercial Vehicles are not transposed, while the implementation process is at initial stage. Currently, there is no national law that matches this directive/regulation and neither is a competent team established to draft the law. Although the database on registering new vehicles is functional, it is not applicable for the recording of CO₂ emission due to the lack of both technical and human capacities.

The directive on CO₂ geological storage is neither transposed nor implemented; as a result, none of the objectives foreseen in this directive has been adapted into Albanian legislation, since CO₂ geological storage is not considered yet a priority measure to climate change mitigation.

The effort sharing regulation decision has not been transposed and implemented yet. Although, there is some progress made towards taking measures for the reduction of greenhouse gas emission measures, which have been included in the national policy for Energy, Climate Change and Environmental.

The emission trading system (ETS) for the greenhouse gases (GHG) directive is partially transposed, where monitoring and reporting of GHG emissions are marked as the first steps towards full transposition of the directive. As a result, the implementation process has not begun yet, although the competent institutions are allocated. There are records of industries and their respective GHG emissions that meet ETS criteria.

Monitoring mechanism regulation for monitoring the improvements concerning the reduction of GHG emissions is partially transposed, while the implementation process remains at zero points. However, there is some progress made, which includes the ratification of a number of conventions such as UNFCCC and Kyoto Protocol. Also, there are programs, which inform the public about policies and strategies applied to mitigate climate change in Albania. The draft "On monitoring and reporting on GHGs and other climate issues at the national level" approaches the most to the EU reporting standards, but it has still to be approved by the DCM.

The New Passenger Cars regulation is not transposed and the implementation phase is at an early phase; there is a gap within the country legislation for the regulation to be transposed and until now there is not any working group set up for filling the legislative voids. The competent authorities are yet to be decided, although it is expected that the lead institution will be MTE, followed by MIE.

The transposition of Fluorinated Gases regulation is at an advanced level and implementation is at an initial point. The designated institutions for carrying out the regulation are already identified, however, they lack the capacity and training bodies; in turn, the inspection for preventing the emission of fluorinated gases has not taken place yet.

The regulation on substances that deplete the ozone layer is partially transposed and the implementation process is at an early phase. In January 2019, in the context of taking measures against climate change, Albania rectified the Kigali Amendment to the Montreal Protocol, which aims to reduce the generation of greenhouse gases contributing to the depletion of Ozone layer, particularly Hydrofluorocarbons (HFC). The latter is mainly used for the functioning of house utilities (refrigerator, air conditioning, heating system, etc.)

Further, the qualification and licensing of the individuals and entrepreneurs are necessary in order to standardize the reporting and inspection protocols in alignment with EU regulations, including here leak inspections and prevention of marketing the controlled substances to unlicensed companies. Given the current situation, the prevention of released controlled substances in the air is purely dependent on the operator's commitment to comply with EU standards.

2.11 The screening table

The following table summarizes the competent authority, the leading Ministries (along with subordinate agencies, and other relevant institutions), which are responsible for carrying out the implementation of the EU policy in the national legislation, and the progress of transposition and implementation expressed in %. The table will be followed by the glossary of abbreviations.

Title of EU legal act	Competent authority	Level of transposition (%)	Level of implementation
Horizontal Legislation (MTE)			
2011/92/EU EIA	MTE (NEA, REA)	82	Advanced stage
2001/42/EC SEA	MTE (NEA, REA)	100	Advanced stage
2003/4/EC Access to Information	MTE (NEA, NAPA, Regional & Local Authorities)	100	Advanced stage
2003/35/EC Public Participation	MTE (NCRI, NEA, NAIS, Central & local Govern.)	100	Advanced stage
2004/35/EC Environmental Liability	MTE (NEA, MFE)	28	Not implemented
2007/2/EC INSPIRE	SAGI (Local authorities)	92	Initial stage
2001/331/EC RMCEI	MTE (SIEFWT)	62	Partly implemented
2008/99/EC Environmental Crime	MTE (State Police, Albanian School of Magistrates)	65	Not implemented
Air Quality (MTE)			
E 2008/50/EC AAQ	MTE (NEA, SIEFWT)	96	Initial stage
2016/2284/EC NEC	MTE (NEA, SIEFWT)	20	Initial stage/not implemented
2016/802/EC Sulphur Content	MIE (STII, MTE, NEA)	18	Initial stage
94/63/EC VOCs petrol	MTE (NEA, REA, SIEFWT)	100	Initial stage/not implemented
2009/126/EC Stage II VOCs petrol	MTE (SIEF)	100	N/A
Waste Management (MTE)			
E 2008/98/EC Waste Framework	MTE (MIE, MFE)	34	Initial stage

86/278/EEC Sewage Sludge	MARD (NEA, SIEFWT, MIE)	100	Initial stage
2006/66/EC Batteries	MTE (NEA, SIEFWT, SCT II)	82	Initial stage
94/62/EC Packaging	MTE (NEA, RED, SIEFWT)	81	Initial stage
96/59/EC PCB/PCT	MTE (NEA, SIEF, MIE)	87	Initial stage
2000/53/ EC ELVs	MTE/MIE (NEA, SIEFWT)	74	Initial stage
2011/65/EU RoHS (recast)	MTE (NEA, SIEFWT)	3	Not implemented
2012/19/EU WEEE	MTE (NEA, SIEFWT)	38	Initial stage
1999/31/EC Landfill	MTE (MIE, NAWSSWI, NEA)	81	Initial stage
EC/1013/2006 Shipment of Waste	MTE	12	Initial stage
2006/21/EC Mining Waste	MTE (MIE, NANR, AGS)	45	Advanced stage
2001/331/EC Minimum Criteria for Environmental Inspections	MTE (SIEFWT, NEA, NAPA Municipal Police)	62	Partly implemented
1257/2013/EU Ship Recycle	MTE (MIE)	1	Not implemented

Water Quality (AMBU)

2000/60/EC Water Framework	NAWBM, NWC, River Basin Council, River Basin Local Off.	41	Initial stage
91/271/EEC UWWT	MIE (NAWSSWI, IPH, ENA)	66	Advanced stage
2008/56/EC Marine Strategy	NAWRM (CM, NWC, MTE, NEA, SEI)	0	Not implemented
98/83/EC Drinking Water	MIE (NAWSSWI, IPH, ENA)	100	Advanced stage
91/676/EEC Nitrates	MARDWA (AMWR, NEA)	15	Initial stage
2006/7/EC Bathing Water	MHSP (IPH, AMWR, MTE, MIE, NEA)	100	Implemented/ initial stage
2006/118/EC Groundwater	AGS (NEA, AWRM)	0	Initial stage
2008/105/EC Quality Assurance/Quality Standards for Water	MTE (NEA, NAWBM, MARD, NCW)	37	Partly implemented
2009/90/EC Quality Assurance/Quality Control	MTE (NEA, NAWBM, MARD, NCW)	20	Initial stage
2007/60/EC Floods	NAWBM (PM, RBC, RBO, River Basin Local Off., NWC)	10	Initial stage

Nature Protection (MTE)

2009/147/EC Wild Birds	MTE(NAPA, SIEFWT, NEA)	65	Initial stage
92/43/EEC Habitats	MTE (NAPA, NEA, SIFE)	86	Initial stage
1999/22/EC Zoo	MTE (NEA, SIEFWT, DVI)	50	Initial stage
3254/91/EEC Leghold Traps	MTE (SIEF, NAPA)	6	Not implemented
EC/338/97 CITES	MTE (SIEFWA, GDC)	56	Advanced stage
2173/2005 EC FLEGT	MTE (NAPA, NEA, SIFEWA, Local Municipal)	36	Not implemented
EU 995/2010 EUTR	MTE (NAPA, NEA, SIFEWA)	31	Initial stage
EC511/2014 ABS Regulation	MTE (NARTI)	0	Initial stage
EC1007/2009 Seal Products	MTE (GDC)	0	Not implemented
83/129/EEC Skins	MTE (GDC)	0	Not implemented

Industrial Pollution Control (MTE)

2010/75/EU IED	MTE (NEA, MIE)	70 (Partially)	Advanced stage
2012/18/EU Seveso III	MTE (MHSP, MARDWA, MD, MIE)	9	Initial stage
2004/42/EC VOCs Paints	MTE (MIE, NEA)	100	Initial stage

EC/66/2010 Eco-label	MTE (MFE, MHSP, SCIE)	41	Initial stage
EC/1221/2009 EMAS, 2001/832/EU EMAS Global	MTE (MFE)	26	Not implemented
EU/2015/2193 Medium Combustion Plants	MTE (MIE, STII, NEA, SIEF)	21	Initial stage
Chemicals (MTE)			
2010/63/EU Welfare of Experimental Animals	MARDWA	20	Not implemented
87/217/EEC Asbestos	MTE (MIE)	10	Initial stage
528/2012/EU Biocides	MHSP (IPH)	9	Initial stage
EC/850/2004 POPs	MTE (MIE, MFE, MARDWA, MHSP, MD)	58	Initial stage
EC/649/2012 PIC Regulation	MTE (MARDWA, MHSP)	96	Implemented
EC/1907/2006 REACH	MTE (NEA, MHSP,	20	Initial stage
EC/1272/2008 CLP	MTE (MIE, MARDWA, NEA)	41	Initial stage
EU/2017/852 Mercury	MTE (MIE, MHSP)	10	Initial stage
Noise (MTE)			
D 2002/49/EC Environmental Noise	MTE / MH (IPH, NAE, SIEFWT)	86	initial stage/poor implementation
Climate Change (MTE)			
Regulation 525/2013 Monitoring Mechanism	MTE (NEA, NAPA, MIE, MARDWA, MHSP, MFE, MD)	0	Not implemented
2003/87/EC EU Emissions Trading System (EU ETS)	MTE (MIE)	0	Not implemented
406/2009/EC Effort Sharing Decision	MIE (MTE, MARDWA)	0	Not implemented
1005/2009/EC Ozone Depleting Substances	MTE (NOU, SIE, MES, NEA)	23	Initial stage
Directive 2009/31 EC Carbon Capture and Storage	MTE (MEI, MHSP)	0	Not implemented
Regulation EU 517/2014 Fluorinated Gases	MTE (NEA)	79	Initial stage
98/70/EC Fuel Quality	MIE/NANR/MTE/NEA	29	Initial stage
Directive 1999/94/EC CO2 Emissions from Cars and Vans	MTE/NANR/NEA/MIE/STI	15.6	Not implemented
Regulation (EC) 443/2009 New Passenger Cars	MIE/MTE	0	Initial stage
Regulation (EU) 510/2011 Light Commercial Vehicles	MIE/MTE	0	Initial stage

The list of abbreviations:

ACA	Albanian Customs Administration
AGS	Albanian Geological Survey
AMWR	Agency for Management of Water Resources
ATTC	Agricultural Technology Transfer Center
DVI	Directorate of Veterinary Inspection
IPH	Institute of Public Health
MARDWA	Ministry of Agriculture, Rural Development, and Water Administration
MD	Ministry of Defense

MFE	Ministry of Finance and Economy
MHSP	Ministry of Health and Social Protection
MIE	Ministry of Infrastructure and Energy
MTE	Ministry of Transport and Environment
NAIS	National Agency for Information Society
NANR	National Agency for Natural Resources
NAPA	National Agency for Protected Area
NARTI	National Agency for Research, Technology, and Innovation
NAWSSWI	National Agency for Water Supply, Sanitation, and Waste Infrastructure
NCRI	National Commissioner for the Right of Information
NEA	National Environmental Agency
NOU	National Ozone Unit
NWC	National Water Council
REA	Regional Environmental Agency
RBO	River Basin Office
SAGI	State Authority for Geospatial Information
SCIE	State Commission for the Issue of Ecolabel
SIE	State Inspectorate for Environment
SIEFWT	State Inspectorate for Environment, Forestry, Water and Tourism
STII	State Technical and Industrial Inspectorate

03 | BOSNIA AND HERZEGOVINA

Waste Management in Bosnia and Herzegovina

3.1 Introduction

The European Commission provided the Opinion on Bosnia and Herzegovina's application for membership of the European Union, in May 2019. As part of a questionnaire and its follow-up questions, Bosnia and Herzegovina received 3897 questions covering all EU policies. It took 14 months that country answers the initial 3242 questions and 8 months to reply to the 655 follow-up questions. Despite the establishment of a coordination mechanism on EU matters, the authorities could not agree to submit answers to 22 questions: one on the political criteria, four on regional policy, and 17 on education policies. To meet its legal obligations under the Agreement, Bosnia and Herzegovina needs, among other things, to ensure the functioning of the parliamentary dimension of the Agreement, and adopt a national programme for the adoption of the EU acquis. The functioning of the mechanism needs to be improved in the light of lessons learned from the preparation of the answers to the Commission's questionnaire.

In Bosnia and Herzegovina, each entity has adopted law related to regulation for waste management. The entities and Brčko District have similar laws and policies. Waste management is regulated by the following laws: Law on environmental protection, Law on waste management, Law on communal services, Law on communal police. Consequently, waste management is regulated as well in Law on nature protection, Law on national parks, Law on air protection, Law on water, Law on space consumption and constructions. Responsible bodies for implementation of related law on waste management are the Government of FBiH and RS, Federal Ministry of environment and tourism, Ministry of Spatial Planning, Construction and Ecology, FBiH Fund for environmental protection and Environmental protection and Energy Efficiency Fund of RS. Each municipality/city has obligations to regulate waste management on local-level.

Each BiH resident generates an average of 0.96 kg of waste per day; on average being, 354 kg of waste per capita is produced annually.

3.2 Waste management situation in BiH

Dealing with waste management requires local self-government units to define and implement complex procedures consisting of activities such as prevention, waste avoidance, waste reduction, waste collection, sorting, processing, treatment, reuse, utilization, and ultimately disposal, or proper and safe disposal. The term "circular economy" started to be more recognized in recent year, by local authorities, and as well by producers and companies dealing with waste recycling. The waste disposal services are covering 68% of BiH territory. One third of towns and villages have no capacity to dispose waste, nor do municipal utility companies come to collect their waste.

There are only five sanitary landfills, while there are 91 registered landfills. When responsible bodies regulate the whole system, those sites should be called waste disposal sites, which would be regulated by proper infrastructure (such as "recycling yards"). Since BiH is in pre-accession phase of becoming EU member, the waste management has to be regulated in following years.

Regarding waste management, strategies exist only at entity and Brčko District level. The Federation entity is implementing its 2008-2018 waste management strategy through the 2012-2017 waste management plan. Waste management strategy 2017-2026 is adopted in Republika Srpska entity, but a related waste management plan for its implementation needs to be adopted. In the Federation entity, cantons are obliged to develop and subsequently implement their own cantonal waste management plans. Waste management is implemented primarily through entities and Brčko District laws on waste management. Due to the administrative order of Bosnia and Herzegovina, the country needs to ensure coordinated and harmonised countrywide approach in dealing with waste management. This needs to be reflected in the legislative framework and its strategic approach. Bosnia and Herzegovina needs to align with the EU acquis on sewage sludge, batteries, packaging, polychlorinated biphenyls/polychlorinated terphenyls and end-of-life vehicles. It also needs to align with the Landfill Directive, adopt a respective Directive Specific Implementation Plan and close or rehabilitate non-compliant landfills.

Substantial efforts, awareness raising measures and promotional campaigns are required to reduce waste generation and promote reuse and recycling among BiH citizens.

The highest achievement for the last period of 2019 was the adoption of the Law on environmental protection of the Federation of BiH. The Law on environmental protection of FBiH is adopted by FBiH Parliament, and is waiting for the approval of House of People. This Law was under serious delay in alignment with EU Directive, and it was prepared and denied several times through the years. Aarhus centres made this Law adoption possible, since it brought the initiative for adoption in several cities in FBiH, in order that citizens sign petition.

- Specific plans for implementing the EU legislation on drinking water, urban waste water and flood risk management need to be adopted.
- The institutions at all levels have insufficient internal audit capacity and the lack of fully adequate internal controls, especially in public procurement, makes the PFM systems in BiH vulnerable to inefficiency and waste.
- Provisions from the Euratom Directive on responsible and safe management of spent fuel and radioactive waste are taken into account to the necessary extent.
- Annual energy statistics on electricity and heat, coal, coke, natural gas and oil/petroleum products are available. An overall statistical energy balance for the reference years 2014 to 2016 was published. Short-term energy statistics were established in 2012 and the methodology for collecting monthly data is harmonised with international standards of Eurostat. Data on municipal waste are collected through annual statistical surveys. Public utility enterprises and other waste collection and disposal enterprises submit annual reports, as do enterprises managing the landfills. The Agency for Statistics of Bosnia and Herzegovina regularly reports to Eurostat with data on municipal waste, and submits a quality report. Data from annual water statistics surveys is regularly published. Further work is needed to improve data quality in line with EU requirements, in particular as regards annual data on renewable energy source and basic monthly data on oil.
- Regarding environmental statistics, the Agency for Statistics of Bosnia and Herzegovina regularly publishes data from the annual statistical surveys on climate change, greenhouse gas emissions from agriculture and from waste disposal, in accordance with the Revised 1996 IPCC Guidelines for National GHG Inventories and the IPCC Tier 1 methods. A survey is conducted with a basic set of tables

for environmental protection expenditure. Physical environmental accounts were introduced in 2016 covering domestic material consumption and resource productivity.

- Cooperation could also centre on the development of strategies to significantly reduce local, regional and trans-boundary air and water pollution, including waste and chemicals, to establish a system for efficient, clean, sustainable and renewable production and consumption of energy, and to execute environmental impact assessment and strategic environmental assessment. Special attention shall be paid to the ratification and the implementation of the Kyoto Protocol. Protection of environment should be addressed also in other policy areas such as in transport and industrial cooperation.

Waste in BiH is collected by a municipal/city waste management system. The concept of regional waste management is primarily focused on the construction of regional landfills, instead of on the broad concept of waste handling (Federal Ministry of Environment and Tourism; Ministry of Spatial Planning, Construction and Ecology of RS). Domestic waste is disposed in containers, bins or possibly in bags and by waste-trucks taken to local landfills. Waste collection companies generally have a problem with charging their disposal services, and on the other hand problem with old trucks - that raises maintenance costs and consequently waste collection costs.

The practice to charge waste disposal per square metre of home remains in force, instead of method already accepted in EU countries, to charge per number of persons living in that home. Due to the outdated method of waste collection charges and poor collectability, there is no proper waste separation, recycling or reusing. Landfills are mostly without a regulated system and pose a significant threat to air pollution, groundwater and spread of infestation.

In BiH is currently recycled only 10% of packaging waste, including plastic, paper and other recyclable materials, as estimated by companies involved in recycling. There is no official data on recycling of packaging waste, as it has not been published by the entities' relevant ministries. BiH is at the bottom among countries in terms of recycling percentages, ranging between 5 and 7 percent, these are unofficial data. Entire society should raise awareness about the importance of recycling.

An estimated number of illegal landfills in BiH remains high. In the Federation of BiH, a total of 40% of collected waste is disposed to municipal non-sanitary 54 landfills. A total of 36% of waste produced is not disposed at all by utility companies. In conditions of poor coverage of waste collection services, a large number of illegal landfills can be expected. Municipal, industrial and animal waste is disposed at such illegal landfills. These landfills represent one of the burning problems in BiH. Data collection, monitoring and reporting in the waste sector lags behind other sectors, such as the water and air sectors. Reporting activities are mainly based on obligations under several international conventions and agreements. Available data on industrial and municipal waste, including hazardous waste, are based on estimates that are either incomplete or unreliable. According to the data from 48 local self-government units in Federation BiH and received citizens' reports, since October 2018, more than 1,300 wild landfills have been registered, where about 4.715,780 m³ of waste was dumped. Of those recorded, 84 percent of landfills are active, 3 percent are inactive, 5 percent are remedied, while the remaining 8 percent are not categorized. The most common content is mixed waste, household and construction waste, dumped in sinkholes and other natural surroundings, near roads and watercourses.

In Republika Srpska, there are 5 regional landfills: Banja Luka, Bijeljina, Zvornik, Dobož, Prijedor, comprising a total of 36 municipalities, deferring the remaining 28 to unregulated local municipal landfills. The landfills in Banja Luka, Zvornik and Bijeljina are sanitary, while the landfills in Dobož and Prijedor are not, but they have been approved a program of measures with the dynamics of adaptation that will make these landfills more sanitary. Regional landfills in Banja Luka and Bijeljina have leachate treatment systems, gas collection and burning. There is no separation of biodegradable landfills waste. According to the Strategy of waste management, it is proposed to establish regional landfills in Mrkonjić City, Foča and Gacko. Waste is also disposed of in "wild landfills" created by the population near their settlements. Unmanaged municipal landfills, as well as "wild landfills" are threatening environment, but also human health.

Cost of waste prevention measures - recovery costs remains a key issue in BiH: In FBiH, unpaid fees can amount to between 50% and 70% of the total costs; in RS, the unpaid fees of municipalities range from 30 % to 90%. Both FBiH and RS have environmental funds in place, but the revenues destined for waste management seem unlikely to be able to cover all existing needs.

3.3 Legal background for waste management

LATEST DEVELOPMENTS IN ENVIRONMENT	DATE
Law on environmental protection of FBiH	September 2019
Bosnia and Herzegovina fulfilled its reporting obligations on pollutants under the scope of the Large Combustion Plants Directive by submitting the relevant information to the European Environment Agency.	August 2019
Ministry of Spatial Planning, Civil Engineering and Ecology of Republika Srpska submitted to the Ministry of Foreign Trade and Economic Relations an amended Rulebook on Measures to Prevent and Reduce Air Pollution and Improve Air Quality.	December 2017
Environmental Approximation Strategy of BiH adopted	May 2017
Law on Air Protection RS	2017
Strategy for protection of biological diversity in period 2015 -2020 and Action Plan for implementation adopted	May 2017
The environmental protection strategy of BD BiH 2016-2026	2016
Secretariat gave a positive assessment on Bosnia and Herzegovina's National Emission Reduction Plan.	October 2016
Bosnia and Herzegovina submitted its National Emission Reduction Plan to the Secretariat	December 2015
Law on Environmental Protection RS	2012; 2015
Law on Nature protection	2013
Law on Environmental Protection FBiH Waiting for adoption of new updated Law (2019, 2020)	2003; 2009

LATEST DEVELOPMENTS IN WATER MANAGEMENT	DATE
Water Management Plan for the Sava River Basin in the period 2016 - 2021, FBiH	May 2018
Federation of BiH: Urban Waste Water Treatment directive 91/271/EEC have been transposed by the Order on conditions for wastewater discharge to natural recipient or to public sewage (Official Gazette of FBiH 4/12)	2012 and 2001
Republika Srpska: Transposition of the Urban Waste Water Directive 91/271/EEC is considered fairly advanced	
Law on water management RS	2006; 2009
Law on water management FBiH	2006

LATEST DEVELOPMENTS IN WASTE MANAGEMENT	DATE
Draft of the Waste management plan of Republika Srpska	September 2019
Waste Management Strategy of the Republika Srpska	2017-2026
Law on amendments to law on waste management	Dec 2015, Jan 2018
Law on packaging waste	2018
Decision on requirements for transboundary transport of hazardous waste	September 2016
Federal Waste Management Plan	2012-2017
Law on waste management RS	2013; 2015; 2018
Law on waste management FBiH	2003; 2009; 2017
Law on nuclear waste	2009

Bosnia and Herzegovina is a democratic state with two largely autonomous entities: Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). Brčko District is a self-governing administrative unit under the sovereignty of Bosnia and Herzegovina, formally part of both entities. Waste management is the responsibility of each entity.

3.3.1 Legal framework on WM of Federation of Bosnia and Herzegovina

Law on Waste Management (OG F BiH, No 33/03 and No 72/09)

- Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (and the new directive, Directive 2004/12/EC)
- Rules on the form, content and procedure of informing about important characteristics of the product and packaging by the manufacturer (SN F BiH, No 06/08)
- Rules on packaging and packaging waste (OG F BiH, no. 88/11).
- Overview of regulations governing waste management:
- Environmental Protection Strategy of FBiH (2008-2018)

- Decision on the ratification of the Convention on the Control of Transboundary Movements of Hazardous Waste and its Disposal (Official Gazette of BiH, No 31/00)
- Rulebook on categories of wastes with lists (Official Gazette of FBiH, No 9/05)
- Rulebook on issuing a license for small business activities in waste management (Official Gazette of FBiH, No 9/05)
- Rulebook on the necessary conditions for the transfer of obligations from the manufacturer and the seller to the system operator for the collection of waste (Official Gazette of FBiH, No 9/05)
- Ordinance determining the treatment of hazardous waste that is not on the waste list or its contents unknown (Official Gazette of FBiH, No 9/05)
- Ordinance on the content of a waste management adjustment plan for existing treatment plants or waste disposal and activities undertaken by the competent authority (Official Gazette of FBiH, No 9/05)
- Ordinance on the conditions for the operation of the waste incineration plant (Official Gazette of the FBiH, No 12/05)
- Regulation on financial and other guarantees to cover the cost of the risk of possible damage, cleaning and procedures after the closure of the landfill (Official Gazette of FBiH, No 39/06)
- Decree on selective collection, packaging and labelling of waste (Official Gazette of FBiH, No 38/06)
- Decree on types of financial guarantees to ensure the transboundary movement of hazardous waste (Official Gazette of FBiH, No 41/05)
- Regulation regulating the obligation of reporting operators and waste producers on the implementation of the programme monitoring, monitoring and keeping records according to the conditions of the license (Official Gazette of FBiH, No 31/06)
- Rules on animal waste and other non-hazardous materials of natural origin that may be used for agricultural purposes (Official Gazette of FBiH, No 8/08)
- Rulebook on the form, content and procedure of notification of important characteristics of the product and packaging – by the manufacturer (Official Gazette of FBiH, No 6/08)
- Ordinance on the management of medical waste (Official Gazette of the FBiH, No 77/08)
- Rulebook on packaging and packaging waste (Official Gazette of FBiH, No 83/10)
- Rulebook on transboundary waste transport (Official Gazette of FBiH, No 07/11).

3.3.2 Legal framework on Waste Management of Entity of Republika Srpska (RS)

- Law on Waste Management (Official Gazette of the Republika Srpska, No 111/13, No 106/15, No 16/18)
- Law on Environmental Protection (Official Gazette of the Republika Srpska, No 71/12, No 79/15)
- Law on Communal Activities (Official Gazette of the Republika Srpska, No 124/11)
- Law on Communal Police (Official Gazette of the Republika Srpska, No 28/13)
- Decree on waste disposal (Official Gazette of the Republika Srpska, No 36/15)

- Decree on management of packaging and packaging waste (Official Gazette of the Republika Srpska, No 58/18)
- Decree on lists of wastes and documents for transboundary movements of waste (Official Gazette of the Republika Srpska, No 86/15)
- Decree on Thermal Treatment of Waste (Official Gazette of the Republika Srpska, No 54/17)
- Rulebook on management of waste tires (Official Gazette of the Republika Srpska, No 20/12)
- Rulebook on form of request for issuing the permit for storage, treatment and disposal of waste permit (Official Gazette of the Republika Srpska, No 18/15)
- Rulebook on the categories, testing and classification of waste (Official Gazette of the Republika Srpska, No 19/15, No 79/18)
- Rulebook on form of document on waste movement and instructions for its completing (Official Gazette of the Republika Srpska, No 21/15)
- Rulebook on form of document on hazardous waste movement and instructions for its completing (Official Gazette of the Republika Srpska, No 21/15)
- Rulebook on content of measures programme with adjustment dynamics for existing landfill operation (Official Gazette of the Republika Srpska, No 41/15)
- Rulebook on content, form and manner of keeping the registry of issued waste management permits (Official Gazette of the Republika Srpska, No 43/15, No 14/18)
- Rulebook on the content and layout of waste management permit (Official Gazette of the Republika Srpska, No 43/15)
- Rulebook on storage, packaging and labelling of hazardous waste (Official Gazette of the Republika Srpska, No 49/15)
- Rulebook on conditions and way of collection, transportation, storage and treatment of waste, which is used as secondary raw material or energy source (Official Gazette of the Republika Srpska, No 61/15)
- Rulebook on methodology and records of data collection on waste (Official Gazette of the Republika Srpska, No 71/15)
- Rulebook on general and specific documentation required for issuing the permit on import, export and transit of waste (Official Gazette of the Republika Srpska, No 5/16)
- Rulebook on management of waste containing asbestos (Official Gazette of the Republika Srpska, No 47/18)
- Rules on financial guarantees for insurance of transboundary movement of wastes (Official Gazette of the Republika Srpska, No 86/05)
- Rules on medical waste management (Official Gazette of the Republika Srpska, No 90/06)

3.3.3 Legal framework on Waste Management of Brčko District

- Law on Waste Management (Official Gazette of the Brčko District, No 25/04, No 1/05, No 19/07, No 2/08 and No 9/09)
- Development Strategy, Brčko District, 2016-2026
- Overview of regulations governing waste management:

- Rulebook on disposal of waste that is not on the list of hazardous waste and whose content is unknown (Official Gazette of the Brčko District, No 32/06)
- Rulebook on the content of the reconciliation plan for existing facilities and waste management facilities and activities carried out by authorised institutions (Official Gazette of the Brčko District, No 32/06)
- Rulebook on the conditions of transfer of responsibility for waste management from producers and sellers to waste management operators (Official Gazette of the Brčko District, No 32/06)
- Rulebook on issuing licenses for small businesses within waste management (Official Gazette of the Brčko District, No 32/06)
- Rulebook on lists of waste categories (Official Gazette of the Brčko District, No 32/06)
- Rulebook on financial guarantees for the provision of cross-border transport of waste (Official Gazette of the Brčko District, No 32/06)

3.4 Waste prevention

As constant problem for waste prevention is related to packaging and packaging waste. State and its entities still has to harmonize legislation, while reducing the impact of the packaging waste on the environment, ensuring functioning of the internal market and ensuring legal authorities/inspections are working constantly on the field.

Circular economy is concept promoted by the European Union, and other developed countries in the world. Bosnia and Hercegovina being in pre-accession phase to the EU, started to promote this concept and socially responsible companies recognized it for improvement of their work and their positioning in national and international economy. Having in practice this model, could significantly improve whole system of waste management in the country. Circular Economy (CE) starts to be recognized as model that supports sustainable development, rather than the recycling itself presented in last decades. In Bosnia and Herzegovina, in 2019 it was widely recognized and presented on the EKOBIS fair (fair of ecology) and RENEXPO (solid waste conference), and on LIRs sub-grantee events.

In the entity laws the obligation of the operator is to ensure recycling and recovery of packaging waste generated by consumption of their products.

Law on Waste Management of FBiH provides the basic conditions for the prevention of production, recycling and processing of waste for reuse; the extraction of secondary raw materials and possibly of energy thereof; and safe disposal. In FBiH, the Decree on fees for plastic bags (Official Gazette of FBiH, No 9/14) is likely to have an impact on waste prevention, but the inspection has to work more on the implementation of the laws, policies and procedures. The measures envisaged aim to prevent the creation of packaging waste, promote the reuse of packaging, recycling and other forms of reutilisation and reduce the final disposal of waste.

In the amendment of the Law on waste management of Republika Srpska (July 2019) – as the EU Directive 2008/98/EZ on waste was changed in 2018. The responsible Ministry incorporated new terms such as reuse of products, green backyards, program of extended responsibility, recycling yard, waste management centre and unregulated land field. In the same amendment, the responsibility is set on the local self-government units (cities and municipalities). Duties are specified for development

of separate waste collection systems, arranging ways to collect all types of waste, identifying locations for recycling yards, green yards and landfills, including larger waste collection sites, covering the costs of cleaning and rehabilitation of wild dumps, organizing educational and public awareness raising campaigns on eco-friendly waste management, as well as organizing public cleaning activities. The specific duties, responsibilities and obligations are defined regarding product manufacturers and waste carriers. The product manufacturer is required to use technology and develop production in a manner that ensures rational use of natural resources, encourages reuse and product recycling, and promotes environmentally sustainable management of natural resources. Producer is obliged to introduce and use as much as possible returnable packaging that reduces the environmental burden, compared to disposable packaging, and producer is responsible for placing the product and packaging, containing materials and dangerous substances in quantities and / or concentrations, which could adversely affect human health and the environment.

In the implementation in RS is The Waste Management Strategy (2017-2026), which encourages the development of a sustainable waste management system based on the prevention of waste as a primary principle in the waste management hierarchy. The Republic Waste Management Plan includes a waste prevention programme in accordance with Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. In Republika Srpska, the Decree on management of packaging and packaging waste (Official Gazette of the Republika Srpska, No 58/18) encourages the prevention of packaging waste through conditions for packaging design.

State and entities authorities are obliged to transpose the annexes and new articles of the related EU Directives into local laws and policies. Those EU Directives are: Directive 2008/98/EC on waste, Directive 1999/31/EC on the landfill of waste, Directive 94/62/EC on packaging and packaging waste, Directive 2000/53/EC on end-of-life vehicles, Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and Directive 2012/19/EC on waste electrical and electronic equipment.

3.4.1 Measures on qualitative prevention

Manufacturer responsibility

The manufacturer shall design the product and the packaging in a way that leads to the most efficient use of materials and energy and promotes the reuse and recycling of products, and, in the case of end-of life products, shall promote environmentally sustainable treatment, utilisation and disposal. The manufacturer shall promote the use of materials and packaging that have the lowest material and energy demand in terms of the production process, the use of which produces the least waste. The manufacturer shall take back and/or refund used products or certain types of product waste from the holder according to the provisions of implementing regulations in order to recover them or dispose of them in an environmentally sound way. The manufacturer may also take back or refund used products or certain types of product waste from the holder voluntarily and may enter into voluntary agreements with the retailer for managing this service.

The Action Plan activities:

- Creating and implementing a public awareness-raising campaign on waste treatment issues
- Collecting and recycling packaging waste
- Improving existing and establishing new capacities for recovery of energy or materials
- Introducing efficient measures for reduction and prevention of disposal of WEEE as unsorted waste, through introduction of schemes of return of used techniques to the original waste producer
- Preparation of an entity plan of biodegradable waste management (which will foresee the model of establishing collection centres for composting biodegradable waste, as a possibility to use this type of waste as biofuel)
- Preparation of standards of best practices for biodegradable waste use
- Stimulating development of market for reusing and recycling organic waste
- Regulating disposal of waste pesticides and other hazardous substances through the principle of responsibility
- Purchasing equipment and training employees (Federal Ministry of Environment and Tourism)

In Republika Srpska, the Decree on management of packaging and packaging waste (Official Gazette of the Republika Srpska, No 58/18) encourages prevention of packaging waste through conditions for packaging production and usage Solid Waste Management Programme.

3.4.2 Quantitative targets set

The targets for FBiH still remained the same, targeting 2018, since there is no new amendments or laws updates.

Recycling targets (FBiH) (% of total generation)

Collect and recycle packaging waste

Until 2011: **8%**

Until 2014: **20%**

Until 2018: **30%**

Metal

Until 2011: **55%**

Until 2014: **60%**

Until 2018: **65%**

Paper and cardboard

Until 2011: **35%**

Until 2014: **45%**

Until 2018: **55%**

Plastics

Until 2011: **3%**

Until 2014: **6%**

Until 2018: **15%**

Glass

Until 2011: **1%**

Until 2014: **10%**

Until 2018: **40%**

Packaging waste in RS, the Law on Waste Management (Official Gazette of the Republika Srpska, No 111/13, No 106/15, No 16/18) defines the targets for packaging waste: packaging waste: 35%; glass: 10 %; metal and wood: 12%; paper: 34%; plastics: 20%. Set targets are still not reached. This is why state / entity authorities – inspections have to work more on the field, issuing penalties for producers, users and consumers.

3.4.3 Best practices examples

In Bosnia and Herzegovina, there are recycling facilities for almost all types of waste, except glass, but they need to be separately collected and have separate treatment. Collected and separated paper and cardboard are sent for recycling to company Natron in Maglaj. Company recycles paper and produces paper and pulp. In this factory in 2001, 25,000 tons of old paper was processed, 50% of which was imported from abroad, while in 2006, 52,500 tonnes were processed, of which 40% was imported from abroad. Therefore, there is an evident increase in the amount of collected paper within the country, which did not end up in landfill but was recycled into a usable product. Plastic PET bottles are recycled and produced in company Omorika PET in Doboj, while nylon films are recycled in company Welplast in Široki Brijeg. Company Eko-Servis, Tešanj from the waste emulsion produces distilled water, while company SGI, Sarajevo recycles car tires.

COMPANY	ACTIVITIES
EKOPAK Sarajevo	Green Dot License - the leading operator of the packaging waste management system
Aida Commerce	Purchase and recycling of electrical and electrical equipment; PET packaging and plastic; storage, transportation and recycling of medical waste
ALBA	Leader in recycling and environmental management (21 cities in FBiH and 11 in RS). Collaboration with companies: Robot, FIS, Prevent, Azel France, Konzum, Vispak, BEST, Konjic Karton, Mega Markets (recycling of waste paper, foil, glass, plastic, electrical and electronic waste and edible oil waste)
ZEOS Eco system	System of electrical and electronic waste management in BiH
CBOS	Metal waste recycling; alternative fuel production - use in cement plants
FORTIN d.o.o. Tešanj	Transport and recycling of scrap metal
BH RECYCLING	Recycling of scrap metal
GRIZELJ Sarajevo	Production of waste treatment equipment
ADRA	"textile bread" – social project of collecting used clothes

Unsustainable Development of SHPPs “Ljestanica”

Ljestanica (originally Lještanica) is a small mountain river on the Northern part of Montenegro, with untouched natural landscape, caves and waterfalls in length of 4,8km. For two years now, the citizens of village Lijeska and Bijelo Polje Municipality are trying to protect the Ljestanica River and its inhabitants from construction of the SHPP “Ljestanica”, whereas formally organized public debates were not including crucial requirements from the local inhabitants.

During decision making process for sharing concession for building SHPP “Ljestanica” as well as determining public interest for the construction of “SHPP Ljestanica”, signing the concession contract and preparation of planning documents, rights were violated as follows:

The Government’s decision to grant a concession and the decision to determine the public interest were made without prior public participation and based on incorrect information about the river (incorrectly defined river spring as the same location whereas the SHPP Ljestanica is planned to be build) and insufficient information about the river (lack of description of the natural characteristics and biodiversity data for the Ljestanica River).

- When signing the concession contract between the Government and the concessionaires, the technical solution of the small hydropower plant was an integral part of the contract. Process of concession contracting entailed the process of local spatial planning (development of the Local Site Study “Ljestanica” neglecting the fact that the purpose of the space has yet to be determined in the spatial planning process and additional pressure has been exerted on the spatial planning process;
- The spatial planning process is conducted without analysing any alternative solution, the only solution being analysed is one that fits the ideas of the concessionaire for the SHPP “Ljestanica”;
- Critical issue is the location where sHPP “Ljestanica” is planned which is a spring of the river and a place whereas local inhabitants have water intake for drinking and irrigation, as well as livestock feeding (photo and video material on links below the text of the e-mail). Acts of the Government shows clear violation of the EU Drinking Water Directive 80/778/EEC and Water Framework Directive 2000/60/EC, but also Water Act which states that the use of water supply of the population for drinking water and livestock feed has priority over the use of water for other purposes and that water used or intended for water supply cannot be used for other purposes in a manner that would adversely affect the required amount of water for water supply (Art. 47 Paragraphs 1 and 3 of the Water Act).
- This is the issue was presented by citizens of Lijeska in written form in the process of adopting the Decision for Development of Local Study of Location (LSL) for plan of building sHPP “Ljestanica”, later again in public debate for the Draft Report of the SEA on the plan and finally required stopping the procedure with 750 signatures to the mayor of Bijelo Polje and five citizens’ protests organized in Bijelo Polje and Podgorica. Till today no meaningful answer was given, while the issue was not assessed by the local and national Governments.
- In the LSL for plan of building sHPP “Ljestanica” and SEA for the plan there were

no alternative presented for the other location that might mitigate environmental impacts. Micro-location has not been analysed in detail, nor identified the areas that are likely to be exposed to significant risks. It is concluded that there are no Natura 2000 species and appropriate assessment was not done as per our Law on Nature Protection (Article 15, paragraph 3) and Natura 2000 Directives

- The spatial planning process is conducted without the “Act on Conditions and Guidelines for Nature Conservation”, which is mandatory by the Law on SEA, thus avoiding explorations that would show the extraordinary natural values of the Ljestanica River with surrounding area. Micro-location has not been analysed in detail, nor identified the areas that are likely to be exposed to significant risks. It is concluded that there are no Natura 2000 species and appropriate assessment was not done; Under the great risk is whole downstream part and stunning waterfall “Skakala” placed between the water intake and discharge (for waterfall preview take a look at video link <https://youtu.be/7-DYpsUdpdE> from the 2nd minute) which is also promoted as a part of the tourist offer of Bijelo Polje Municipality.

Green Home submitted criminal charges against several officials of the Municipality of Bijelo Polje, based on violation of the regulations, unlawfully used their official position and enabled the investor to obtain ecological approvals, which will gain the benefit for investor while causing great damage to the people and environment (Rijeka Ljestanica is contact area with the Stožernica River Canyon, proposed for protection under the Spatial Plan of Bijelo Polje Municipality and is a valuable unit within the protected area

05 | NORTH MACEDONIA

EU Acquis and Standards Vis-à-Vis the National Legislation in the Area of Food Waste

5.1 Food waste vis-à-vis the environment implications

Food disposal is a global problem and has serious economic, social and environmental implications. Economically, food waste is an unnecessary cost for households and it increases the utility costs for local governments. The environmental consequences are also significant, both in terms of food production that is subsequently disposed of, and the additional harmful emissions caused by dumping food in the fields. Globally, the World Resources Institute noted that if unprocessed and dumped food were in the form of a state, it would be the third largest greenhouse gas emitter in world, after the United States and China.

5.2 The social dimension associated with food waste

Throwing food raises a number of social issues for people struggling with the problem of not having access to safe and healthy food.¹² The right to food is related to the issue of social security and the poverty rate in a particular state. In our country, the guarantee for this right derives directly from the Constitution, which guarantees social security and protection of citizens in accordance with the principle of social justice, as well as the right to help citizens who are powerless and incapable of work.¹³

12. <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/429.pdf> pp.5

13. <http://www.sobranie.mk/WBStorage/Files/UstavnaRmizmeni.pdf> , Article 34 and 35

5.3 The Eternal Problem: Availability of Relevant Data

In the absence of publicly available data on food waste quantities, most of the analyses as input data use the statistics published in June 2017 by the Ministry of Labour and Social Policy. Namely, at a working meeting of representatives of the Ministry with representatives of the civil coalition “Let’s do it Macedonia”, “Macedonian Platform against Poverty”, “Re-tweet a Meal” and “Acts of Kindness” it was determined that 445,000 citizens in the country cannot independently provide food, and on average they only have one meal a day. At the same working meeting, it has been estimated that between 4,500 and 6,500 tonnes of usable food is dumped in the country, worth between 8 and 11.6 million euros, with the potential to feed around 13,000 citizens.¹⁴

5.4 Directive (EU) 2018/851, adopted by the European Parliament and the Council on 22.5.2018

The EU Directive, which entered into force on 5 July 2018, sets out measures to protect the environment and reduce waste, including food waste, promote the use of renewable energy and increase energy efficiency and provide new economic opportunities. The Directive contains binding and non-binding provisions for EU Member States which include measures to facilitate food donation. Important to this analysis and the topic it addresses are the provisions on preventive measures taken by the Member States to reduce food losses in the process of production, retail and other food distribution, including households, by setting specific targets at the EU level for food waste reduction, 30% by 2015 and 50% by 2030. According to the directive, Member States are required to conduct food waste reduction campaigns, measure progress and exchange good practices between countries and food business operators, developing a generally accepted methodology and minimum standards for uniform food waste quantification. Member States should engage in the collection of unsold foodstuffs at all stages of food supply and distribution, with a view to secure redistribution through the involvement of charities in the process. It further mentions the encouragement of food donation and its redistribution prioritizing human needs over animal needs. According to the directive, Member States are required to adopt a special prevention program for the prevention of food waste, as part of their waste reduction program.¹⁵

5.5 Reduction of food waste through donation - EU Guidelines on Food Donation

According to this Guidelines,¹⁶ surplus food, consisting of finished food products (including fresh meat, fruit and vegetables), partly formulated products or food ingredients, may arise at any stage of the food production and distribution chain for a variety of reasons. Foods which do not meet manufacturer and/or customer specifications (e.g. variations in product color, size, shape, etc.) as well as production and labelling errors can generate surplus in the agricultural and manufacturing

14. http://www.mtsp.gov.mk/juni-ns_article-raboten-sostanok-za-ovozmozuvanje-na-doniranjeto-navishocite-hrana-vo-republikamakedonija.nspk

15. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L0851&from=EN>

16. EU Official Journal (2017/361/1), https://ec.europa.eu/food/sites/food/files/safety/docs/fw_eu-actions_food-donation_eu-guidelines_en.pdf

sectors. Difficulties in managing supply and demand can lead to over ordering and/or cancelled orders. Issues relating to date marking, such as insufficient product life remaining on delivery or national rules preventing the redistribution of foods past the “best before” date, may also prevent foods from being sold and distributed through the usual retail channels.

The primary prevention of waste generation should be focused on reducing the generation of excess food at all stages of food supply (production, distribution and consumption of food).

The purpose of the adopted Guidelines is to identify the applicable provisions of EU legislation and to contribute to overcoming the restrictions on redistribution of food in accordance with applicable legislation. The specific aims of the Guidelines are to facilitate the cooperation between suppliers and recipients of surplus food with relevant requirements laid down in the EU regulatory framework (food safety, hygiene, traceability, liability, taxation-VAT, etc.) and to promote common interpretation by regulatory authorities in the EU Member States of EU rules applying to the redistribution of surplus food.

The European Commission particularly recommends that the relevant food donation rules and/or guidelines be adopted and developed at national level to be clear to all relevant stakeholders so that best practices can be implemented. The EU food donation guidelines adopted by the EC in cooperation with the EU Platform on Food Loss and Waste should serve as a guide for relevant stakeholders in the Member States and be taken into account when interpreting national rules and guidelines.

The guidelines contain definitions of what constitutes surplus food, what is food redistribution, what are the relevant stakeholders in the food donation process, what is safe food, and what are the rights and responsibilities of food operators, and what are the tax-exemptions relating to value added tax. Assistant.

5.6 Comparative Analysis of Food Donation in EU Member States

The Comparative Analysis of Food Donation in EU Member States,¹⁷ prepared by the European Economic and Social Council in 2014, aims to improve the efficiency of food supply and consumption and to point out that excess food is a problem that needs urgent attention. Worth noting is that the EU has no established policy on food donation. The analysis, among other issues, provides an overview of current food donation regulation and practice in 12 Member States. The Regulation covers the following acts:

1. General Food Law Regulation (EC) No 178/2002 lays down general rules and requirements for food in order to ensure a coherent approach to the development of EU legislation. The law defines the basic definitions, rights and obligations at all stages of food production and distribution, and identifies food donation as a “market activity” and food donors as “food business operators”.
2. Food hygiene rules: Regulation (EC) No 852/2004 on the hygiene of foodstuffs, Regulation (EC) No 853/2004 laying down the rules for the hygiene of food of animal origin, Regulation (EC) No. Regulation (EC) No 854/2004 laying down

17. https://www.eesc.europa.eu/resources/docs/executive-summary_comparative-study-on-eu-member-states-legislation-and-practices-on-fooddonation.pdf

the rules concerning official controls on animal products intended for human consumption and Directive 2004/41 / EC containing provisions on hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption. This set of rules contains general provisions for food business operators (including food banks) that refer to the hygienic conditions of food products. The primary responsibility for food safety under these rules rests with food business operators.

3. Food life limit and date of use marking - Regulation (EC) No 169/2011 on the provision of food information to consumers. According to Article 9 of this Regulation, food business operators are obliged, depending on the composition of the product, to determine whether it is more appropriate to use 'usable by' or 'best before' a specific date. Products that have a label "to be used by date" expiry date are not favourable to the market and cannot be donated, while products marked "best before" may be donated before the expiration of the marked date if being properly stored.
4. Tax legislation - Directive 2006/112 / EC of the European Council on an established system of value added tax. The VAT Directive stipulates that food donations are taxable if the donation is made by a taxpayer, if the supply of goods is wholly or partially exempt from VAT. Tax exemptions on donated food are not allowed. In response to a question asked by the European Parliament, the European Commission recommends that foodstuffs that are close to the "best before" date or which cannot be sold due to their appearance appear to be low value or close to zero.

The Comparative analysis as part of the regulation mentions the Waste Framework Directive - Directive 2008/98 / EC which is later replaced by Directive (EU) 2018/851, adopted by the European Parliament and Council on 22 May 2018.

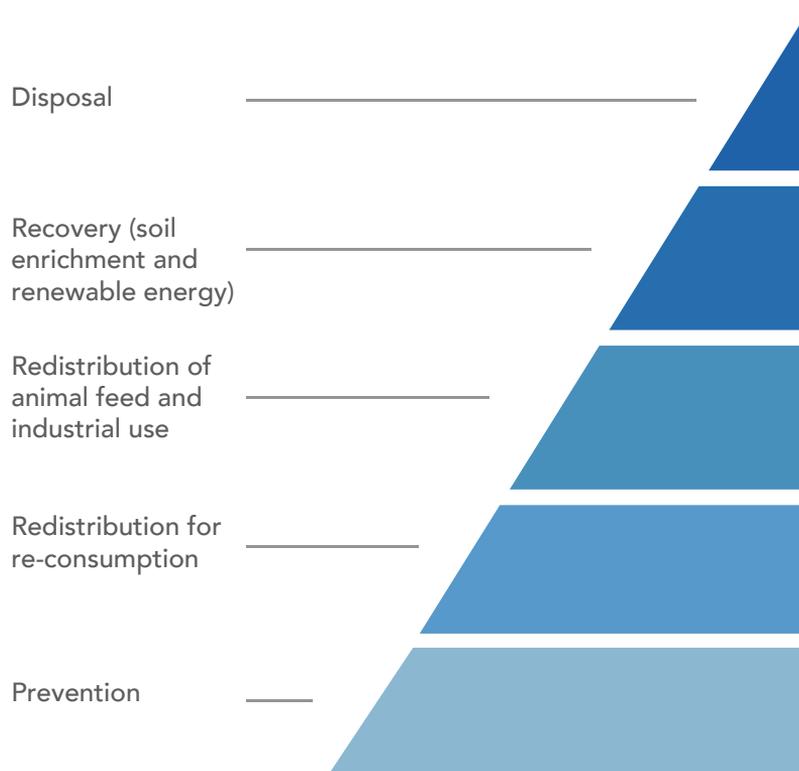
5.7 The question of the hierarchy of surplus food

Excess food hierarchy exists to prevent and manage excess food in order to minimize waste and the negative environmental impact. The hierarchy contains a ranking of the best options for using food leftovers for consumption and food production resources. The so-called food hierarchy (a revised EU waste framework directive) states that if edible food surplus cannot be prevented, it should feed people first, then go to animal feed, then be composted or sent to anaerobic digestion and finally to landfill. The EU recommends that its members should integrate the principles of this hierarchy into their legislation.¹⁸ The hierarchy of surplus food can be summarised as follows.¹⁹

18. https://www.eesc.europa.eu/resources/docs/executive-summary_comparative-study-on-eu-member-states-legislation-and-practices-on-food-donation.pdf crp 7

19. The French Law against food waste, Banques alimentaires, MC, June 2018

Figure 1. The hierarchy of surplus food



France is the country where the issue of the hierarchy of surplus food is most developed and has a very innovative legal framework in that regard. The law regulating this issue was adopted in 2016 (Loi relative à la lutte contre le gaspillage alimentaire).²⁰ The purpose of the law is to establish the hierarchy of surplus foods within it, specifying what prevention and education measures should be taken, how to use unsold products, how to valorise unsold food products, and the ultimate option of using food as a way to get energy.²¹ This law and the hierarchy established by it are legally binding for the food industry and food operators.

The UK is also one of the countries that have adopted this model of surplus food regulation, and the hierarchy has been incorporated in the Food Surplus Rules, adopted in 2011.²² The Environment Agency has the responsibility to implement and implement the hierarchy of surplus food. Although the hierarchy is not always strictly adhered to, it is a document that benefits all those organizations and initiatives that seek to improve the way food is handled, primarily due to the fact that authorities are bound to respect and apply it in practice.

Italian law on this particular issue is less clear, and the issue of the hierarchy of food surplus is not treated as binding, but rather has a stimulating approach for food

20. LOI n° 2016-138 du 11 février 2016 relative à la lutte contre le gaspillage alimentaire, Law related to the combat against food waste, OJFR February 12th 2016, NOR: AGRX1531165L, ELI: <https://www.legifrance.gouv.fr/eli/loi/2016/2/11/AGRX1531165L/jo/texte>.

21. Code of the Environment, article L.541-15-4, introduced by the Law related to the combat against food waste, op. cit.

22. <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/429.pdf>

operators and businesses, in the sense that they are urged to respect it but without sanctions if they don't.²³

What is important to note is that in many countries Strategies for the management and reduction of food surplus (such as in the United Kingdom) are being adopted, thereby encouraging the governments of these countries to work and think about diminishing food waste in the long run. This is especially important when trying to reduce the surplus food that comes from households (as the highest percentage).

In addition to the practices listed above, there are some stimulating / de-stimulating measures that states take to address the issue of food surplus.

In France, for example, it is forbidden for shops and supermarkets to deliberately dispose of unsold products if they can still be eaten, and no contract clause can change this.²⁴ The law stipulates that after the expiration of one year from the date of application of the law, any supermarket exceeding 400m² should offer a contract with a food aid organization related to the donation of unsold but still good food for consumption.²⁵ This is often problematic because it is not well received by profitable supermarkets and their arguments are that if people knew they would get their food for free by the expiring date, they would never come to buy and pay for it.

Belgium has done the same twice in 1997 and 1999 when it first issued an order and then a decree ordering supermarkets to offer unsold food to charities.²⁶

Examples of what is being done in Finland²⁷ today to reduce food waste are:

- Light food from the Finnish supermarket chains is targeted for charity.
- Supermarkets sell products at discounted prices if they approach the "best use before" date specifically stated.
- Supermarket chains collaborate with energy companies to use food waste for biogas production, requiring municipalities to establish separate waste containers for biogas.²⁸
- Food chains collect and deliver surplus food from restaurants with a discounted price (consumer choice if they want to buy it).
- A few days ago a new volunteer organization started operating in Helsinki, Kaliu. A refrigerator, freezer and dry closet were set up for anyone who wants to donate food (by that diminishing the food waste from individual households).

23. Good Samaritan Law, June 25th 2003, GU n°150 July 1st 2003 , <http://www.parlamento.it/parlam/leggi/03155l.htm>

24. Code of the Environment, article L.541-15-5, introduced by the Law related to the combat against food waste, op. cit.

25. Code of the Environment, article L.541-15-6, introduced by the Law related to the combat against food waste, op. cit.

26. Draft Ministerial Order amending the Ministerial Order of 5 June 1997 on the environmental permit (<http://weblex.irisnet.be/data/crb/doc/2013-14/125138/images.pdf>) and Draft decree amending Decree of 11 March 1999 concerning the environmental license to promote the distribution of food surplus to food charities (http://nautilus.parlement-wallon.be/Archives/2013_2014/DECRET/641_5.pdf)

27. In Finland, households waste 120–160 million kilograms of food, or 20–25 kilograms per person, every year. The total amount of food wasted across the food chain is almost four times this. Unnecessarily produced food is a burden on both the economy and the environment. The climatic effects of unnecessary food production and the resulting waste amount to approximately 1,000 million kilograms CO₂ equivalent." <https://www.luke.fi/en/natural-resources/food-and-nutrition/food-waste-and-the-circular-economy-of-the-food-system/>

In Finland it has even been discussed to criminalize food dumping, but this has not yet been incorporated into their criminal provisions.

Similar to Finland, Sweden also focuses on education and discussion on this issue. Sweden launches a campaign called “Stoppa matsvinnet” (English: Stop Food Waste). It is a campaign on the initiative of the Swedish Environmental Protection Agency, the Swedish Food Authority and the Swedish Agriculture Agency. The goal is to create awareness of the food industry and the damage to the environment, climate and economy. By advising people on how best to preserve their food, they want to inspire Swedish households to reduce their own food waste.

As in Finland, municipalities in Sweden bear the responsibility of providing separate biogas waste containers. Also, in Sweden some suggestions for regulating the issue have been unsuccessful.

In Italy, that will soon apply everywhere, with a new law that encourages restaurants to give people doggy bags, although in Italy it's called a “family bag.” The new law is designed to stop food waste and does so mostly by removing legal hurdles for companies wishing to donate wasted food. In addition, the Italian law has also reduced the administrative procedures for registering food operators who want and can donate food. By adopting this law, farmers and restaurants have had the most positive reaction as food is finally regulated appropriately, responsibilities are regulated and specific obligations and measures are being put in place to manage food surplus. For them the existence of specific legislation is a very mitigating circumstance, because instead of making the whole process of donating food informally and on a friendly basis, they can now do it for humanitarian organizations, soup kitchens, etc.²⁹

5.8 How far is Macedonia on this issue?

The legislation of the Republic of North Macedonia relating to food safety,³⁰ waste, transportation, storage, distribution and donations is regulated by the Law on Food Safety, Law on Donations and Sponsorship and the Law on Obligations. In addition to the laws, the matter is regulated by a number of bylaws, most of which are related to the Law on Food Safety.

The Law on Food Safety regulates the principles of food safety and animal food, general and specific food hygiene requirements, organisational structures of the food safety system and official controls on food and animal food. The purpose of the law is to provide a high level of protection of human health and consumer interests in food and applies to all stages of production, processing, storage and distribution of food and animal food, except for the primary production of food for home use or home cooking, handling or storing food for private home consumption. Under the law, the “production, processing and distribution phase” is any phase, including imports, from primary food production to storage, transport, sale or supply to the end consumer.

28. “Separate collection and recycling of municipal waste, Industry, service and other business operators, other waste holders and municipalities shall, in accordance with the provisions of Articles 8, 13 and 15 of the Waste Act, separately collect and recycle paper, board, glass, metal, plastic and bio-waste.”

29. <https://www.telegraph.co.uk/news/2016/08/04/italy-adopts-new-law-to-reduce-food-waste/>

30. Analysis of legislation pertaining to food safety, food waste, food donation and distribution, FBMK, 2018

The law regulates the safety of various types of food such as animal food, non-animal food, food for special nutritional use, food produced with innovative technologies, fortified food and more.

Law on Donations and Sponsorships regulates the giving and receiving of donations and sponsorships by which the donor and the recipient may request tax incentives; the purpose of giving and receiving; donors and recipients; which may be the subject of a donation; use, tax incentives, and recording and controlling of donations and sponsorships in public activities.

According to the law, public activity is an activity in the field of protection of human and civil rights, social protection, child protection, environmental protection and other activities defined by law as a public activity, while public interest is supporting or promoting activities in the field of protection of human rights, socio-humanitarian activities, and other activities established by law.

The Law on Obligations regulates contractual and other obligatory relations between legal entities and natural persons in the supply of goods and services. The law is one of the most extensive laws because of its widespread application to the relationships in which every person enters daily. In the "Contracts" section, the law contains provisions on many types of contracts that affect almost any substance, including the rights and obligations of persons deriving from the right to food and its donation to end users who are socially endangered.

What is unfortunately still happening in the country is the fact that, despite the nearly eight-year operation of an alternative system for the collection, storage and redistribution of surplus food from food operators to people in need (Food Association for All - Food Bank MK, active from January 2011), there is still no relevant legislation in place in the country regulating the issue of food surplus donation. Due to this lack of appropriate regulation, a significant number of legal entities, otherwise food operators, remain, often and wilfully, excluded from the process, fearing the possible consequences of donating surplus food which is not legally defined and regulated. That is why the food surplus safe for human consumption, rather than being separated and donated to food organizations such as Food Bank MK and other similar associations and initiatives, is still being thrown away, at landfills.

Most of the food waste and food donation decisions are directly or indirectly linked to fiscal incentives. Although such mechanisms do exist in most EU member states' legal systems, not all fiscal and tax incentives go the right way when it comes to managing food surplus. In the UK, for example, one major problem is that much of the food has been diverted to biodegradable or used for biogas production or other renewable energy sources instead of donating to people in need of food. This was the result of tax incentives to convert surplus foods into renewable energy sources, rather than tax incentives to redistribute food to people who have limited access to it.³¹

It is worth noting that the laws related to waste management do not explicitly address the issue of food waste.

31. <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/429.pdf> pp23

Reflection Paper on Air Quality Data for Serbia

End of October 2019 EEA data for air quality show that region is among most polluted in Europe.

Premature deaths as a result of air quality and poor air quality constitute a major economic loss; United Nations experts estimated in their 2015 report for the year 2010 that the costs for the state of Serbia due to this reason are 33% of gross domestic product annually, while the costs of sick leave are about 325 million euros each year. According to data from the World Health Organization (WHO) for 2016, the number of premature deaths in the Republic of Serbia is 6592, and it is estimated that from the impact of INDOOR (Household air pollution) air quality 4823 people died in 2016. Implementation of IPA 2012 projects "Establishment of an integrated environmental monitoring system for air and water quality", namely "Supply of ICT equipment and software for Air Quality Monitoring System" has enabled the Environmental Protection Agency of the Republic of Serbia, the competent national institution for monitoring air quality to present on its web site in real time a comprehensive overview of the data of automatic air quality monitoring in the territory of the Republic of Serbia.

This heightened public interest in poor air quality is a good opportunity to recall the conclusions of the conference "Environment to Europe -EnE19 conference on air quality in Serbia", held on June 4, 2019 in Belgrade, and co-organized by the EASD and Serbian Chamber of Commerce (<http://ambassadors-env.com/en/2019/06/07/4822/>). At the same time, the conference represented the official UN event marking the World Environment Day and the European Sustainable Development Week (ESDW) in the Republic of Serbia.

The aim of this conference was to draw attention of the general public to extremely topical environmental issues and the need for their continued resolution, with particular reference to the severely impaired air quality throughout our entire country, which is a first-class environmental protection issue.

Activities to improve air must be focused locally while at the same time thinking globally, changing the focus of action toward major factors that directly affect air pollution, such as the thermal energy capacities used for heating, individual fireplaces and traffic. The economy is a key factor of society changes and if we want to change the conditions we live in for the better, we need to change technologies and apply those that contribute to reducing environmental pollution.

Conference/Roundtable showed and pointed out to the problem faced by many cities in Serbia, the problem of air pollution, which is now most pronounced in Valjevo, Niš, Užice, Belgrade, Smederevo, but which is actually the problem of the entire Serbia that must be solved in a synchronized and systematic manner; this calls for cross-sectoral work to address the reduction of air pollution to be implemented throughout the country and requires the following:

- Reducing the combustion of solid fuels for domestic heating and cooking, reducing the risks associated with operating industrial sites. The Ministry of Environment is taking an operational approach to improving the environment, providing incentives to local self-governments to address these issues and to take action to improve the air quality in their local communities. "The Ministry must turn to practical concrete measures, which means that from now on, not only in

the Ministry budget, but also in the local self-government budgets, funds must be allocated to shut down at least a few individual fireplaces each year in each city and to switch to cleaner sources.” Local self-governments must plan within their budgets the funds to shut down individual boiler rooms and to implement measures to improve traffic.

- Improvement of the air quality management and monitoring network to achieve effective control and management of air quality in urban areas, zones and agglomerations.
- Afforestation actions are the best way to change the environment for the better.

The participants of the Conference, through their presentations and discussion, highlighted various aspects of air pollution problems and proposed the possible solutions.

The roundtable was an opportunity for representatives of state institutions, local self-governments, civil sector, as well as for representatives of professional, consulting, educational and scientific institutions to highlight important issues, as well as the importance of raising the level of knowledge about how small changes in everyday life can reduce the burden of nature and environment pollution, but also the burden to health of present and future generations.

Today, four months after the Conference, we are fully aware of the importance of the aforementioned conclusions reached jointly by all stakeholders in order to contribute to solving the problem in the coming period.

Impact Assessment Process and Health in Turkey

7.1 Introduction

The main objective of the projects such as infrastructure, energy and transportation is to increase the social welfare. Social welfare and the welfare distribution has three aspects; economic, social and ecological that all of these aspects must be considered separately. Starting from this theoretical point of view, we can assert that problems/conflicts in decision-making processes of projects actually arise from the fact that economic welfare is prioritized, but not the other two aspects.

If Environmental Impact Assessment (EIA) is considered as a simple bureaucratic part of the cost-benefit analysis where the process management is unhealthy, then the outcomes would be ignored in relation to social and ecological welfare in society or it is assumed that economic welfare by itself is enough to replace the components of social and ecological welfare.³²

Environmental impact assessment can be defined as a process which examines the possible outcomes of a planned project on the environment. In comparison to many

32. Yazıcı Gökmen, E., Erdemli Mutlu, Ö., Güler, R.İ., Aykul, Ö., Filcak, R., Özkaynak, B. (2016). Avrupa Birliği'ne Uyum ve Çevresel Etki Değerlendirmesi Çalıştayı, Sonuç Bildirgesi, TEMA Vakfı, İstanbul

other mechanisms intended to protect environment, the focus of EIA is to prevent any undesired impacts. Hence, EIA is an important tool which is used in decision stages of investments posing a threat to environment and public health. However, with the economic growth, the investments in energy, mining and construction sectors are getting faster which ignores the environmental conservation. Globally all the mechanisms of impact assessment should function efficiently and in an integrated manner. The increasing impact of human activities on environment, especially with the Industrial Revolution, enabled us to understand strong relation between the public health and the environment.

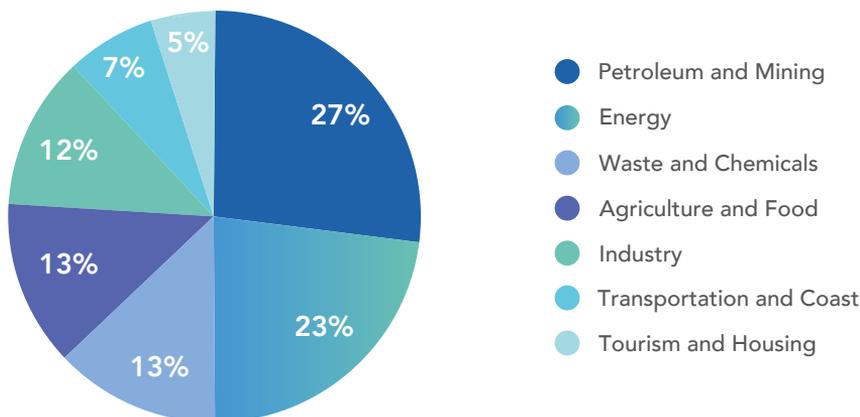
There are serious impacts in quality and quantitative terms in Turkey. For example, meadows now cover only 19% of land use area in comparison to 56% in the beginning of 1920s, in just 13 years, we lost 2.4 million hectares of agricultural land. By the end of 2013, a total of 62.754 hectares of forest area was used for activities like mining and oil exploration. In addition to that, it is predicted that the precipitation rates will decline 20-40% in southeastern and eastern parts, and up to 40% in western and central parts of Turkey, given the fact that the country is located in the Mediterranean Basin being highly vulnerable to climate change according to Intergovernmental Panel on Climate Change. Considering all the facts, impact assessment processes in Turkey become much more important. As the need for efficient and integrated impact assessment processes grows rapidly, it is of great significance to improve current practices and the body of current laws.

7.2 EIA Legislation and Implementation in Turkey

In Turkey, the concept of environmental impact assessment entered in law in 1993 by EIA regulation and Strategic Impact Assessment (SID) assessing the impacts of plans and programs entered in law in 2017. Unfortunately, there is no legislative regulation for the Health Impact Assessment (HIA).

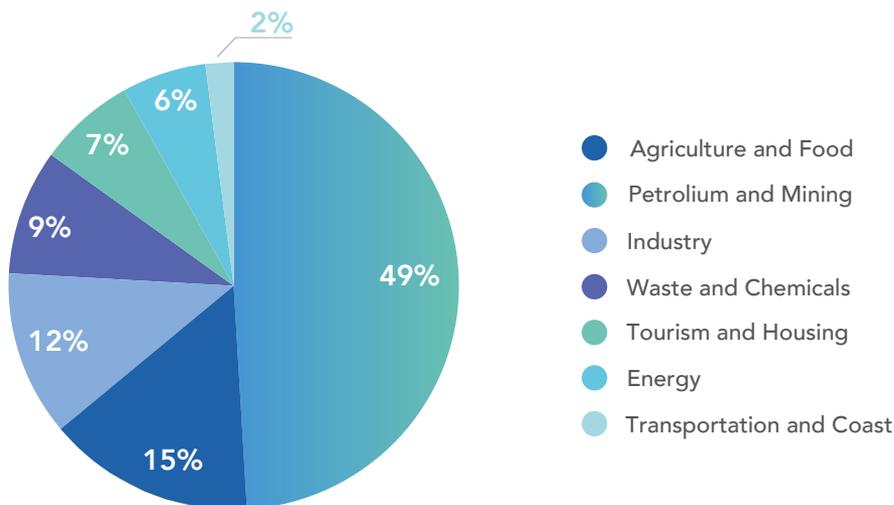
Between 1993 and 2017, as for the sectoral distribution of EIA decisions, investments in petroleum, mining and energy sectors got the first two positions in cases with a positive result for EIA (Graphic 1). And half of the 57.658 decisions saying "EIA is not necessary" is directed to investments related to petroleum and mining (Graphic 2).³³

Figure 2. Graphic 1 – Distribution of EIA Positive Results by Sectors



33. <https://ced.csb.gov.tr/>

Figure 3. Graphic 2 – Distribution of Results with 'No Need for EIA' by Sectors



As can be seen, it is extremely important to improve legislation and practices for EIA processes, as it mainly covers investments in sectors such as energy, petroleum and mining, which have significant impacts on the environment and human health. It seems that the legislation related to the environmental impact assessment, which was included in our domestic law system in 1993, went backwards with the changes made up to date. When problems and needs are taken into consideration, it is necessary to improve the legislation in four main areas: participation, periods, monitoring / supervision and scope.

7.3 The Main Problems of EIA Legislation and Implementation

7.3.1 Participation

As for the participation, when looking at the examples abroad-especially in the developed countries- resolving the possible disputes at the beginning of the process is of great economic importance as well as ecological. In addition to the irreversible destruction of nature, the delay or cancellation of the investment due to the resistance or litigation processes of the local people causes negativities for investors as well. This can be solved by ensuring effective participation at the beginning of the EIA processes, and what should be done first is to make the necessary regulations in the EIA laws to go into that direction. Participation should be transformed into a process which involves feedback mechanisms based on exchanges of views throughout the process, and should also include setting a scope, as it should be done by changing the framework of public participation meetings from something which goes beyond its purpose and where the parties do not trust each other. Moreover, Access to Information on Environmental Issues, the Community Participation to Decision-Making Processes and the Convention on Access to Justice (Aarhus Convention) have not yet been signed, which is an important shortcoming in terms of legislation related to participation.

7.3.2 Periods

Regulations on periods for the EIA stages are also intended to shorten these periods. This situation seems favorable in terms of investor firms, but since the process is prevented from proceeding in a healthy manner, it is ultimately against all parties. As the shortening of periods makes it difficult for the Ministry to examine the EIA applications and reports, it also becomes difficult for the public to accurately and thoroughly examine the characteristics of the project and the region, both during the negotiation phase and while starting a lawsuit. Therefore, the periods of EIA stages should be rearranged to allow all parties to conduct an accurate and thorough examination and not cause any loss of rights.

7.3.3 Monitoring and Supervision

Monitoring and supervision is also an important stage in the EIA process. Although it is included in the scope of the Environmental Impact Assessment Regulation "The monitoring and supervising of projects under the scope of Environmental Impact Assessment after construction, management and post-management", the regulations concerning how to handle monitoring and supervision are insufficient. In the EIA general format in Annex 3 as well, the monitoring plan is limited to the construction period. Monitoring and supervision need to be re-regulated to include NGOs in the process, independent from the investor firm, and with the sanctions designated. Besides, the removal of EIA reports from online access after the decision of the EIA makes it difficult to participate in monitoring and supervision processes. Access to EIA reports is important to ensure public participation in monitoring and supervision processes once the facilities have been operational.

7.3.4 Scope

Scope can be dealt with in two sub-sections, namely, the identification of projects to be implemented by EIA processes and the identification of subjects covered by the EIA. It is determined according to the list of Annex-1 and Annex-2 of the EIA Regulation that which projects are covered by the EIA and in which projects screening criteria will be applied. It is seen that the scope of the EIA has been narrowed down with the recent changes made in these lists. This narrow-down was made by increasing the lower bounds of the capacities of some projects listed in Annex-1, by transferring the projects such as public housing and golf courses from Annex-1 to Annex-2 and by increasing the lower limits of some projects listed in Annex-2. These changes cause many projects that may have significant environmental impacts to be exempted from EIA processes. Moreover, projects in the screening criteria should not be evaluated only through capacities, but also the physical/socio-economic, direct/indirect, long-term/short-term, qualitative/quantitative and cumulative effects of the project and the location as well should be included in the screening criteria. Together with these, the Provisional Article 3 Directive, which also causes exemptions of projects with significant environmental impacts from EIA processes, should be removed. This article is against the purpose of the EIA legislation.

Regarding the designation of subjects covered by the EIA; it is first necessary to evaluate the cumulative effects of the projects. When examining the existing EIA reports, it appears that the cumulative impact assessment is incompletely made as a listing of other projects of the same type as the EIA project. Cumulative impact assessment, on the other hand, is the assessment of all existing and planned projects in the region

where the project will be constructed (the region as well should be specified by taking the ecological limits into consideration), together with the project to be implemented. The cumulative impact assessment should include the temporal, spatial and impact dimensions. Temporal cumulative impact assessment is important because it covers the evaluation of impacts in the past and future over a longer period of time. Spatial cumulative impact assessment includes the evaluation of impacts in a wider area (i.e. regional / basin / sub- or micro-basin). The cumulative impact assessment includes both project's impacts on Valued Ecosystem Components (VEC) and the interactions between the project's past and present and reasonably foreseeable future impacts.

7.3.5 The evaluation of alternatives is one of the important shortcomings of EIA.

The evaluation of alternatives is usually done in such a way that only the necessity of the project is prioritized and it is ignored that not doing the project is another available option. The alternative of "no action" should be considered based on a superior public benefit analysis. Therefore, legislative changes should be made to include the assessment of alternatives, with cumulative effects of EIA and the zero alternative.

7.4 What is Health Impact Assessment?

Another important shortcoming in designation of contents covered by the EIA is health effects. Considering the relationship between environment and human health, it is understood that the health impact assessment (HIA) is an important tool, which assesses the likely impact of a policy, a program or a project on the health of a population living in that area. Yet health impact assessment cannot be used effectively in Turkey to be considered in the decision-making process of public health issues.

According to the definition of the World Health Organization (WHO), Health Impact Assessment is "a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population. Health is not only the lack of disease or infirmities but a state of complete physical, mental and social welfare.³⁴ The HIA process is widely applied in countries such as the United States, many European countries, Australia, New Zealand and Thailand.

Many of the HIA processes in those countries are implemented on a voluntary basis by public, project investors, project contractors or people affected by the project.³⁵ A number of frameworks and standards have been set up to bring the analysis and research contained in HIA together in common methods. Among the most widely accepted are the framework prepared by the International Association for Impact Assessment in cooperation with the World Health Organization, the framework prepared by the European Commission and the framework prepared by development agencies such as the World Bank and the Asian Development Bank.³⁶

34. WHO. Health Impact Assessment. <http://www.who.int/hia/about/en/>

35. Etki Değerlendirmesi Derneği <http://www.iaia.org/wiki-details.php?ID=14>

36. Dünya Sağlık Örgütü. <http://www.who.int/hia/about/guides/en/>

The common point of all these frameworks is as follows: to research chronic diseases and the demographic structure of people living both in the project area and the impact zone, to investigate all possible impacts concerning health and environment (e.g. not only if the limits of pollutants are exceeded in a thermal power plant project, but also other environmental risks such as pollutants getting into chemical reaction and forming an acid rain should closely be inspected as well) and to plan for a reduction of all possible risks of a project.

7.5 Examples for HIA

The concept of Health Impact Assessment emerged with the combined need of assesment of environmental and health impacts. First implementations started in Canada and then continued to be implemented in USA and Europe. There are some examples impletented in Turkey as well. The fundamental text where HIA depends on is the Gothenburg Consensus published by the WHO European Office in 1999. HIA has become popular with setting the HIA as a target in the 4th phase of the Healthy Cities Project, covering the period of 2003-2008.³⁷

In addition, HIA is requested in projects supported by the World Bank at the moment. HIA legislation is still in progress on an international scale. In some states of the USA, there are decisions that make up the infrastructure of HIA legislation. In Australia, Denmark, Lithuania, Ireland and the UK, there are ministries and affiliated institutes, as well as declarations, training and examples to promote HIA.³⁸

The first HIA implemented in the USA was made on the "living wage ordinance". The prepared living wage ordinance envisaged to increase the minimum wage to be 11 USD/hour in 1999. In this HIA study conducted by the San Francisco Public Health Division, it was estimated that the risk of premature death for adults aged 24-44 will decrease by 5% with the planned wage increase. Thus, for the children of these workers, it is estimated that the completed education year will increase by three months and the probability of completing higher education will increase by 34% and the risk of having children at an early age will decrease by 22%.³⁹

7.6 HIA Legislation and Implementation in Turkey

Turkey does not have any regulations for the HIA process in legislation. Besides, it is observed that the EIA processes being carried out do not address the public health data in a comprehensive and comparative manner. In order to overcome these shortcomings, the central and provincial organizations of the Ministry of Health should be involved in the EIA processes and participation should not be only in the form of taking an institutional view. Health data should be addressed extensively, not only in the county and district where the project will be implemented, but also in all areas, such as death causes, infant mortality rates, disease burdens and prevalence rates,⁴⁰

37. Etiler N., "Toplum Sağlığı İçin Bir Yaklaşım: Sağlık Etki Değerlendirmesi" İçinde: Kocaeli'nde Sanayi, Doğa ve İnsan (Ed. O. Hamzaoğlu) Kocaeli Tabip Odası Yayını, İstanbul, 2016. ISBN: 978-605-9665-09-4

38. DSÖ (WHO) websitesinde Sağlık Etki Değerlendirme hk: <http://www.euro.who.int/en/health-topics/environment-and-health/health-impact-assessment> Erişim tarihi: 25.9.2018

39. Partnership for Prevention (2003) The Los Angeles City Living Wage Ordinance <https://www.pewtrusts.org/-/media/assets/2001/sflivingwageordinance.pdf>

40. Prevalans hızı: Belirli bir nüfusta, belirli bir zaman dilimi içerisinde, çalışma kapsamında yer alan, belirli bir hastalık veya hastalıklara sahip tüm olguların oranıdır.

health data should be presented as statistics by comparison to the years and regions and to the total population. In addition, risk groups that can be affected by the project should be identified and the effects that the project will have on these groups should be defined. The pollution load that the project will bring must be in line with the protection programs and strategies in the region, for example, many EIA reports do not mention the Clean Air Action Plans where the project will be built. The EIA report should coincide with the National Environmental Health Policies and the impact of the project in the EIA report on the National Environmental Health Program and the Environmental Health Action Plans should be clearly stated. ⁴¹

In order for the HIA processes to be implemented effectively, the Environmental Impact Assessment Regulation should be amended to be integrated with the EIA by first making regulations in the legislation. Points to consider in these regulations are as follows:

- Implementation of HIA for all projects without distinction according to types or capacities in projects such as Annex-1 and Annex-2 lists in which the projects to be implemented are determined
- Involvement of health representatives in the setting-a-scope phase
- Involvement of public health professionals in the team that prepares the EIA reports
- Including new regulations related to quality/education of manpower which is capable of examining/preparing HIA during the process of HIA
- Precautionary principle should be adopted, the only criterion should not be the limit values
- Including workers' health

41. Türk Tabipler Birliđi'nin 25 Ekim 2016'da yayınladıđı "Çevresel Etki Deđerlendirmesi Raporlarını Yazan ve İnceleyenler İin Sađlık Etki Deđerlendirmesi Yoklama Listesi" yazısından yararlanılmıřtır. http://www.ttb.org.tr/halk_sagligi/2016/10/25/cevresel-etki-degerlendirmesi-raporlarini-yazan-ve-inceleyenler-icin-saglik-etki-degerlendirmesi-yoklama-listesi/

08 | CONCLUSION AND RECOMMENDATIONS

8.1 Albania

Chapter 27, on Environment and Climate Change, represents the EU policy focused on how to preserve the environment and hinder climate change based on the principles, but not limited to polluter-pays, policy assimilation in national legal acts, environmental protection through sustainable usage and raising public awareness.

This report summary describes the extent to which Albania has advanced in integrating the EU Acquis on environment and climate change (Chapter 27) into the national legislation for the period March-December 2019, in the focus of Albania EU Accession progress. As widely noted, there are a number of complications that the Albanian Government faces in order to integrate effectively the EU legal acts into the country's legislation. Such difficulties can be resolved by the central institutions through demonstrating the strong political will and cooperation with external partners while taking into account the acquired resources at hand and the time to achieve the objectives set by the EU. The fulfillment of the Chapter 27 directives is a particular challenge compared to other chapters as it requires the involvement of many stakeholders such as central and local government institutions, national agencies, environmental organizations, and civil society.

Said that, Albania has made some limited progress towards transposition and implementation of EU policy in the national legislation when considering each directive and regulation separately. However, given the overall percentage of the national framework alignment level, the government needs to put stronger efforts to improve the law transposition mostly in water quality, waste management, nature protection, industrial pollution, chemicals, and climate change.

As has been previously mentioned, the main reasons for the poor progress of implementing EU laws remain mainly the lack of clear division of responsibilities that each institution should have and the limited parallel and vertical coordination between them and accompanying agencies. Another important reason is the shortage of human capacity in the administration, both in numbers and in their qualifications, which slows the fulfillment of legal obligations and the extension of deadlines. For instance, it is often reported in several cases that in state institutions or agencies, units consist of 1 or 2 specialists who are in charge of monitoring one or more directives. The lack of staff is also noted in the directorates conducting on-site inspections, which leads to incapability to conduct effective monitoring campaigns.

The deficiency of sufficient financial capacities constitutes one of the main problems for the institutions in charge of transposition and enforcement of the EU acquis. The funds that are allocated are not abundant to provide adequate human resources, trainings, tools, and accredited laboratories for analysis of pollutant compounds. Furthermore, as a result of the shortage in financial resources, it is difficult to cover the costs of development of the environmental plans. As it was demonstrated earlier on, the amount of allocated budget for the expenditures towards implementing environmentally-friendly policies and initiatives accounts only for a small fraction of the total local governments' annual budget of 2019.

For Albania to push forward the implementation of EU acquis on the environment and climate change into national legislation, it is immediate to rise the capacity building of the relevant institutions, provision of equipment and financial resources, as well as

coordinate inter-institutional cooperation. The latter is vital for the alignment process and it can be reached by clearly dividing the competencies between the responsible governmental authorities, local institutions, and related agencies. On the other hand, the alignment process needs to be transparent to the environmental civil society organizations, and acquire their involvement in the policy-making; this way, they will have the opportunity to provide their expertise and contribution to speed up the implementation course in a qualitative manner.

Also, the government should enhance communication bridges with civil society and consider public consultation as an added value to deliver effective results. Concerning awareness rising about the necessity to enforce the directives foreseen in the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) process for environment protection, the central and local entities must include the CSOs and media during the alignment steps.

The complexity of the implementation of Chapter 27 objectives requires firm determination and will from the official authorities and policy-makers by setting the environmental policies among high priorities, given also the fact that Albania adheres to become an EU member state, after the accession negotiations with the EU has been opened as of March 2020. Therefore, the government must shift the course of policymaking towards a more environmental friendly approach by respecting the terms foreseen in the legal framework of National Waste Strategy and National Waste Management Plan (reducing waste production, while promoting recycling and waste separation and improving infrastructure), for the period 2018-2033, implement the local waste management plan in all municipalities, fulfill the obligations and standards set by international conventions and agreements, and allocate a higher budget for environmental protection expenditures.

8.2 North Macedonia

From the comparative piece of EU legislation, including research, international documents and the laws of individual countries, it can be concluded that food surplus and donations, food waste and hunger are a problem and an open issue that needs to be dealt with.

The European level regulation on surplus food and donations as a way to reduce food waste is relatively new and sets out obligations and guidelines for taking measures and regulating the matter within the national laws of the States. It is important to note that some countries have more comprehensive legislation (such as France, Italy, the United Kingdom, Bulgaria), other countries (such as Finland, Sweden) have no legislation at all, but still at local and national level, take measures to regulate food surplus, thereby reducing food waste.

Macedonia still does not have relevant legislation in place that will regulate the issue of food surplus donation, thereby also contributing to reducing the volume of food waste (environmental aspect) and returning the edible food to the food chain (social aspect).

Discourage dumping of food suitable for human consumption by stimulating the concept of donation

The measures that the Government can and should foresee in order to discourage food waste at landfills and promote donation of safe food to the non-profit operators

for redistribution purposes may be of stimulating character, such as tax exemptions and other incentives so as to encourage and reward the donors (from farmers to supermarkets, restaurants, hotels, etc.).

Taking into consideration the problem that prevails in the country concerning the food distributors, i.e. food producers and the supermarkets that solely display the products, the Government is to consider the option of either banning or limiting the return of food. Furthermore, other similar measures are to be considered and imposed either enforcing or encouraging food businesses to work more responsibly, to plan their production, procurement and sales.

Moreover, the possibility of sanctioning the wasting of safe surplus food is to be taken into account as well as increasing the fees stipulated for the disposal of such waste.

Education and information

The Food and Veterinary Agency in particular, and the Ministry of Agriculture, Forestry and Water Economy (as regards primary production), the Ministry of Labour and Social Policy, the Ministry of Environment and Spatial Planning, the local self-government units, the business community and the civil society organizations are to work on raising the public awareness regarding the subject matter by organizing national and local public campaigns, conferences and debates, by drafting promotional materials, guidelines, etc.

Additionally, it is of paramount importance to organize trainings for the food operators (both profit and non-profit) so as to educate the persons that are in direct contact with the food how to handle it properly so as to avoid its premature spoilage resulting from improper storage, display, transport, etc.

Moreover, the non-profit operators that redistribute the donated surplus food are obliged to inform the end users about the expiry dates of the respective food, as well as about the storing conditions.

8.3 Turkey

As a result, the above proposed changes in the legislation, which suggest a transformation of impact assessment processes in Turkey into a multi-dimensional and multi-stakeholder one, will provide an improvement in the applications as well. In this context, following steps are necessary to prevent negative impacts on health and environment of the investments especially from the infrastructure, energy, transportation sectors:

- Participation should be transformed into a process which involves feedback mechanisms based on exchanges of views throughout the process.
- The periods of EIA stages should be rearranged to allow all parties to conduct an accurate and thorough examination and not cause any loss of rights.
- Monitoring and supervision need to be re-regulated to include NGOs in the process, independent from the investor firm, and with the sanctions designated.
- Projects in the screening criteria should not be evaluated only through capacities, but also the physical/socio-economic, direct/indirect, long-term/short-term, qualitative/quantitative and cumulative effects of the project and the location as well should be included in the screening criteria.

- Legislative changes should be made to include the assessment of alternatives, with cumulative effects of EIA and the zero alternative.
- In order to ensure effective implementation of the HIA, legislative changes to integrate HIA into EIA Regulation are needed.

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