

IPA 2008 National Programme for Albania
Support/Twinning to Albanian Directorate General of Civil Aviation

1. Basic information

1.1 CRIS Number: 2008/020-1161. **2 Title:** Support/Twinning to Albanian Civil Aviation Safety Management Systems to the requirements of the Council Regulation (EEC) No. 787/2007.

1.3 Sector: 03.14

1.4 Location: Tirana, Albania

Implementing arrangements:

1.5 Contracting Authority (EC) - Delegation of the European Commission to Albania on behalf of the Government of Albania

1.6 Implementing Agency: The Delegation of the European Commission to Albania

1.7 Beneficiary (including details of Project Manager): Ministry of Public Works, Transport and Telecommunication of Albania (Air Transport Policies Directorate and Directorate General of Civil Aviation)

Project Manager:

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Financing:

1.8 Overall cost (VAT excluded): 1 (one) million EURO

1.9 EU contribution: 1 (one) million EURO

1.10 Final date for contracting:

Three years following the date of conclusion of the Financing Agreement

1.11 Final date for execution of contracts:

Two years following the end date of contracting. These dates apply also to national co-financing

1.12 Final date for disbursements:

One year following the end date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To contribute to meet the European safety standards and taking additional measures to the strengthening of air transport structure responsible for national civil aviation.

2.2 Project purpose:

The project purpose is to improve the high level air transport structure, responsible for national civil aviation setting a complete legal framework in compliance with EU legislation and ECAA obligations, and ensuring its effective implementation and civil aviation administrative organization with its sectors security, safety, air traffic management.

2.3 Link with AP/NPAA / EP/ SAA

The project will assist to achieve the priorities included in the proposal of the European Commission dated 06.11.2007 for a Council Decision on the principles, priorities and conditions contained in the **European Partnership** with Albania repealing Decision 2006/54/EC. Under the European Partnership (EP) Albania in the short term should implement its commitments under the first transitional phase of the European Common Aviation Area Agreement, including the implementation of the relevant aviation legislation. Also, it should implement the action plan to address the deficiencies identified within the civil aviation authority as regards safety oversight of the country's airlines. In terms of mid term priorities, Albania should implement its commitments taken on under the second transitional phase of the European Common Aviation Area Agreement.

The **Stabilisation and Association Agreement** (SAA) between the Government of Albania and the European Community was signed in June 2006. According to Article 106 of the SAA the parties should co-operate together in the field of air transport acquis, especially with the aim of modernizing the Albanian air transport mode, improving the free movement of passengers and goods, enhancing the access to the air transport market and facilities, including airports, achieving operating standards comparable to those in the Community, developing an air transport system in Albania compatible and aligned with the Community system and improving the protection of environment in air transport. Besides, this project is in line with Article 70 of the SAA, where the approximation of Albania's existing legislation to that of the Community and of its effective implementation is a requirement. Albania shall endeavour to ensure that its existing laws and future legislation shall be gradually made compatible with the Community acquis. Albania shall ensure that existing and future legislation shall be properly implemented and enforced. The same provisions have been foreseen under Article 56 of the SAA, where Albanian obligation to adapt its legislation, including administrative, technical and other rules, to that of the Community existing at any time in the field of air, maritime and inland transport insofar as it serves liberalisation purposes and mutual access to markets of the Parties and facilitates the movement of passengers and of goods, is cited.

In order to address the obligations deriving from the main strategic documents, the Albanian government has drafted the **National Plan of the Implementation of the Stabilization and Association Agreement**, approved by the Decision of the Council of

Ministers No. 577, dated on 05.09.2007. In this document, several important legal initiatives and implementing activities for the period 2008 – 2010 are foreseen. Some of them aim to address the important laws such as “On approval of Air Code” and the relevant by-laws. Also, measures to establish the needed structures have been foreseen. A detailed list of the short and mid term legal initiatives and implementing activities is found in Annex 4.

2.4 Link with MIPD 2008 - 2009

The proposed project is in line with section 2.2.3.3 of the MIPD “Programmes to be implemented” where assistance to continue with the implementation of the National Transport Plan and developing institution and capacity of relevant authorities in the transport sector (road, rail, air, and maritime) to align with the acquis, including infrastructure is foreseen. In the case of air transport, assistance shall be used to continue with the implementation of the ECAA Agreement. This would ensure that the following results foreseen under Section 2.2.3.2 “Expected results” – the alignment of the transport sector to the acquis will be advanced and transport infrastructure will be improved; the area of air transport, the ECAA agreement will be applied – are achieved until the end of the first IPA programming cycle (2009).

2.5 Link with National Development Plan (where applicable)

The abovementioned EU strategic documents have been included as a substantial part of the Albanian Government’s National Strategy of Development and Integration. In the area of civil aviation this strategy foresees the improvement of the climate for the development of internal and international aviation in compliance with european standards.

2.6 Link with national/ sectoral investment plans (where applicable)

N/A

3. Description of project

3.1 Background and justification:

There has been some progress in the air transport sector. Albania has ratified the European Common Aviation Area Agreement (ECAA) and undertook to gradually integrate into the EU internal aviation market and to apply EU aviation standards. The construction of new infrastructure at Tirana International Airport was completed in mid-March 2007. The airport is located about 25 km to the north-west (16 km in air line) of Tirana. The latest master plan for the development of the airport was implemented on 2000 and it was accompanied with an overall rehabilitation of the "Mother Theresa" airport, including workings which consisted in the reconstruction of the runway, extension of the airport, instalment of the new runway lights system, navigation and approach aid equipment as well as meteorological equipment. The international airport "Mother Theresa" has judicially passed into the concession of the BOOT form for 20 years to the concessionaire company “Tirana International Airport” (TIA) L.t.d according to law no. 9312, dated 11 November 2004. On 23 April 2005 the Rinas “Mother Theresa” International Airport started the airport construction and operation based on the Concession Agreement. The monitoring of the "construction and utilization of the airport", in compliance with the standards anticipated in the contract and those of the best international practice in the area, was done by means of sartorial policies and the authority that the concessions law has recognized to the Project Implementation

Unit. Monitoring of the constructions was carried out in timely manner and at the defined quality, as well as the capacities at the service of the concessionaire company, shall be carried out by considering the minimum C service level, imposed by IATA with regard to one-way traffic of the service to the passenger.

Also the Kukës airport has been build but is not yet operational. There are eight civil aviation fields in the Republic of Albania, most of which have a non-asphalted runway. There are no regular internal services at the moment. The harmonization of the international transport with the national transport, as well as making the latter efficient for public service represents a political sectorial challenge. The sector policies of air transport envisage the functioning, administration and monitoring of the airports and the airport services in general as well. In the framework of the development of the internal air transport and the coordination with the tourist development of the country, the rehabilitation and construction of internal and regional airports is an objective. The construction of the airport of Saranda and Vlora, for touristic reason is in focus. The Ministry of Public Works, Transport and Telecommunication is in charge of the development and modernization of air transport in the Republic of Albania.

Implementation of the first transitional phase of the relevant aviation *acquis* under the ECAA is underway but further efforts are needed, particularly in the fields of aviation safety, security, and air traffic management. In terms of security and safety, currently the air operations apply intensive legislative, regulatory and structural measures for implementation purposes of ICAO Document 8973, ECAC Document 30 (on Safety) and the Security Management and Control system at the airport is constantly improved. The content of acts and subjects involved in activities that ensure “Improvement of security and safety” are being reviewed and planned to be re-dimensioned in compliance with ECAC Document 30 and ICAO Document 8973. European Commissions regulatory acts are in the process of implementation in the sector of security and safety. The Republic of Albania will be a full member of the Joint Aviation Authority (JAA) and will improve the regulatory framework according to Joint Aviation requests (JAR). In according with this process approved by the Council of Ministers' decision no. 548, date 29.08.2007 the establishment of National Supervision Authority (NSA) and the inclusion in the Albanian air navigation regulatory system of Eurocontrol Security Aviation requests (ESARR).

The strengthening of the administrative capacity of Albania's institutions in the field of air transport is still outstanding. Work on the new draft Air Code is underway but its alignment with the *acquis* in line with Albania's commitments under the ECAA remains to be verified. Albania needs to implement the action plan to address the deficiencies identified within its Civil Aviation Authority as regards safety oversight of the country's airlines. Preparations in the field of air transport remain at an early stage. In this framework, Air Traffic Management Master Plan, approved by the Council of Ministers' decision no. 571, dated 23 October 2000, is applicable and fully coherent with the mid-term and long-term political challenges since it is extended in a 10 year timeframe. The objective of the master plan is to find out ways for the modernization of air space infrastructure and to increase air space management capacities, as well as air safety level.

On the other hand, modernization of the air traffic service, as an objective of the air transport sectorial policy aims to modernize the services and supportive logistics, to establish an institutional organization in compliance with the CoE recommendations and to standardize its activity adapting it to the European unification practices. In the context of working for the implementation of these policies, it is aimed at integrating subjects which carry out the activity of air traffic management in terms of their standards. This is done following and complying with the requirements imposed by

Albania's membership in Euro control, OCAO, ECAC, as well as Albania's obligations deriving from the Multilateral Agreement, ratified by law no. 9658, dated 18.12.2006. The institutional organization of the subjects, which will monitor the activity of the air traffic management, is also a legal obligation of Multilateral Agreement, ratified by law no.9658, dated 18.12.2006. This task is being adopted for implementation.

Besides, the Republic of Albania shall be institutionally involved and meet all the regulatory requirements for the implementation of the "Single European Sky" initiative. In addition, the Republic of Albania shall be an active member in promoting the SEE FAB (South East Europe Functional Airspace Bloc Approach) initiative with the participation of Albania, Bosnia-and-Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Romania and UNMIK-Kosovo.

In terms of membership in International Institutions, Albania is an ICAO member and ECAC member, a member of the European Organization for Air Navigation Security (EUROCONTROL), and a candidate member in JAA.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The immediate impact of the proposed project is to strengthen the high level air transport structure, responsible for national civil aviation and Directorate General of Civil Aviation, in its short and medium term priorities.

3.3 Results and measurable indicators:

The harmonization of technical requirements and administrative procedures in the field of civil aviation with regard to the capability of the civil aviation authorities of Albania to perform in a proper way their air safety oversight responsibilities.

The results of the further ICAO Universal Safety Oversight Audit Programme (USOAP) report, in the framework of the European Common Aviation Area (ECAA) will inform the MS, for serious masseurs and implementation of all suggestions with regard to the last ICAO Universal Safety Oversight Audit Programme (USOAP) report.

The capability of the civil aviation authorities of Albania will include stretching of human resources, legal framework and expertise which are necessary to allow them to perform their air safety oversight responsibilities in a satisfactory manner.

With regard to carriers certified in Albania they will operate in accordance with the relevant safety standards and indeed taking additional measures to ensure their own safety oversight given the recognized deficiencies of the national civil aviation authorities.

The progress in implementation of a Corrective Action Plan and prosecution of the Comprehensive Corrective Action Plan

Staff will be trained and capable of applying particular *acquis*-related standards by the end of the project.

Benchmarks

Reports on identification existing types of safety risks to civil aviation and implement an effective and relevant global response to emerging risks.

Assist the Albanian Civil Aviation to resolve deficiencies through regional remedial plans and the establishment of safety oversight organizations at the regional or sub-regional level.

Encourage the exchange of experience between Albanian Directorate General for Civil Aviation and EU Member States to promote mutual confidence in the level of aviation safety and accelerate the improvement of safety oversight.

Training programs including training manual for implementation of safety management systems across all safety-related disciplines

A report on risk-based inspection (schemes, tables by company types) has been prepared and all demands of EU *acquis* fully described

3.4 Activities:

Activity 1

Twining contract for Support to Albanian Directorate General for Civil Aviation - Safety Management Systems to the requirements of the Council Regulation (EEC) No 787/2007.

Components of the project:

Trainings in:

- 1 Implementing EC Reg. & Dir. in civil aviation security, safety, ATM and TA for those.
- 2 On job trainings and exchanging of experience with EU Ministry Transport's structure (political structures)& similar institutions on CA sector and organizational structure of similar institutions/agencies.
- 3 Trainings in civil aviation security, safety , ATM

All trainings will be carried out as co-operative activities between EU Member States experts and beneficiary in accordance with the relevant safety standards and indeed taking additional measures to ensure their own safety oversight given the recognize deficiencies of the national civil aviation authorities and high level Air Transport structures on the Ministry of Transport.

With the implementation of this project we aim to increase the capacities of Al. DGCA in its all sectors

3.5 Conditionality and sequencing:

- Implementation of a corrective action plan for safety matters (GDCA);
- Preparation for full JAA membership;
- Implementation of JARs or PARTs (JAA & EASA);
- Development of Safety Management Systems inside of GDCA;
- Training safety, security, ATM inspectors & legal employees and exchange experience;
- Assistance to apply duties for a full JAA membership;
- Implementation of JARs or PARTs in Albanian regulations;
- Development of Safety Management Systems inside of GDCA (NSA);
- Implementation of *acquis communautaire* in civil aviation field (especially safety, security, ATM, airport matters).

3.6 Linked activities

In this field we had assistance from CARDS Programme/ASATC Project for improving Civil Aviation, especially air safety. ASATC was organized in six working pages, for specific aviation sectors. This project ended in May 2007 and the results of the project were deliverables and recommendations respectively for each working page. Even though, a lot of work is still needed for the implementation of the ASATC outcome.

In the context of the implementation and break-down of the Master Plan objective mentioned above, the Republic of Albania contracted through the respective authority, the “Lockheed Martin Global Inc” company to carry out the Feasibility Study on the National Air Space Project (NAMP). The study recommended the contracting of a foreign provider for the air traffic management systems. Such provider would assist the Republic of Albania to ensure the necessary commercial funding and the implementation of the project modernization. The “Lockheed Martin Global Inc.”, acts at the capacity of the provider based on the contract approved by the CoM decision no.665, dated 18 December 2002. It provides assistance for goods and services which modernize the Albanian Air Traffic Management. The project is monitored so that it may reach the objectives foreseen in the Contract and the Air Traffic Master Plan.

3.7 Lessons learned

From previous projects in co-operation with EuroControl, DGCA and MPWTT realise the importance of proper coordination between various agencies involved in the civil aviation field, as well as importance of the capacity building within the staff of such agencies.

4. Indicative Budget (amounts in M €)

See Table in Annex 3

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	2 nd Quarter 2009	3 rd Quarter 2009	3 rd Quarter 2010

All projects should in principle be ready for tendering in the 1st Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

6.1 Equal Opportunity

This project shall promote the respect of equal opportunities between man and woman.

6.2 Environment N/A

6.3 Minorities N/A

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- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Indicative Budget
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 - Reference list of relevant laws and regulations
 - Reference to AP /NPAA / EP / SAA
 - Reference to MIPD
 - Reference to National Development Plan
 - Reference to national / sectoral investment plans
- 6- Details per EU funded contract (*) where applicable:
 - For *TA contracts*: account of tasks expected from the contractor
 - For *twinning covenants*: account of tasks expected from the team leader, resident twinning advisor and short term experts
 - For *grants schemes*: account of components of the schemes
 - For *investment contracts*: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria (**)
 - For *works contracts*: reference list of feasibility study for the *constructing works* part of the contract as well as a section on investment criteria (**); account of services to be carried out for the *service part* of the contract

(*) non standard aspects (in case of derogation to PRAG) also to be specified

(**) section on investment criteria (applicable to all infrastructure contracts and constructing works):

- Rate of return
- Co financing
- compliance with state aids provisions
- Ownership of assets (current and after project completion)

ANNEX 1
Log frame in Standard Format

LOGFRAME PLANNING MATRIX FOR		Programme name and number: IPA 2008	
Project title:			
Twining Project in Albanian Civil Aviation Safety Management Systems		Contracting period expires: hree years following the date of conclusion of the Financing Agreement	Disbursement period expires: One year following the end date for the execution of contracts
		Total Budget 1.0 million Euro	IPA / pre-accession budget : 1.0 million Euro
Overall objective	Objectively verifiable indicators	Sources of Verification	
The development of the Albanian Civil Aviation through development of DGCA of Albania, according to EU requirements and Albania's international obligations.	Reinforce the capability of the civil aviation authorities of Albania to perform their air safety oversight responsibilities.	Control of aviation safety in terms of monitoring the compliance of rules and regulations governing aviation safety issues.	
Project purpose:	Objectively verifiable indicators	Sources of Verification	Assumptions
Improvement of Civil Aviation administrative organization and its sectors, security, safety, air traffic management, setting a fully legal framework in compliance with EU legislation and ECAA obligations, and ensuring its effective implementation	Staff trained and capable of applying particular <i>acquis</i> -related standards by the end of the project	The results of the recent assessment mission conducted in Albania in the framework of the European Common Aviation Area (ECAA ICAO Universal Safety Oversight Audit Programme (USOAP) and the results of a fact-finding mission conducted in Albania at the beginning of June 2007 in Albania.	As well, through this project we aim to improve DGCA as an independent agency, with a consolidated organizational structure, a full legal framework and a professional and well trained staff of experts.
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
The harmonization of technical requirements and administrative procedures in the field of civil aviation with regard to the capability of the civil aviation authorities of Albania to perform their air safety oversight responsibilities.	Implementation of a Corrective Action Plan for safety matters (GDCA), as part to Albanian Action Plan according to Reg. (EC) No. 787/2007	Information provided by MS, which have indicated serious shortcomings for the competent authorities of Albania which should provide the Commission, within a period not exceeding three months, with all the necessary information regarding the formulation and progress in	Implementation of regulations and directives are short term obligations, and their fulfilments will give the opportunity to Albania to enter in European Common Aviation Market.

Activities	Means	Costs	Assumptions
<p>1. Assist for implementation of JARs or PARTs in Albanian regulations and requirements on Safety Issues in Civil aviation.</p> <p>2. Training safety, security, ATM inspectors & legal employees and exchange experience;</p> <p>3. Study visit and exchanging of experience with EU similar institutions on the CA sectors and organizational structure of similar institutions/ agencies.</p>	<p>Organisation and implementation of the documents, manuals and procedures, necessary on the above mentioned issues in the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks , according to EU legislation.</p>	<p>1.0 million Euro</p>	<p>1. Development of Safety Management Systems inside of GDCA (NSA);</p> <p>2. Assistance to apply duties for a full JAA membership</p>

ANNEX 2

Amounts (in €million) contracted and Disbursed per Quarter over the full duration of Programme

Contracted	1 st Quarter 2009	2 nd Quarter 2009	3 rd Quarter 2009	4 th Quarter 2009	1 st Quarter 2010	2 nd Quarter 2010	3 rd Quarter 2010
Contract 1.1			1.0				
Cumulated			1.0				
Disbursed tbc by ECD	1 st Quarter 2009	2 nd Quarter 2009	3 rd Quarter 2009	4 th Quarter 2009	1 st Quarter 2010	2 nd Quarter 2010	3 rd Quarter 2010
Contract 1.1			0.6		0.3		0.1
Cumulated			0.6		0.9		1.0

ANNEX 3

Indicative Budget (amounts in €million)

			TOTAL EXPENDITURE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
ACTIVITY 1												
Contract 1.1	X	–	1.0	1.0	100%	0.0	0%	0.0	0.0	0.0	0.0	0%
Contract 1.2	–	–				0.0	0%	0.0	0.0	0.0	0.0	0%
ACTIVITY 2						0.0	0%	0.0	0.0	0.0	0.0	0%
Contract 2.1	–	–										
Contract 2.2	–	–										–
.....												–
TOTAL IB			1.0									
TOTAL INV												
TOTAL PROJECT			1.0	1.0	100%	0.0	0%	0.0	0.0	0.0	0.0	0.0

ANNEX 4

Description of Institutional Framework

The Ministry of Public Works, Transport and Telecommunications is responsible for civil aviation in Albania. Its Directorate of Air Transport (DAT) is in charge of the ministry's policy functions in the field of air transport as established in Regulation 441 of 2003 of MPWTT. An important part of the work for this Directorate is the ratification of several legal instruments such as laws, decisions of council of ministers, conventions, protocols (on international civil aviation and signing bilateral air agreements with 29 foreign states). Under the Ministry DGCA (created in 1997) is in charge of overseeing air transport and managing the day-to-day oversight of civil aviation including tasks such as an Aeronautical Inspectorate for Airlines and Airports inspection, Technical Standards, Air Traffic Services and Airports, Statistics, Charges and other economical aspects. Albtransport created in 1959 as a state enterprise of international air transport, was transformed in 1999 into a joint stock company. Furthermore, before 1999, Albtransport had already separated air traffic control and vested it in an independent agency, ANTA (the National Air Traffic Agency) responsible for Air Traffic Management (ATM) under DGCA.

The Minister of Public Works Transport and Telecommunication (MPWTT) is the highest/senior authority of the Albanian Civil Aviation. Institutional structural construction of Albanian air transport is based on three key levels:

At the level of policy development, is the General Directorate of Transport Policies and the Department for Air Transport Policies responsible for policy making in this field.

At the regulatory level, is the General Directorate of Civil Aviation (DPAC) which is directly dependent on the Minister of Transport. DGCA of Albania is responsible for the implementation of the policies in the civil aviation field.

MPPTT based on recommendations and international experiences shall change the performance of the General Directorate of Civil Aviation (DPAC) with the Authority of the Civil Aviation (AAC).

The Authority of the Civil Aviation shall represent a specialized technical entity of the Civil Aviation as a state structure with financial autonomy.

The operational level or that of aviation services, represented by the one that offers Air Traffic Services (NATA), Offer of Aeroportual Services (TIA), Air Companies, and other supporting structures.

ANNEX 5

Reference to laws, regulations and strategic documents

Reference list of relevant laws and regulations

1. Law no. 9658, dated 18.12.2006 “On ratification of “The Multilateral Agreement between the European Community and its Member States, Republic of Albania, Bosnia and Herzegovina, Republic of Bulgaria, Republic of Croatia, Republic of Macedonia, Republic of Iceland, Republic of Montenegro, Republic of Norway, Republic of Rumania, Republic of Serbia and the Temporary Administrative Mission of the United Nations in Kosovo, for the creation of a European Common Aviation Area”.
2. Law no. 9586, dated 20.07.2006 “On ratification of “The Agreement between the Council of Ministers of the Republic of Albania and the European Community for specified aspects of the air services“.
3. Montreal Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999).
4. Presidium Decree dated 28/03/91, Convention on International Civil Aviation, signed in Chicago on 7/12/44,
5. Law no. 7877, dated 30.11.1994, “On Albanian Civil Aviation”
6. Law no. 8910, dated 19.03.1998, “On safety of civil aviation”
7. Law no. 8374, dated 15.07.1998, “On the use of air space of the Republic of Albania”
8. Law no. 9312 dated 11.11.2004, “On ratification of Concession Agreement between the Council of Ministers of the Republic of Albania and the Concessionaire Company “Tirana Airport Partners” Ltd., to construct, operate and maintain the International Airport “Mother Teresa”.
9. Law no. 9149 dated 30.10.2003 “On some supplements and amendments to the Law No. 8130, dated 19.03.1998 “On safety in the Albanian civil aviation”, referring to Annex 17 “Safety” of ICAOS, Document 8973 “Safety manual”;
10. DCM no. 270, dated 10.05.06 “On approval of the National Transport Plan”.
11. DCM no. 48, dated 28.01.1999, “On establishment of the board to investigate air accidents and incidents of civil aviation”.
12. DCM no. 665 dated 18.12.2002, “On approval of the contract between the Government of the Republic of Albania and Lockheed Martin Global inc. for the modernisation of service in the Albanian Air Traffic”
13. DCM no. 296, dated 14.05.2004 “On establishment of the safety committee of Rinas Airport”
14. DCM no. 3, dated. 07. 01.1999, “On establishment and operation in the area of search-rescue (SAR) airplanes in case of air accidents”.
15. DCM no. 224 dated 15. 05.1995, “On establishment of Consultant Board of the Civil Aviation”,
16. DCM no. 91 dated 20.02.2004 “On approval of the national safety program of the Civil Aviation”.

The Republic of Albania has adhered to and ratified the following international acts:

1. International air services transit agreement signed in Chicago on 07 December 1944 (Transit Agreement)
2. International Air Transport Agreement,

3. Protocol in the authentic text in three languages of the Convention on International Civil Aviation , signed in Buenos Aires on 24/09/68
4. Article 83 signed in Montreal on 06/10/80,
5. Convention for the Protection from acts committed on the board of the airplane, signed in Tokyo on 14/09/63,
6. Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted in Tokyo in 1963,
7. Convention on Suppression of Illegal Acts against the safety in the Civil Aviation, signed in Montreal on 23/09/71,
8. Additional Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation (Montreal, 1988), to the Convention on Suppression of Illegal Acts against the safety in the Civil Aviation, signed in Montreal on 23/09/71
9. “On the adherence of the Republic of Albania to Convention “Convention on International ... Guarantee trusts over movable property” and its Protocol”, law no. 9551, dated 05.06.2006.
10. “On the adherence of the Republic of Albania to the Dispositions on Development, Acceptance and Implementation of Aviation Joint Requirements (JAR)”, law. 9489, dated 13.03.2006.
11. “On the adherence of the Republic of Albania to the International Convention of EUROCONTROL, law no. 8821, dated 15.10.2001.
12. On Albania’s Membership at the European Civil Aviation Conference (ECAC), Law no. 8259, dated 26.11.1997.

Reference to European Partnership

The project will assist to achieve the priorities included in the proposal of the European Commission dated 06.11.2007 for a Council Decision on the principles, priorities and conditions contained in the European Partnership with Albania repealing Decision 2006/54/EC. Under the European Partnership (EP) Albania:

Short – term priorities:

- Implement Albania's commitments under the first transitional phase of the European Common Aviation Area Agreement, including the implementation of the relevant aviation legislation.
- Implement the action plan to address the deficiencies identified within the civil aviation authority as regards safety oversight of the country's airlines.

Mid – term priorities:

- Implement commitments taken on under the second transitional phase of the European Common Aviation Area Agreement.

Reference to SAA

ARTICLE 59

With regard to supply of transport services between the Community and Albania, the following provisions shall apply:

- 1
2. With regard to international maritime transport, the Parties undertake to apply effectively the principle of unrestricted access to the market and traffic on a commercial basis, and to respect international and European obligations in the field of safety, security and environmental standards.

The Parties affirm their commitment to a freely competitive environment as an essential feature of international maritime transport.

3. In applying the principles of paragraph 2:

- (a) the Parties shall not introduce cargo-sharing clauses in future bilateral Agreements with third countries;
- (b) the Parties shall abolish, upon the date of entry into force of this Agreement, all unilateral measures and administrative, technical and other obstacles that could have restrictive or discriminatory effects on the free supply of services in international maritime transport.
- (c) each Party shall grant, *inter alia*, no less favourable treatment for the ships operated by nationals or companies of the other Party than that accorded to a Party's own ships with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, a well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.

4. With a view to ensuring a coordinated development and progressive liberalisation of transport between the Parties adapted to their reciprocal commercial needs, the conditions of mutual market access in air transport shall be dealt with by special Agreements to be negotiated between the Parties.

5. Prior to the conclusion of the Agreements referred to in paragraph 4, the Parties shall not take any measures or actions which are more restrictive or discriminatory as compared with the situation existing prior to the date of entry into force of this Agreement.

6. Albania shall adapt its legislation, including administrative, technical and other rules, to that of the Community existing at any time in the field of air, maritime and inland transport insofar as it serves liberalisation purposes and mutual access to markets of the Parties and facilitates the movement of passengers and of goods.

7. In step with the common progress in the achievement of the objectives of this Chapter, the Stabilisation and Association Council shall examine ways of creating the conditions necessary for improving freedom to provide air and inland transport services.

ARTICLE 70

1. The Parties recognise the importance of the approximation of Albania's existing legislation to that of the Community and of its effective implementation. Albania shall endeavour to ensure that its existing laws and future legislation shall be gradually made compatible with the Community *acquis*. Albania shall ensure that existing and future legislation shall be properly implemented and enforced.

2. This approximation shall start on the date of signing of this Agreement, and shall gradually extend to all the elements of the Community *acquis* referred to in this Agreement by the end of the transitional period as defined in Article 6.

3. During the first stage as defined in Article 6, approximation shall focus on fundamental elements of the Internal Market *acquis* as well as on other important areas such as competition, intellectual, industrial and commercial property rights, public procurement, standards and certification, financial services, land and maritime transport – with special emphasis on safety and environmental standards as well as social aspects – company law, accounting, consumer protection, data protection, health and safety at work and equal opportunities. During the second stage, Albania shall focus on the remaining parts of the *acquis*.

Approximation will be carried out on the basis of a programme to be agreed between the

Commission of the European Communities and Albania.

4. Albania shall also define, in agreement with the Commission of the European Communities, the modalities for the monitoring of the implementation of approximation of legislation and law enforcement actions to be taken.

ARTICLE 106

Transport

1. Cooperation between the Parties shall focus on priority areas related to the Community acquis in the field of transport.
2. Cooperation may notably aim at restructuring and modernising the Albanian transport modes, improving the free movement of passengers and goods, enhancing the access to the transport market and facilities, including ports and airports, supporting the development of multi-modal infrastructures in connection with the main trans-European networks, notably to reinforce regional links, achieving operating standards comparable to those in the Community, developing a transport system in Albania compatible and aligned with the Community system and improving the protection of environment in transport.

Reference to National Plan for the Implementation of the SAA

In the National Plan of the Implementation of the Stabilization and Association Agreement, the following legal initiatives and implementation activities are foreseen:

Short-term Legislative Initiatives (2007 – 2008)

The following legislative initiatives will be undertaken so as to address short-term priorities:

- Draft DCM “On approval of regulative requirements of EUROCONTROL on Albanian Civil Aviation safety”;
- Draft law “On approval of Air Code”, which will govern the activity in the area of Air Transport. In order to include European standards in this Code, it will be fully in accordance with Regulations 2407/92/EC, 2343/90/EC, 2320/2002/EC, 2027/97/EC, 889/2002/EC, 785/2004/EC, 549/2004EC, Reg.550/2004EC, 551/2004EC and the Directives 94/56/EC, 2002/30/EC and Montreal Convention;
- Draft Decision of the Council of Ministers to define the structure and way of financing the Civil Aviation Authority;
- Draft Decision of the Council of Ministers to establish the National Board for the Investigation of Incidents and Accidents in Aviation, as an independent aviation body;
- Draft decision of the Council of Ministers “On organisation of air space and the air rules in the Republic of Albania”;

Short-term Implementing Activities (2007 - 2008)

The following implementing activities will be undertaken so as to address short-term priorities:

- Updating and fulfilling the obligations that derive from the membership of the Republic of Albania to the International Aviation Bodies: ICAO, ECAC, JAA, EUROCONTROL;
- Organisation of round tables with the groups of interest related to the final preparation of the Air Code draft;
- Acquaintance with the communitarian legislation related to the implementation of SAA and implementation of other communitarian acts of air transport: ECAA Agreement, etc.;
- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member

States that have consolidated this practice. Identification of reference material, “On establishment of Civil Aviation Authority” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act, work-tables with consultants and collaboration institutions for the final drafting of the act);

- Study on the application of airport and airport services tariffs;
- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “On establishment of the National Board for the Investigation of Incidents and Accidents in Aviation” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act.
- Perfection of the way of elaborating and publishing of statistical aviation data (passengers, posts and cargo);
- Practical implementation of the suggestions given from the Study of internal air traffic by the analysis of development of traffic in the airport of Kukës and Sarande-Vlore Area.

Medium-term Legislative Initiatives (2009 - 2010)

The following legislative initiatives will be undertaken to address medium-term priorities (2009-2010):

- Draft DCM “On procedures to issue permissions for the international flights of airplanes”
- Instruction issued by the Minister of Public Works, Transport and Telecommunications to keep the state register Instruction of the Minister of Public Works, Transport and Telecommunications on permissions for the companies of foreign aviation in cases of international transport and/or Air works in the territory of the Republic of Albania;
- Instruction by the Minister of Public Works, Transport and Telecommunications on setting the requirements for issuing the Authorisation of Air Operator and Certificate of Operation in the Air (C.O.A);
- Draft-Instruction by the Minister “On licensing the engineer and technical staff of ANTA Anonymous Company concerning the safety of the Air Traffic Service”;
- Instruction by the Minister of Public Works, Transport and Telecommunications on requirements and procedures for the safety in the air traffic services in accordance with ICAO and EUROCONTROL standards;
- Draft-Decision of the Council of Ministers “On making use of cameras and other methods from the board of the „« Draft DCM “On appointment of the company that will be in charge of Meteorological Service for the aviation

3.2.2 Medium-term Implementing Activities (2009 - 2010)

The following implementing initiatives will be undertaken to address medium-term priorities:

- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “On procedures to issue permissions for the international flights of airplanes” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act;
- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “On the Instruction issued by the Minister of Public Works, Transport and Telecommunications to keep the state register of civil and experimental aerodromes” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the

drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act;

- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “Instruction of the Minister of Public Works, Transport and Telecommunications on permissions for the companies of foreign aviation in cases of international transport and/or Air works in the territory of the Republic of Albania” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act.
- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “Instruction by the Minister of Public Works, Transport and Telecommunications on setting the requirements for issuing the Authorisation of Air Operator and Certificate of Operation in the Air (C.O.A)” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act.
- Collaboration and co-ordination meanwhile exchanging experiences with the EU Member States that have consolidated this practice. Identification of reference material, “Instruction by the Minister of Public Works, Transport and Telecommunications on requirements and procedures for the safety in the air traffic services in accordance with ICAO and EUROCONTROL standards” (the bibliography, internal normative acts if any, respective communitarian acts, that serve as orienting and base for the drafting of the act), work-tables with consultants and collaboration institutions for the final drafting of the act.

Reference to MIPD

The proposed project is in line with section 2.2.3.3 of the MIPD “Programmes to be implemented” where assistance to continue with the implementation of the National Transport Plan and developing institution and capacity of relevant authorities in the transport sector (road, rail, air, and maritime) to align with the acquis, including infrastructure is foreseen. In the case of air transport, assistance shall be used to continue with the implementation of the ECAA Agreement. This would ensure that the following results foreseen under Section 2.2.3.2 “Expected results” – the alignment of the transport sector to the acquis will be advanced and transport infrastructure will be improved; the area of air transport, the ECAA agreement will be applied – are achieved until the end of the first IPA programming cycle (2009).

Reference to National Development Plan

The abovementioned EU strategic documents have been included as a substantial part of the Albanian Government’s National Strategy of Development and Integration. In the area of civil aviation this strategy foresees the improvement of the climate for the development of internal and international aviation in compliance with european standards.

ANNEX 6

Details per EU funded contract (*) where applicable:

For *TA contracts*: account of tasks expected from the contractor

For *twinning covenants*: account of tasks expected from the team leader, resident twinning advisor and short term experts

For *grants schemes*: account of components of the schemes

For *investment contracts*: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria (**)

For *works contracts*: reference list of feasibility study for the *constructing works* part of the contract as well as a section on investment criteria (**); account of services to be carried out for the *service part* of the contract

(*) non standard aspects (in case of derogation to PRAG) also to be specified

(**) section on investment criteria (applicable to all infrastructure contracts and constructing works):

- Rate of return
- Co financing
- compliance with state aids provisions

Ownership of assets (current and after project completion)