

**IPA National Programme 2010 for Albania**  
**Project Fiche 10: Capacity strengthening of the Ministry of Environment, Forests and Water Administration for law drafting and enforcement of national environmental legislation**

**1. Basic information**

**1.1 CRIS Number:** 2010/022-530

**1.2 Title:** Capacity strengthening for law drafting and enforcement of national environmental legislation

**1.3 ELARG Statistical code:** 03/27 Ability to assume the obligation of membership/Environment

**1.4 Location:** Albania

**Implementing arrangements:**

**1.5 Contracting Authority:** The European Union represented by the European Commission on behalf of the Government of Albania

**1.6 Implementing Agency:** European Union Delegation to Albania

**1.7 Beneficiary:** Ministry of Environment, Forests and Water Administration (MEFWA)

Project manager

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**Financing:**

**1.8 Overall cost (VAT excluded)<sup>1</sup>:** EUR 4 400 000

**1.9 EU contribution:** EUR 4 000 000

**1.10 Final date for contracting:** Two years following the date of the conclusion of the Financing Agreement

**1.11 Final date for execution of contracts:** Two years following the end date of contracting

**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**

Better living conditions via improved environmental management by enabling Government Institutions to implement and enforce environmental legislation to EU standards

**2.2. Project Purpose**

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<sup>1</sup> The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated

The purpose of the project will be to support the Ministry of Environment, Forests and Water Administration (MEFWA) in enhancing its capacity to implement and enforce environmental legislation through:

- Assisting the development of technical departments within the Ministry towards fully effective operation
- Strengthening the Environmental Inspectorate towards an effective enforcement and prosecution service in all sectors under the responsibility of the Ministry
- Ensuring that the Environmental Protection Agency functions effectively at both national and regional levels.

### **2.3 Link with AP/NPAA /EP/ SAA**

The proposal is in line with the provisions of the Stabilization and Association Agreement, which was signed on 12 June 2006 and entered into force on 1 April 2009, and in which Article 108 states that “The Parties shall develop and strengthen their cooperation in the vital task of combating environmental degradation, with the aim of promoting environmental sustainability and cooperation shall mainly focus on priority areas related to the Community acquis in the field of environment.”

The European Partnership<sup>2</sup> highlights priorities on short term, Section (Environment) 3.1.Short-term priorities, Key Priorities Political Requirements

Those relevant for the current proposal are:

- Strengthen administrative capacity and coordination at national and local level.
- Implement international conventions to which Albania is party in the field of nature protection.

### **2.4 Link with MIPD**

This Project will contribute to the *Support for transition assistance and institution building* – Component 1 and is in line with section 2.3.1.3 of MIPD 2009-11, in that it will provide for the establishment and capacity building of agencies and institutions required for the implementation and enforcement of environmental policies, thereby enhancing the *Ability to assume the obligations of membership*:

### **2.5 Link with National Development Plan**

The need to implement the identified projects is based on the requirements and plans defined in the following country’s major documents:

- National Strategy for Development and Integration 2007- 2013, approved by DCM nr.342, date 12.03.2008 (Environment, Page 53-56).
- National Environmental Strategy 2007-2013, approved by DCM nr.847, date 29.11.2007.
- Environmental Cross-cutting Strategy (ECS), approved by the DCM no. 847, date 29.11.2007 “On the approval of Environmental Cross-cutting Strategy”.

### **2.6 Link with national/ sectoral investment plans**

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<sup>2</sup> The European Partnership Document for Albania adopted by Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54EC.

The need to implement the identified project is based on the medium term budget plans for 2009-2011. The project will have a positive impact in the efficiency of public and donors funds that are invested or are in plan to be invested for urban waste, water and waste water treatment, hot spots and the other investment on the environment as are monitoring of environment, forest, biodiversity etc. In the table below there are the funds invested or planned to be invested for this year and for the next year.

Table 1. State budget expenditures in environment connected actions In 000/euro

Year	Urban waste	Water and Waste water	Hot spot	Environment
2007	2.200	No information.	2.868	7.488
2008	135.000	No information	460	7.382
2009	2.455	40.366	500	7.211
2010	5.529	69.374	4.400	7.437
2011	13.700	65.642	1.056	6.829
<b>Total</b>	<b>158.884</b>	<b>175.382</b>	<b>968.324</b>	<b>28.859</b>

Source: Medium Terms Budgeted Plan (PBA) 2007-2011 (MPWTT and MEFWA)

Table2. State Budgeted for Salary and Expenditures

Budgeted	In 000/euro			
	Year 2009	Year 2010	Year 2011	Year 2012
Salary and insurances	6,699	7,081	7,333	8,553
Operative expenses	2,715	2,561	3,983	4178
<b>Total</b>	<b>9,414</b>	<b>9,642</b>	<b>11,316</b>	<b>12,731</b>

Source: MEFWA

### 3. Description of the Project

#### 3.1. Background and justification

The ministry has started to prepare and to implement a new reform for the reorganization and integration of regional institutions including REA (regional environmental agency), AUB (agency of water basin), DFP (Department for the forest and pastures), IF (inspectorate of Fishery) for the improvement of control upon environment, forest, water and fishery from managing structures. The objective is to separate the control functions from the managing functions with the aim to enforce the implementation of legal framework related to the forestry, fishery, water and environmental protection. The reform aimed also the integration of all structures with the aim to use with the electivity the actual staff and infrastructure.

In the frame of this reform it is with interest that restructuration is accompanied with additional measures related to capacity building and institutional strengthening. This restructuration takes in consideration the separate role and organization for management and law enforcement bodies.

##### 3.1.1 Background

Presently, Albania has applied to become a candidate country for the European Union. In June 2006 Albania signed the Stabilization and Association Agreement (SAA) and in April 2009 the country applied for candidate country status. A number of commitments have been made by the Government within this context and all the efforts the country is currently undertaking are concentrated to achieve this ultimate goal - EU accession.

Among these commitments have been those made to preserve and protect the substantial natural assets in the country, and to take accurate account of environmental values in decision making. Despite this, the country faces numerous and in some cases intensifying, environmental problems, including poor urban air quality, poor quality of drinking water, insufficient waste water treatment, lack of sanitation, chaotic urban development, deforestation and land degradation. Such problems reflect both a historic backlog of environmental neglect as well as new problems associated with a country in transition. In the context of recent rapid growth and urbanization, the hazardous quality of the urban environment is having increasing impacts on public health associated with factors such as solid waste management, water quality and air quality.

The primary institution with responsibility for environmental protection in Albania is the Ministry of Environment, Forests and Water Administration (MEFWA) This ministry was created in 2005 by the merger into the Ministry of Environment (itself created in 2002) of the General Directorates for Forestry and Fisheries from the Ministry of Agriculture and the water administration from the Ministry of Public Works. It is the responsible authority in charge of environmental management and policy at national level. It employs approximately 93 staff in Tirana, out of which approximately 30 are working for environment protection, including 9 in the forestry department, 7 in the nature protection department, 3 in environment protection department, 5 for fishery, 3 in the legal department.

The Ministry comprises a total staff of 93 persons working in four technical directorates, generating policy and legislation with technical, legal and support departments. There is also a Directorate for Integration and Projects with a staff of 11 people. Technical departments are understaffed, and the quality of staff is variable. As far as possible within budgetary constraints, numbers should be increased, particularly in the Environmental Protection Directorate. The new Ministry structure is missing the creation of waste managing and pollution prevention sectors. The legal department needs to be strengthened, particularly since the head of the department will retire in 2010 and other staff members are young and junior. The Sector for Project and Integration within the Directorate for Integration and Projects needs to be strengthened to manage the rapidly increased project pipeline expected in coming years

The four elements (Environment, Forestry, Fisheries, Water) comprising the MEFWA have not yet been effectively integrated into an optimum organization. The new administration following the 2009 general election has started to address the issue, but there is a strong need for a thorough review of the situation, to form the foundation for the development of a new, optimized structure.

Although any review will consider all elements of the Ministry's resource, the main area of concern is the staffs in the field, which are primarily responsible for implementation and enforcement of environmental legislation.

At present the field structure has the following characteristics:

- Approximately 1200 staff, of whom 1100 are in the Forestry Service
- Apart from Forestry, there are specialists in Environment (ie mainly dealing with industrial/commercial activities and ambient environment quality); Fisheries; Water
- Forestry Services are based in districts, the rest in regions
- Almost universally, staff are responsible for both permitting, monitoring and inspection, which represents a massive conflict of interest
- In addition, in some areas (in particular in Environmental protection), departments are

- grossly understaffed and consequently ineffective.
- There is a serious shortage of technical support to field services – few laboratories (none accredited), few vehicles, poor internet connections etc.

The Agency for Environment and Forestry is the national body responsible for monitoring the state of environment in the country. By Decision of the Council of Ministers (579/23.08.2006) it is entrusted with, among others, the responsibility for collection, elaboration and reporting of environmental data. AEF was created by restructuring the Institute of Environment and Institute of Forestry and Pastures. It employs 47 staff.

The 12 Regional Environmental Agencies are in fact part of the National Environmental Inspectorate within the MEFWA, based in the regional Prefectures. They are expected to perform permitting, monitoring and inspection of facilities appropriate for regional rather than national control. There are 40 employees in the Regional Environmental Agencies (REA), staff in the field, which means 2-4 staff per region, who are grossly overloaded and under-resourced. In addition, recent changes in licensing procedures through the National Agency for Licensing requires Agency staff to provide environmental opinions within 7 days, which is totally unreasonable, particularly if some form of environmental impact assessment is required. These conditions introduce serious conflicts of interest, and must encourage short cuts and corrupt practices.

Inspectorates reporting to the MEFWA presently do that reporting through several different routes according to their sector. With the creation of regional inspectorates each covering a range of sectors and reporting in to the National Inspectorate in Tirana, there is an urgent need for improved communications

The District Forestry Service is organized in 36 Districts rather than at Regional level, and comprises 1100 staff; district staff report directly to the Minister. There is a World Bank implemented Natural Resources project (which followed the Forestry Project) which is supporting the transfer of ownership of 60% of Albania's forests and pastures to local communes, which will have significantly affected the role and resource needs for this Forestry Service. The transfer is based on Council of Ministers Decision No 22 of 9 January 2008. Management and policing of the national forests will be much reduced, whilst extension services, advice and supervision for communal forests will have increased.

There are 19 fishery inspectors, based in 11 of the 12 districts (ie those with fishery interests, either fresh or salt water)

The Minister has recognized that environmental inspectorates have been ineffective owing to their dispersal in small numbers, and has issued an order combining all of the inspectorates into a single, large, composite body, to give it critical mass and consequent authority. Although things are developing rapidly, it is expected that any new structure will be based on the following concepts:

- All functions regionally based in 12 centers
- Clear separation of implementation (including monitoring) and enforcement activities, into Regional Agencies and Regional Inspectorates, each reporting in to the National Environmental Agency and the National Environmental Inspectorate respectively
- Regional Agencies and Inspectorates will each cover all sectors of the Ministry's responsibilities – environmental protection, fisheries, protected areas, water and forests

- Overall staff numbers will remain the same, but with a transfer of vacancies from the Forestry sector to the other sectors
- All staff to be recruited according to transparent standards, with approved job descriptions, and supported by adequate infrastructure

Although progress has been made over the past decade in the approximation of EU primary legislation into Albanian Law, this process is still ongoing, in particular within a current EC Funded project INPAEL (see point 3.6. for details). This project has highlighted the key problem that primary legislation is of little value until it is supported by secondary legal acts including implementing regulations, binding standards and guidance notes. There is also an urgent need for Government to understand fully the very high financial and resource costs of implementation of the environmental acquis – the INPAEL Project has started to prepare Directive Specific Implementation Plans for some directives, which show these costs and timescales.

Enforcement of environmental law is very weak, and has low priority or understanding within the judiciary or law enforcement agencies. At present if an inspector issues a fine to a polluter, the order is handed for implementation to the local authority, which may have an interest in the polluter, and can delay the process for 12 months, at which point the fine is cancelled. An Administrative Court has been proposed by Government, but its creation is being held up owing to a parliamentary hiatus. A project funded by the Spanish and managed by the Regional Environment Centre is raising the competence in environmental law within the courts and the State Prosecution Service, and introducing environmental law courses into Albanian universities. There is now a need for the judiciary to become more active in the field, perhaps through pilot cases.

A system of Regional Councils for Community Safety is being established, initially run by the police, and environmental inspectorates should be represented in order to enhance enforcement rates through closer liaison with enforcement agencies. In addition, the inspectorates should be more closely involved in the EC-funded ECENA network of environmental inspectors in the Balkan region

### **3.1.2. Justification**

Implementation and enforcement of environmental legislation in Albania is at a very low level, in spite of the efforts of internationally funded projects over the past decade. This is primarily caused by four interlocking issues:

- Environment has had a low priority in government, with consequent lack of political will to enable the MEFWA to fulfill its obligations, particularly with respect to EU Accession. Under the new administration this is slowly changing.
- Legislation has been largely at the primary level, without the implementing and enforcement regulations and guidelines necessary to enable technical staff to do their work.
- The capacity of the institutions expected to implement and enforce the law has been inadequate, at both the individual and the systemic level. Staffing levels are low, and there is minimal budget support for the necessary infrastructure (offices, equipment, vehicles, maintenance)
- The structures and systems currently in place for environmental management are incompatible with good practice, including inadequate resources, intrinsic conflicts of interest, unreasonable time constraints and other elements which encourage short cuts

and corrupt practices.

This project aims to support the MEFWA in the resolution of these issues, through an extension of the work currently being implemented by the INPAEL Project, and through supporting the Ministry's planning capacity related to the environment, forest, water and fishery of thorough re-organization and capacity enhancement of the Ministry's headquarter and field staff, with a particular emphasis on mechanisms for law enforcement

### **3.2. Assessment of project impact, catalytic effect, sustainability and cross border impact**

The **direct impact** of this project will be a significantly enhanced performance of the offices of the MEFWA in the implementation and enforcement of environmental legislation, through:

- Extension of primary environmental legislation, reinforced with secondary legal acts such as implementing regulations, standards, guidance notes etc.
- Fundamental re-structuring of the field staff of the Ministry through concentrating resources at the regional level, creating an integrated inspectorate, separating permitting from inspection, and redistributing some forestry management positions to places which will have a greater overall effect on law enforcement within the Ministry's overall responsibility.
- Strengthened capacity of the Tirana offices of MEFWA. This will include stronger technical departments responsible for policy, and more effective Inspectorate and Agency, in particular to manage the implementation and enforcement activities of staff in the regions.
- Strengthening relations between the MEFWA and the national institutions for law enforcement, to encourage more effective prosecution of offenders

There will be many **catalytic effects** from the success of this project, including:

- Recognition by polluting entities that they must obey the Law or pay the price
- Enhancement of the natural environment through better management of forests and protected areas including national parks
- Greater recognition by central government of the cost and resource implications of implementing the EU Environmental Acquis, and hence improved forward planning for accession

The whole purpose of the project is to enhance the **sustainability** of environmental management in Albania, through the development of better legislation and institutions for implementation, management and enforcement of environmental protection measures.

### **3.3 Results and measurable indicators**

<b>Activity 1</b>	<b>Results</b>	<b>Indicators</b>
A. Enhancing Ministry's ability to implement and enforce legislation	A.1.Gaps in approximation from Environmental Acquis confirmed	Report issued
	A.2. Primary legislation in Air, and Chemicals sectors completed	Legislation published and authorized

	A.3. Secondary legislative acts for Waste, Water and Industrial pollution sectors completed	Secondary acts published and authorized
	A.4. Legal acts relating to international conventions completed	International conventions ratified
	A.5. Directive specific implementation plans for Water, Air and Chemicals sectors prepared	DSIPs published
	A.6. Technical and control directorates, legal and PMU departments, operating effectively	Job descriptions, annual reviews, career development programmes in place
B. Improved inspection, enforcement and prosecution of environmental legislation	B.1. Review of inspection resources completed	Report issued
	B.2. New structure of regional inspectorates approved (including staff numbers)	Organigram published
	B.3. National Inspectorate trained and competent to manage regionally based multisectoral inspectorates	Reports on training courses
	B.4. Field staff functioning effectively following training, and communicating well, both across regions and with counterparts in Tirana	<ul style="list-style-type: none"> <li>▪ Numbers of fines and convictions</li> <li>▪ Quality of reporting</li> </ul>
	B.5. Pilot enforcement and prosecution activity completed	Court reports
C. Improved environmental management by the Environment Agency at national and regional levels	C.1. Twelve regional agencies established, with agreed structures (including staff numbers)	Organigram published
	C.2. Field staff functioning effectively following training, and communicating well, both across regions and with counterparts in Tirana	<ul style="list-style-type: none"> <li>▪ Numbers of permits/licences</li> <li>▪ Reports from communal forests</li> <li>▪ National forestry statistics</li> </ul>
	C.3. National Agency restructured, staffed and trained to respond to its new responsibilities	<ul style="list-style-type: none"> <li>▪ Organigram published</li> <li>▪ Reports from trainings</li> </ul>
	C.4. National monitoring system functioning under Agency coordination	Monitoring reports

	C.5. Agency laboratory accredited to ISO 17025	Accreditation documentation published
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### **3.4 Activities**

This project will comprise one technical assistance (service) contract, which will cover the following activities. The institutional development of the MEFWA will best be served by embedding the project team into the structure of the Ministry. In particular the Team Leader (with a legislative background) will be based within the Ministry, and there will be two full-time experts, one working within the National Inspectorate and one within the National Environment Agency. These key personnel should expect full cooperation from beneficiary in order to fulfil the mutually agreed work plan and objectives. The beneficiary will allocate sufficient personnel to work with the TA team in order to achieve the objectives of the project.

Contribution (10%) from the Beneficiary will be in form of one service or grant contract to undertake certain activities related to the present project (see contract 1.2).

#### **Activity 1:**

#### **Contract 1.1 Service Contract (covered by IPA funds)**

#### **A. Enhancing the Ministry's ability to implement and enforce legislation**

##### ***A.1. Legislation review***

Thanks to a current EU-funded project (INPAEL), approximation of primary environmental legislation in Albania is making good progress. The INPAEL project has also started to prepare the secondary legislative documents (implementing regulations, standards, guidance notes etc) which are essential for implementation and enforcement of the legislation. It has also prepared some examples of Directive Specific Implementation Plans, which demonstrate the financial, resource and time commitment required for full implementation of each Directive.

The new Project will build on these foundations, initially through a review of the work already done in environmental legislation development, to identify gaps in primary legislation and secondary legal acts which still need to be filled, and to generate priorities.

##### ***A.2, A.3, A.4, A.5: Drafting new legislation***

The project will:

- Assist the MEFWA in drafting laws to fill the gaps identified in the review, in priority order. In particular, primary legislation shall be transposed for the Air and Chemicals sectors
- Develop the secondary legislative documents which are required to ensure effective implementation and enforcement of the primary legislation already drafted in the Waste, Water, Industrial Pollution sectors, and the Air and Chemicals sectors already mentioned
- Prepare Directive Specific Action Plans for the Water, Air and Chemicals Directives
- Prepare legislative acts relating to International Conventions

## ***A.6. Strengthening the capacities of the Ministry technical units in Tirana***

The Project will:

- Assist in the establishment of appropriate numbers of staff in each technical unit, in particular the Environmental Protection directorate, by providing institutional analysis towards country's needs, comparison with best practices in other Member States or acceding countries
- In addition a system of job descriptions and regular performance reviews will be established to enhance performance
- Support the enhancement of capacity in the Legal department and the PMU
- Monitoring law enforcement at central and regional level

## **B. Improved inspection, enforcement and prosecution of environmental legislation**

### ***B.1. Institutional review***

At the start of this project, there will be a thorough review of the inspectorate, at national and regional levels, in close cooperation with the Minister and his staff. The review will consider the following:

- The status of the structure against the plans of the Ministry and compared with international good practice
- Presence and understanding of job descriptions for all positions
- Competences of field staff against defined job descriptions
- Relationships between regional inspectorates and agencies, and between the regions and their national counterparts in Tirana
- A programme of work to enable the Ministry's field staff to function as an effective operation.

### ***B.2. Confirmation of the structure of the Inspectorates***

Following the review, the Ministry will be assisted in developing an optimal structure for the inspectorate, including staffing levels for each sector in each region

### ***B.3. Development of the competence of the National Inspectorate***

The National Inspectorate to be developed and strengthened so that it can effectively manage the resources in the regions. This will include supporting the Ministry in:

- Ensuring there is a good mix of technical skills within the National Inspectorate
- Recruitment against job descriptions, and basic training
- Training in management and communication skills
- Improving relations with the law enforcement institutions, to assist prosecutions

### ***B.4. Improving the capacity of the inspectorates in the 12 regions***

Although the programme will strongly depend on the situation at the time, as identified in the initial review, the following activities are expected:

- Assistance with job descriptions, recruitment and basic training for all sectors
- For all inspectors, training in enforcement and prosecution, through closer contacts with law enforcement institutions- public prosecutors, courts, police.
- For the Environment Protection Inspectors in particular, training in the use of portable analytical equipment for pollution monitoring
- Development of effective communication and management systems at regional level and also between regions and their national counterparts in Tirana
- Practical training through study visits to an inspectorate in an appropriate EU country

### ***B.5. Pilot enforcement and prosecution activity***

Practical training supporting an inspectorate through a prosecution of a serious offender in the courts will greatly enhance the confidence and general capacity of the Environmental Inspectorates. This will be achieved using the experience of the implanted team member in the inspectorate, but will be dependent on development of knowledge of environmental violations within the legal system.

## **C. Improved environmental management by the Environment Agency at national and regional levels**

### ***C.1. Confirmation of the structures of the Agencies***

Following the review described in activity 2.1, , the Project will assist the Ministry in developing an optimal structure for the regional agencies , including staffing levels for each sector in each region

### ***C.2. Improving the capacity of the Regional Agencies***

Although the programme will strongly depend on the situation at the time, as identified in the initial review, the following activities are expected:

- Assistance with job descriptions, recruitment and basic training for all sectors
- For Environment Protection staff, training in effective licensing and permitting, including environmental impact assessment
- For water resources management staff, training in river basin management
- Training for Protected Areas management staff
- For extension services for communal forests, support to training already expected from the World Bank and SNV
- Practical training through study visits to an Environment Agency in an appropriate EU country
- Development of effective communication and management systems at regional level and also between regions and their national counterparts in Tirana

### ***C.3. Building capacity of the National Environment Agency***

The Agency has particular needs. Its staff composition arose from a merging of the Institutes of Environment and Forestry, both of which were staffed to meet the requirements of the past

economy; in addition the Agency has never had responsibility for agencies in the field, so it lacks management and coordination competences.

The capacity of the Agency will be enhanced through the following activities:

- The structure of the Agency will be compared with national requirements in Albania, and also with the structures and functions of Agencies in similar EU member states
- A new structure will be proposed which meets current requirements within current budgetary constraints, but which can readily be expanded to accommodate the requirements of EU membership
- Assistance will be given to realizing the structure, through support to recruitment, preparation of job descriptions and career development plans
- Training will be given, both technical and also in management and coordination
- A study visit to an Agency in an appropriate EU member state

#### ***C.4. Improving Agency coordination of the National Environmental Monitoring System***

- The Agency must act as the central coordination unit for the national environmental monitoring system set up under the EU StEMA Project financed under CARDS 2004 and CEMSA Project under IPA 2008 funds(see point 3.6.). They will need support in this activity. The level of support will depend on the success of the follow-up project to complete StEMA – CEMSA (IPA 2008).

#### ***C.5. Completion of accreditation of the Agency laboratory***

- The Agency is contracting annually numerous laboratories which are on the road towards accreditation to ISO 17025 standards, thanks to funding from the Embassy of the Kingdom of the Netherlands, World Bank and an IPA 2008 project "Consolidation of the Environmental Monitoring System in Albania". This process will continue and completed so that the Agency can manage the national environmental monitoring system under a Quality Scheme Accreditation, and can ultimately provide reliable analytical results to the inspectorates.

#### **Contract 1.2. (covered by national contribution)**

Under contract 1.2, a co-financing of 10 % will be provided by the beneficiary. The co-financing will be in addition to the contribution in kind (office space, facilities, ect.), and it will cover the cost for equipments for inspectorates, regional agencies and the activities related the workshop and training at national and local level.

### **3.5 Conditionality and sequencing**

This project is designed to function in conjunction with an ongoing programme of restructuring on the staff of the MEFWA, particularly the staff in the field. The starting point of this project, therefore, is highly dependent on the status of the Ministry's own development.

The proposals of the Ministry include the establishment of separate inspectorates and agencies in each of 12 regions. This is likely to require significant investment by Government in the infrastructure needed for these offices to function – office buildings, office equipment,

vehicles, and analytical instruments. The success of this project will be significantly affected by the availability of this infrastructure. The Ministry has agreed that this funding will be made available under the national budget. Therefore, conditionality for the start of this project is that the Government budget for 2011 shall include funding for the infrastructure necessary for the effective operation of the new structure.

The successful restructuring of the staff of the MEFWA depends on the ability to move staff vacancies (and their salaries) from one department to another – in particular from forestry services to other functions. This in turn depends on the overall number of staff available for restructuring being adequate, which may be difficult given pressures in Government for staff numbers to be reduced

### **3.6 Linked activities**

There has been much international support to the MEFWA which is linked to the activities proposed in this project. In particular:

- CARDS 2002: Environmental Legislation and Planning in Albania (ELPA) – development of legislation and regional environmental action plans
- CARDS 2004: Strengthening of the Environmental Monitoring System in Albania (StEMA)
- CARDS 2006: Implementation of the National Plan for Albanian Environmental Legislation (INPAEL)
- IPA 2008: Consolidation of the Environmental Monitoring System in Albania (CEMSA) – following the StEMA project
- DfID (2003-4): Support to the Ministry of Environment and 3 regional environmental agencies
- World Bank (2004-2010): Forestry Project, followed by the Natural Resources Management Project.
- World Bank (2009): Equipment support to regional environment agencies
- SNV: support to the extension services for communal forests
- Embassy of the Kingdom of the Netherlands (2003-2009): Twinning support to the Agency for Environment and Forests, to enable accreditation/certification of its laboratories to ISO 17025
- Spanish Cooperation (2009): Development of Environmental Capacity in the Judiciary and University law schools
- Italian Cooperation (2010): Development of management plans for two protected areas
- SIDA(2004-10) has supported several projects, in particular on forestry and waste management

### **3.7 Lessons learned**

The MEFWA is a very important and substantial Ministry, whose effectiveness has been reduced through splintering and imbalance of resources, particularly in the field. The Minister has recognized this and has issued an order setting up integrated inspectorates in each of twelve regions, reporting to the National Environmental Inspectorate in Tirana. This will give to the Inspectorates greater power through greater resources, and should significantly increase their ability to enforce environmental law in all relevant sectors.

The current structures of the field staff have combined enforcement functions performed by inspectors with those carried out by an agency (monitoring, permitting, resource management). This represents an intrinsic conflict of interest at many levels, and offers opportunities for corrupt practices. In addition, the staff of the regional environment agencies are grossly understaffed, which encourages short cuts. This Project will support the Minister in establishing a new structure for field staff which clearly separates inspectorates and agencies at regional level, thereby eliminating these problems.

Field staffs in all branches of the Ministry have been inadequately served with basic infrastructure – offices, computers, internet access, vehicles, and equipment maintenance – to the point where their performance has been adversely affected. Conditionality for the start of this project is that the Government budget for 2011 shall include funding for the infrastructure necessary for the effective operation of the new structure.

#### 4. Indicative Budget (amounts in EUR)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA EU 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			4 400 000									
Service contract 1.1	X	-		4 000 000	90							-
Contract 1.2 Service or grant contract						400 000	10	400 000				
TOTAL IB			4 400 000	4 000 000	90	400 000	10	400 000				
TOTAL INV												
<b>TOTAL PROJECT</b>			<b>4 400 000</b>	<b>4 000 000</b>	<b>90</b>	<b>400 000</b>	<b>10</b>	<b>400 000</b>				

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

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

[Only refer to EU funded contracts in consistency with Annex II]

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1 (technical assistance)	1Q 2011	3Q2011	3Q 2013

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the Financing Agreement.

## **6. Cross cutting issues**

### **6.1 Equal Opportunity**

N/A

### **6.2 Environment**

This Fiche relates entirely to improvements in environmental management in Albania

### **6.3 Minorities**

N/A

## **ANNEXES**

- I Log frame in Standard Format
- II Amounts contracted and Disbursed per Quarter over the full duration of Programme
- III Description of Institutional Framework
- IV Reference to laws, regulations and strategic documents

**ANNEX I: Logical framework matrix**

<b>ANNEX I - LOGFRAME PLANNING MATRIX FOR IPA 2010 fiche</b>		Programme name and number <b>Capacity strengthening for law drafting and enforcement of national environmental legislation IPA 2010</b>	
		Contracting period expires: <b>2 years following the date of conclusion of the Financing Agreement</b>	Disbursement period expires : <b>One year after the end date for the execution of contracts</b>
		Total budget: <b>4 400 000</b>	IPA budget: <b>4 000 000</b>
<b>Overall objective</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
To assist the Albanian government to make significant improvements in the environment and hence the general quality of life in Albania, by enabling Government institutions to implement and enforce environmental legislation to EU standards	Enhanced implementation and enforcement of environmental legislation, through effective institutions	<ul style="list-style-type: none"> <li>- New legislation supported by rules and regulations</li> <li>- Effective institutions for implementation and enforcement in MEFWA</li> </ul>	<ul style="list-style-type: none"> <li>- Internal stability in Albania.</li> <li>- Continued governmental support for improvement in Environmental management</li> <li>-</li> </ul>
<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<ul style="list-style-type: none"> <li>- Assisting the development of technical departments within the Ministry towards fully effective operation</li> <li>- Strengthening the Environmental Inspectorate towards an effective enforcement and prosecution service in all sectors under the responsibility of the Ministry</li> <li>- Ensuring that the Environmental Protection Agency functions effectively at both national and regional levels.</li> </ul>	<ul style="list-style-type: none"> <li>- New primary legislation drafted for two EU Directives</li> <li>- Secondary legal acts prepared for four primary laws</li> <li>- New structure for MEFWA, in Tirana and the field, agreed with the Ministry</li> <li>- Staff within the structure recruited, trained and functioning</li> <li>- Significant improvement in enforcement of environmental legislation</li> </ul>	<ul style="list-style-type: none"> <li>- Laws and legal acts drafted</li> <li>- Structures approved</li> <li>- Numbers of successful enforcements of legislation</li> <li>- Improved quality of permitting and general environmental management</li> <li>- Project reports</li> </ul>	<ul style="list-style-type: none"> <li>- That the MEFWA is committed to implement the project in the proper way, in good cooperation with line ministries, and other institutions;</li> <li>- That funding is approved in the 2011 budget for the infrastructure necessary to house the new structures for MEFWA in the field.</li> </ul>
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<b>Legislation</b>			
<ul style="list-style-type: none"> <li>- Primary environmental legislation in the air and</li> </ul>	<ul style="list-style-type: none"> <li>- Number/quality of new primary laws drafted with the support of international experts;</li> </ul>	<ul style="list-style-type: none"> <li>- Published legislation</li> <li>- Ministry structures published</li> </ul>	<ul style="list-style-type: none"> <li>- project will depend on the ongoing activities of the Ministry, which is very</li> </ul>

<p>chemicals sectors fully approximated</p> <ul style="list-style-type: none"> <li>- Secondary legislative documents completed for the waste, water and industrial pollution sectors</li> <li>- Directive specific implementation plans prepared for the water, air and chemicals sectors</li> <li>- Documentation related to international conventions completed</li> </ul> <p><b>Institutional development</b></p> <ul style="list-style-type: none"> <li>- Structure of field staff of MEFWA confirmed and approved by all stakeholders</li> <li>- Field staff positions filled, and staff functioning effectively following training</li> <li>- Technical departments in MEFWA Tirana operating more effectively</li> <li>- National inspectorate trained and competent to manage regionally base offices</li> <li>- National Environment Agency restructured and staffed to respond to new responsibilities</li> <li>- Agency laboratory accredited to ISO 17025</li> <li>- Project Management Unit in MEFWA strengthened</li> </ul> <p>Increased numbers of successful enforcement of environmental legislation</p>	<ul style="list-style-type: none"> <li>- Number of Codes of Practice, guidance notes, regulations etc. adopted in compliance with the international standards and EU best practices;</li> <li>- New structures approved and implemented</li> <li>- All positions filled and staff trained</li> <li>- Number and quality of training sessions.</li> <li>- Accreditation of Agency laboratory</li> <li>- Number of study tours</li> </ul>	<ul style="list-style-type: none"> <li>- Periodic reports prepared by beneficiary institutions;</li> <li>- Interview with beneficiary authorities;</li> <li>- Completed lists of attendees at training, with feedback reports;</li> <li>- Reports from study tours;</li> </ul>	<p>interested to initiate restructuring during the period from 2010.</p> <ul style="list-style-type: none"> <li>- The restructuring of the Ministry staff in the field will require considerable investment in infrastructure before this project can be effective. This investment must be included in the Ministry's 2011 budget</li> <li>- The restructuring will require significant movement of staff positions in order to re-balance the functions of the Ministry. Conditions must be in place to enable this to happen</li> </ul>
<p><b>Activities/components or input</b></p>	<p><b>means</b></p>	<p><b>costs</b></p>	<p><b>Assumptions</b></p>
<p>A: Enhancing the Ministry's ability to implement and enforce legislation Review work already done on legislation and identify gaps in primary legislation</p> <ul style="list-style-type: none"> <li>- Assist MEFWA to transpose primary legislation in Air and chemicals sectors</li> <li>- Assist MEFWA to develop secondary legal documents for implementation and enforcement of primary</li> </ul>	<ul style="list-style-type: none"> <li>- Technical Assistance contract</li> <li>- Provision of a team of experts in environmental law to support the legal department in the MEFWA in development and drafting of primary and secondary legislation.</li> <li>- Provision of a team of experts in</li> </ul>	<p>4 400 000</p>	<ul style="list-style-type: none"> <li>- The beneficiaries are committed to the implementation of the project and to achieve its purposes.</li> <li>- All beneficiary institutions will provide the projects with the</li> </ul>

<p>legislation in the waste, water, industrial pollution, air and chemicals sectors</p> <ul style="list-style-type: none"> <li>- Prepare directive specific action plans for the water, air and chemicals sectors</li> <li>- Assist MEFWA to prepare legislative documents relation to outstanding international conventions</li> <li>- For departments in Tirana, assistance with job descriptions, recruitment, and training</li> <li>- Strengthen the legal department to accommodate increase legislative load</li> <li>- Support the national Inspectorate in managing more complex regional structures</li> <li>- Support the development of the National Environment Agency in its extended management and coordination roles</li> <li>- Support the accreditation of the Agency laboratory</li> </ul> <p><b>B: Improved inspection, enforcement and prosecution of environmental legislation</b></p> <ul style="list-style-type: none"> <li>- Review work already done by MEFWA to restructure staff, in Tirana and in the field; agree further assistance required</li> <li>- For regional inspectorates, training in the use of portable instruments, for pollution monitoring</li> <li>- For regional inspectorates, training in enforcement and prosecution, through closer contacts with law enforcement institutions</li> <li>- Practical training through supporting an inspectorate through a prosecution of a serious pollution offender in the courts</li> </ul> <p><b>C: Improved environmental management by the Environment Agency at national and regional levels</b></p>	<p>institutional development and training, including two full-time experts who will be embedded into the Inspectorate and the Agency respectively of the MEFWA</p> <ul style="list-style-type: none"> <li>- Support for training through study tours to a national inspectorate and a national environment agency in an appropriate EU country</li> </ul>		<p>necessary materials and documents in order to operate effectively</p> <ul style="list-style-type: none"> <li>- The infrastructure improvements essential for the success of the institutional development contract have been funded from the 2011 budget, and have been implemented</li> </ul>
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<ul style="list-style-type: none"> <li>- For <b>regional agencies</b>, assistance with job descriptions, recruitment, basic training</li> <li>- For environment protection agency staff, training in effective licensing and permitting including EIA</li> <li>- For water resources staff, training in river basin management</li> <li>- For extension services to communal forests, support to training already expected from the World bank and SNV</li> <li>- In general, support to improved communications, both within regions and between regions and Tirana</li> </ul>			
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**ANNEX II:**  
**Amounts (in EUR) Contracted and disbursed by quarter for the project**

<b>Contracted (Euros)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q5</b>	<b>Q6</b>	<b>Q7</b>	<b>Q8</b>	<b>Q9</b>	<b>Q10</b>	
Contract 1.1 - Service	4,000,000										
<b>Cumulated</b>	<b>4000000</b>										
<b>Disbursed</b>											
Contract 1.1 - Service	650,000		650.000		650.000		650.000		650.000	750,000	
<b>Cumulated</b>	<b>650,000</b>		<b>1 300 000</b>		<b>1 950,000</b>		<b>2 600 000</b>		<b>3 250 000</b>	<b>4 000 000</b>	

### **Annex III**

#### **Description of Institutional Framework**

##### **Organization and the structure of the Ministry of Environment, Forests and Water Administration (MoEFWA)**

The environmental institutional network consists of the Ministry of Environment, Forests and Water Administration, the Regional environmental Agencies, the Environmental Inspectorate, and environmental bodies in the composition of central and local governments as well as the interministerial bodies, approved by the Council of Ministers that deal with important issues of the environment.

The actual structure of the MoEFWA, approved by the Prime Ministers Order no.173, dated 26.11.2009 “On the approval of the structure of the Ministry of Environment, Forests and Water Administration” is organized in two General Directorates and three Directorates as follows:

**The General Directorate of Policies** – directly involved in the elaboration of policies. This directorate includes four technical directorates, namely:

- The Directorate of Environment protection, that is in charge of air, water, pollution prevention and the environmental impact assessment, waste administration, chemicals and hazardous waste as well as climate change;
- - The Biodiversity Directorate, that is in charge of protection of wild fauna and flora, habitats and ecosystems protection, soil protection, protected areas and nature monuments.
- The Directorate of Water Resources and Fisheries, that is responsible for the administration of water reserves in local and central level and for the management of the fisheries in the marine environment and in internal waters, as well as for the development of aquaculture.
- The Directorate of Forests and pastures that manages public, communal and private forests and pastures, medicinal and aromatic plants, in order to ensure their management and exploitation in accordance with the legal framework on forests and pastures.

**The General Directorate of Supporting Services**, which includes two directorates as follows:

- The Finance and Budget Directorate that is responsible for the administration of the state budget allocated to the MoEFWA for the accomplishment of the annual activities, as well as to follow the procurement procedures.
- Human Resources and Communication Directorate responsible for the ministry’s staff, their capacity building, public information and the public relations.

Besides the General Directorates as stated above there are the below listed Directorates:

- The **Integration and Projects Directorate**, that in co-operation with the Ministry of Integration follows the preparation and implementation of plans, programmes and awareness raising activities of the ministry, as well as the elaboration and implementation of environmental projects.
- **The Directorate of Environmental Control**, responsible for the enforcement and implementation of the environmental legislation, through the controls being carried out on environment, forests and pastures, water reserves and fishery. This directorate has 3 respective sectors, namely: the Environmental Inspectorate, The Sector of Forestry Police and

the Sector of Fisheries Control.

- Last but not least, **the Internal Auditing Directorate**, that deals with the internal control of procedures and funding as well.

Each directorate has in its composition sectors that have as the object of their activities, specific parts from the field of activities covered by the directorate they belong to.

The network of the environmental agencies consists of the **Agency of Environment and Forests**, as the central body and the **Regional Environmental Agencies (REAs)** that operate in the district level. There are 12 REAs in twelve respective districts of the country.

There are also **Directorates of Forestry Services** in districts in charge of forests and pastures as well as wild fauna and flora in terms of law enforcement, control and implementation.

#### **Annex IV**

#### **Reference to laws, regulations and strategic documents**

Reference list of relevant laws and regulations

1. Law no. 8934, dt. 05.09.2002 “On Environmental protection”, amended
2. Law no. 8897, dt. 16.05.2002 “On air protection from pollution”
3. Law no. 8905, dt. 06.06.2002 “On the protection of the marine environment from pollution and damage”
4. Law no. 8906, dt. 06.06.2002 “On the protected areas”
5. Law no. 8990, dt. 23.01.2003 “On the environmental impact assessment”
6. Law no. 9010, dt. 13.02.2003 “On the environmental management of solid waste”
7. Law no.9115, dt. 24.07.2003 “On the environmental treatment of polluted waters”
8. Law no.9385, dt. 04.05.2005 "On forest and forestry service”
9. Law no. 9587, dt. 20.07.2006 “On biodiversity protection”.
10. Law “On chemical substances and preparation”
11. Law “On fishing and aquatic life.”, amended
12. DCM no. 847, dt 29.11.2007 “On approval of the Intersektoral Environmental Strategy”
13. Law "On the determination of rules and procedures on international trade of endangered species of wild fauna and flora", no.9868, dated 31.1.2008;
14. Law "On the protection of wild fauna", no.10006, dated 23.10.2008;
15. Draft law "On hunting" on the approval procedures on the Parliament.
16. DCM No 463 of 5.07.2006 'On the approval of the National Plan for the Implementation of the Stabilization Agreement” approved the National Plan for the Implementation of the SAA 2009-2014.

Reference to AP /NPAA / EP / SAA

Please see section 2.3 of the project fiche.

Reference to MIPD

Please see section 2.4 of the project fiche.

Reference to National Development Plan

Please see section 2.5 of the project fiche.

Reference to national / sectoral investment plans

Please see section 2.6 of the project fiche.

### **Annex V**

- V Details per EU funded contract (\*) where applicable:  
For *TA contracts*: account of tasks expected from the contractor

The contractor of the TA contract 1.1 will provide technical assistance to cover activities A, B and C of the contract.

The precise type and number of tasks will be developed during the design period of the project, and confirmed during the inception phase of the TA contract. However necessary human resources will be allocated to cover specific tasks addressed to the Ministry.