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***Technical Assistance for Strengthening the  
Capacity of the Ministry of Environment, Forests  
and Water Administration in Albania for Law  
Drafting and Enforcement of National  
Environmental Legislation***

(EuropeAid/130987/C/SER/AL)

**Directive Specific Implementation Plan  
for the Directive 2008/50/EC of the  
European Parliament and of the Council  
of 21 May 2008 on Ambient Air Quality  
and Cleaner Air for Europe**



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## List of abbreviations

AAQ	Ambient Air Quality
AEF	Agency for Environment and Forests
CA	Competent Authority
CoM	Council of Ministries
DCM	Decree Council of Ministries
DPH	Directorate of Public Health
DSIP	Directive Specific Implementation Plan
ECAT	Environmental Centre for Administration and Technology
EEA	European Environmental Agency
EU	European Union
EC	European Commission
EEA	European Environmental Agency
EEC	European Economic Community
ESCCS	Environment Sector and Cross-Cutting Strategy
GO	Governmental Order
GoA	Government of Albania
IHM	Institute for Hydrometeorology
IPH	Institute of Public Health
KPI	Key Performance Indicators
LGU	Local Government Unit
LoW	Law on Water
MoEFWA	Ministry of Environment, Forestry and Water Administrations
MoH	Ministry of Health
MO	Ministerial Order
MS	Member States
NSDI	National Strategy for Development and Integration
NEA	National Environment Agency
NEI	National Environment Inspectorate
NEL	National Environment Laboratory
NLC or QKL	National Licensing Centre
NO <sub>2</sub>	Nitrogen Dioxide
NPISAA	National Plan for the Implementation of the Stabilisation and Association agreement 2007 – 2012
Pb	Lead (Latin name: Plumbum)
PM10	Particulate Matter 10 microns or less
REA	Regional Environment Agency
REI	Regional Environment Inspectorate
RoA	Republic of Albania
SAA	Stabilisation and Association Agreement
SO <sub>2</sub>	Sulfur Dioxide

## Executive Summary

The EU legislation covered in this directive specific implementation plan (DSIP) is **Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe** (32008L0050; OJ L 152, 11.6.2008, p. 1–44), **AAQ Directive**.

The main features of the Directive are to:

- define and establish objectives for ambient air quality in the EU;
- monitor and assess the ambient air quality in Member States (MS) on the basis of common methods and criteria;
- obtain adequate information on ambient air quality;
- ensure that the adequate information on ambient air quality is made available to the public especially when alert thresholds is exceeded;
- maintain ambient air quality where it is good and improve it in other cases.

The full transposition of this Directive is planned with a new Framework Law on ambient air quality and cleaner air, repealing the Laws in force plus several DCMs supplementing the new Framework Law.

The main responsibilities over the implementation of the AAQ Directive lie within the Ministry of Environment, Forestry and Water Administration (MoEFWA) and Ministry of Health (MoH).

Air quality monitoring is currently carried out in Albania. However, due to absence of calibration and quality assurance, the present monitoring data cannot be considered to provide a reliable picture of the ambient air quality. Further the monitoring stations has until now not been situated as needed for the provision of a reliable picture of the ambient air quality. There is a need for improvements on the following issues to implement the requirements of the AAQ directive:

- Sufficient dedicated, skilled and trained experts in monitoring ambient air in the involved institutions, incl. technicians that can secure the efficient performance of the equipment used;
- Quality assurance of data;
- Communication, coordination, exchange of data and information between the involved institutions;
- Funding to cover running costs of the monitoring: filters and other consumables, transport etc.;
- Political support for monitoring, planning and implementation of suitable measures to improve the quality of ambient air in line with the requirements of the AAQ directive (if the results of monitoring shows that limit values are exceeded ;
- Access to information and data on ambient air for the public.

The actions needed to fully implement the AAQ Directive includes establishment of an office for ambient air quality management at NEA; determination of the location of sampling points for the measurements and assessment of the need for (additional) monitoring stations at sites where threshold levels for pollutants are likely to be exceeded; establishing a system for assessing ambient air quality based on the monitoring data; establishing plans/programmes to ensure that

limit values are complied with within a specified time limit and establishing procedures to warn the public of threshold exceedances.

The description and timing of the proposed actions must be considered indicative until a better understanding of the air quality situation in Albania, based on reliable monitoring results, can be established.

It is proposed that a period of three years is allocated to train the staff for management and maintaining the monitoring and the data sampling equipment plus for assessing ambient air quality and one year for establishing plans/programmes to ensure that limit values are complied with.

The estimate of the overall costs of implementing the Directive is shown in the table below:

Stakeholder	Capital / one-off costs (€ million)	Operating / recurrent costs (€'000s p.a.)
Competent Authority (monitoring, data management, reporting (incl. quality assurance and quality control), reporting and the national programme for ambient air management and improvement)	-	32
Additional equipment	0,1	-
Rehabilitation of 6 existing monitoring stations	0,1	-
Running costs for 6 monitoring stations	-	150
Technical assistance project	2	-
<b>Total</b>	<b>2,2</b>	<b>182</b>

It can be seen that the running of the monitoring is rather costly.

A 2 million Euro technical assistance project is proposed assist and train the staff involved in air quality monitoring, assessment and planning in MoEFWA, NEA, MoH and IPH.

The health consequences of exposure to polluted air are considerable and span a wide range of severity from coughing and bronchitis to heart disease and lung cancer. Vulnerable groups include infants, the elderly, and those suffering from chronic respiratory conditions including asthma, bronchitis, or emphysema.

It is therefore expected that the implementation of the Directive will result in a marked reduction of the number of people in Albanian cities suffering from respiratory infections, heart disease, and lung cancer.

## 1. Requirements of EU Legislation

### 1.1 EU Legislation Covered

EU legislation related to the air sector broadly covers four areas:

- measures and standards to protect ambient air quality;
- measures and standards to limit emissions from point sources;
- measures to combat vehicle emissions, and;
- standards for fuel quality.

Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management, Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air, Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air and Council Decision 97/101/EC of 27 January 1997 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States, were substantially revised in order to incorporate the latest health and scientific developments and the experience of the Member States. Those five acts were repealed 11 June 2010 and are replaced by a single **Directive 2008/50/EC on ambient air quality and cleaner air for Europe**.

The Directive aims to define the basic principles and the common strategy for establishing objectives for ambient air quality designed to avoid, prevent and reduce harmful effects on human health and environment, assessing ambient air quality and concentrations of relevant pollutants using common methods and criteria, producing adequate information on ambient air quality (available to the public), maintaining and improving ambient air quality, and establishing limit values and alert thresholds for sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter, lead, ozone and benzene concentrations in ambient air.

### 1.2 Direct Requirements of Legislation

The Directive provisions regulate the following specifics:

#### **General provisions:**

- Member States (MS) shall designate at the appropriate levels the competent authorities and bodies responsible for the assessment of ambient air quality and related activities (article 3);
- MS shall establish zones and agglomerations where air quality assessment and air quality management shall be carried out (article 4);

**Assessment of ambient air quality:**

- Assessment regime (Annex II) and assessment criteria (Annex III) for ambient air quality in relation to *sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide* (article 5 & 6);
- The location of sampling points for the measurement shall be determined using the criteria listed in Annex III;
- MS shall apply the reference measurement methods and criteria specified in Section A and Section C of Annex VI;
- Assessment criteria, sampling points for assessment of ambient air quality in relation to ozone (articles 9 & 10) as well as reference methods for measurement of *ozone* (article 11) according to Annex VIII & VI respectively;

**Management of ambient air quality:**

- Limit values and alert thresholds (article 13) according to Annex XI & XII;
- MS shall ensure compliance with the critical levels specified in Annex XIII as assessed in accordance with Section A of Annex III;
- Measures required in the event of information or alert thresholds being exceeded – information to public by means of different media (article 19);
- Postponement of attainment deadlines and exemption from the obligation to apply certain limit values (article 22);

**Plans:**

- MS shall established air quality plans for zones or agglomerations, when the levels of pollutants in ambient air exceed any limit value or target value, plus any relevant margin of tolerance (article 23) and submit them to the Commission;
- MS shall draw up (short-term) action plans indicating the measures to be taken in the short term in order to reduce the risk of the levels of pollutants exceeding one or more of the alert thresholds specified in Annex XII or duration of such an exceedance and make them available to the public and to appropriate organisations such as environmental organisations, organisations representing the interests of sensitive population groups, relevant health-care bodies, etc;
- MS shall cooperate in cases of transboundary air pollution (transboundary transport of air pollutants or their precursors) and, where appropriate, draw up joint activities, such as the preparation of joint or coordinated air quality plans pursuant to Article 23 in order to remove such exceedances

**Information and reporting:**

- Article 26 - Public shall be informed, adequately and in good time, information shall be made available free of charge by means of any easily accessible media including the Internet or any other appropriate means of telecommunication of:
  - a) ambient air quality in accordance with Annex XVI;

- a) any postponement decisions pursuant to Article 22(1);
  - b) any exemptions pursuant to Article 22(2);
  - c) air quality plans as provided for in Article 22(1) and Article 23 and programmes referred to in Article 17(2).
- MS shall make available to the public annual reports for all pollutants covered by this Directive and inform the public of the authority or the body designated in accordance with article 3.
  - Informing and reporting to the Commission; Transmission of information and reporting information (Article 27) on ambient air quality is made available to the Commission within the required timescale as determined by the implementing measures referred to in Article 28(2);

**Penalties:**

- Member States shall lay down the rules on effective, proportionate and dissuasive penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

*The indirect implications of the Directive*

The Directive aims to:

- Avoid, prevent or reduce the harmful effects on human health and/or environment as a whole, through the establishment of limit values and guide values;
- Maintain ambient air quality at sites where the air is not polluted and improve it in other cases.

To comply with the Directive, significant improvement in pollution reduction at the sources shall be achieved. This has very much to do with implementation of requirements under linked legislation. There are two main trends regarding air pollution: (1) increased transport-related emissions, and (2) increasing pollution from industrial and energy sources.

Priority actions aimed at reducing air pollution from transport can include the improvement of fuel quality and a gradual shift towards the use of vehicles meeting EU standards. EU standards should also be met in order to control air pollution from the industrial and energy sectors; legislation is to be developed as soon as possible to regulate emissions, implement energy saving measures, promote the use of cleaner fuels and introduce advanced production and pollutant treatment technologies. Actions (which can be a part of urban planning) to reduce traffic in areas of cities where assessment of ambient air quality shows that the Directives limit values are exceeded should probably also be included among the priority actions.

The results from ambient air monitoring in line with the requirements of the Directive will be the basis for the assessment of ambient air quality and air quality plans specifying the measures that are needed to improve the ambient air quality in zones or agglomerations, where the levels of pollutants in ambient air exceed any limit value or target value.

### 1.3 Links with other Legislation

#### Links with other legislation within this sector

- Council Directive 2004/107/EC of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air Quality of petrol and diesel fuels (98/70/EC and 93/12/EEC);
- Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants amended by Directive 2006/105/EC and Regulation (EC) 219/2009;
- Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC as amended by Regulations (EC) 1882/2003 and (EC) 219/2009 and Directives 2005/33/EC and 2009/30/EC;
- Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations;
- Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, as amended by Regulation (EC) 1882/2003 and (EC) 1137/2008;
- Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations as amended by Regulation (EC) 1882/2003 and Directives 2004/42/EC and 2008/112/EC (to be repealed as of 07.01.2014 by Directive 2010/75/EU);
- Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC.

#### Links with other legislation within other sectors:

##### **Waste Management Sector**

- Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste, as amended by Regulation (EC) 1137/2008 (to be repealed as of 07.01.2014 by Directive 2010/75/EU)

##### **Industrial Pollution Control**

- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control (Recast – transposition deadline 7 January 2013) Large combustion plants (2001/80/EC);
- Council Directive 2008/1/EC of 15 January 2008 concerning integrated pollution prevention and control as amended by Directive 2009/31/EC (to be repealed as of 07.01.2014 by Directive 2010/75/EU);

### **Chemicals**

- Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos as amended by Directive 91/692/EEC and Regulation (EC) 807/2003;

### **Climate & Fuel/CO2/Cars**

- Commission Decision 2007/589/EC of 18 July 2007 establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council amended by Commission Decision 2009/73/EC and Commission Decision 2009/339/EC;
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer;
- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC as amended by Directives 2000/71/EC, 2003/17/EC, 2009/30/EC and Regulation (EC) 1882/2003;
- Regulation (EC) 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles. Related to this:
- Commission Regulation 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) 443/2009 of the European Parliament and of the Council
- Commission Regulation (EU) 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO2 emission targets pursuant to Article 11 of Regulation (EC) 443/2009 of the European Parliament and of the Council Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO2 emissions from light-duty vehicles
- Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars as amended by Directives 2003/73/EC and Regulations (EC) 1882/2003 and (EC) 1137/2008;
- Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol and its implementing provisions Commission Decision 2005/166/EC;
- Council Decision 86/277/EEC of 12 June 1986 on the conclusion of the Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP);
- Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery;
- Council Decision 88/540/EEC requiring Member States to ratify the Montreal Protocol and notify.

**Horizontal Sector**

- Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment;
- Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage as amended by Directive 2006/21/EC and 2009/31/EC;
- Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law;
- Directive 2003/4/EC of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC.

## 2. Present Situation

### 2.1 Government Policy

The Environment Sector and Cross-Cutting Strategy (ESCCS), which is an integral part of the National Strategy for Development and Integration (NSDI), is considered to be the main government document that outlines the state policy in the field of environment protection. The final purpose of the ESCCS is to fulfil a constitutional obligation towards the citizens, who are entitled to a healthy and ecological environment.

Albania's current environmental policy is striving towards the goals set in the Commission Thematic Strategy on Air Pollution and Clean Air For Europe (CAFE), the first of seven Thematic Strategies in the EU's Sixth Environment Action Programme (EAP), "Environment 2010: Our future, Our choice". The main objective of the government is to fulfil the obligations agreed to in the SAA (Article 108) stating that "The Parties shall develop and strengthen their co-operation in the vital task of combating environmental degradation, with the view of promoting environmental sustainability. Co-operation will mainly focus on priority areas related to the *Community Acquis* in the field of environment. The statement covers all issues under the *Environmental Acquis*, including air sector.

### 2.2 Roles & Responsibilities

The Ministry responsible for the implementation of the Directive in Albania is Ministry of Environment, Forestry and Water Administration (MoEFWA), but as of January 2013 the functions of a Competent Authority (CA) in Albania will be gradually transferred from the central level in MoEFWA to **National Environment Agency (NEA)** (the period is three years from the entering into force of the Law).

Until NEA was formed from the Agency for Environment and Forests (AEF) it was AEF who was given some of the responsibilities for the implementation of new regulations in accordance with the current legislation on air quality, LAW No. 8897. ON PROTECTION OF AIR FROM POLLUTION (Dated 16 May 2002).

MoEFWA is responsible to draft and implement policies, strategies, national action plans and legislation that protect urban air from pollution, to formulate measures for reducing the level of air pollution, and to guarantee the organisation and functions of the air quality monitoring process.

Article 59 of the Law "On environmental protection" no. 10431, dated 9.6.2011 establish the National Environment Agency as a central public institution subordinated to the Minister, exerting its jurisdiction in all the territory of the Republic of Albania through its central office and through its regional (Qark) branches, referred to as Regional Environment Agencies (REA).

The functions and the organization of the NEA should be further regulated by a DCM on organization and functioning of the NEA and by an Order on internal organization of the NEA of the

Prime Minister. The DCM is being drafted at the moment while the Order of the Prime Minister No 138 dated 19.11.2012 has approved the Structure and the Organic of the NEA.

The Ministry of Health (MoH) is responsible for health issues related to air quality. Under the Ministry, the Institute of Public Health (IPH) is engaged with air quality monitoring. The MoH's Directorate of Public Health (DPH) is responsible for air monitoring at the regional level, and IPH has for many years run a monitoring programme with two AAQ monitoring stations in Tirana and published data separately. IPH also operates a number of semi automatic stations in some of the Albanian towns.

*Table 1: Present main roles and responsibilities of stakeholders*

Stakeholder	Responsibility
MoEFWA	<ul style="list-style-type: none"> <li>Assessment of ambient air quality based on methods and criteria used in the European Community</li> <li>Identification of zones and agglomerations as well as regular review of the list of zones and agglomeration</li> <li>Adoption of Annual Programmes for AAQ Monitoring (operation of national network) and coordinates its implementation, through NEA</li> <li>Preparation and adoption of five-year National Plan for Air Improvement. Implementation of the National Plan for Air Improvement</li> <li>AAQ Limit Values. MoEFWA approves and implements regulations for monitoring of AAQ</li> <li>Emission norms for mobile sources by joint decisions with the Ministry of Transport and Telecommunication</li> <li>Smog warning system. Subject to approval by the Council of Ministers.</li> <li>Approved guideline "for air quality assessment"</li> <li>Launching the Public Awareness Campaigns related to air emission &amp; AAQ</li> </ul>
NEA/REA	<ul style="list-style-type: none"> <li>Establish local network for the purpose of measurement and monitoring of the ambient air pollution.</li> <li>Carry out AAQ monitoring through the national network and manage the national network.</li> <li>Quality Assurance of monitoring through internal quality controls in accordance with the requirements of European standards.</li> <li>Organises quality control analyses for environmental monitoring and standardization of methodology.</li> <li>Establish and manage an AAQ information system.</li> <li>Prepare and publish annual reports on the emissions, annual reports on the AAQ and periodical reports on the implementation of the obligations deriving from the Law (to the public and international organizations - convention) on behalf of the MoEFWA.</li> <li>Inform the public in a timely and accurate manner, on the current status of the AAQ, on the achieved progress, on future plans and guidelines for the status improvement, make assessment of the current status and its comparison with the previous status of the AAQ management.</li> <li>Establish electronic data base of indicators monitored. Database records are open to the public.</li> </ul>
State Environment Inspectorate	<ul style="list-style-type: none"> <li>Supervision over the enforcement of legislation</li> <li>Prevention and elimination of ambient air pollution from facilities and installations</li> <li>Executes fines, and the suspension or termination of activity</li> <li>Sanctions against polluters. Suspension or termination of activity. Issuing fines.</li> </ul>
Ministry of Health	<ul style="list-style-type: none"> <li>The assessment of health risk associated with the AAQ</li> <li>Preparation and adoption of National Plan for air improvement</li> <li>Monitor indicators through the IPH and the district public health</li> </ul>
Directorate of Public Health (DPH)	<ul style="list-style-type: none"> <li>Compulsory and continuously inform the affected public on the state and the measures that should be undertaken in the case of exceedance of the alert thresholds</li> <li>Responsible for air monitoring at the regional level</li> <li>Manage and operates its own monitoring network on the basis of separate programmes prepared under the annual programme for operation of national AAQ monitoring network urban air quality monitoring</li> </ul>
Institute of Public Health	<ul style="list-style-type: none"> <li>On behalf of the MoEFWA IPH has done some monitoring – daily sampling. In 2012 IPH is running the four NEA automatic monitoring stations in the regions. In addition IPH has initiated their own automatic monitoring system in Tirana two stations financed by WHO (and negotiating with WHO about four more automatic monitoring systems financed by WHO)</li> </ul>

Stakeholder	Responsibility
Ministry of Finance	<ul style="list-style-type: none"> <li>Financial incentives and support introducing the economic instruments</li> <li>Emission taxes</li> </ul>
Municipalities	<ul style="list-style-type: none"> <li>Compulsory and continuously inform the affected public on the state and the measures that should be undertaken in the case of exceedance of the alert thresholds</li> <li>Establish local network for the purpose of measurement and monitoring of the ambient air pollution in settlements and industrial areas</li> <li>Implement measures to reduce emissions from road traffic. In a complex cooperation with regional environmental agencies, specialized institutions, road police service, and in the case of vehicle inspection in Control Centres under instruction of the Ministry of Transport and Communication</li> </ul>
Statistical Office	<ul style="list-style-type: none"> <li>Data base on all relevant sector (driving forces in air sector) data</li> </ul>
Institute for Standardisation	<ul style="list-style-type: none"> <li>Issuing Standards as voluntary technical specification ensuring compatibility of products and services</li> </ul>
Institute for accreditation	<ul style="list-style-type: none"> <li>Issuing Accreditation to the Laboratories and Inspection Bodies according to the International standards</li> </ul>

As can be seen from the above table 1 there are gaps, overlaps and fragmentation of responsibilities between of MoEFWA/NEA and MoH/IPH for what attain air monitoring functions. Streamlining and consolidation of the existing institutional arrangements is required regarding monitoring and planning of ambient air quality.

## 2.3 Current Legal Framework

The Law "On environmental protection" no. 10431, dated 9.6.2011 adopted by the Parliament, is the general environmental protection framework act serving as the basis for the preparation of all specific legal acts dedicated to protection of environment or implementation of environmental processes and will come into force on January 2013.

Maximum acceptable values of air quality for the most important and atmospheric pollutants are determined in the Law "On protection of air from pollution" No 8897, of 16.05.2002 ("RA Official Journal" No 26, June 2002, p. 825), and in the DCM No 803, of 4.12.2003, "On the approval of air quality standards", (RA Official Journal" No 101, December, 2003, p. 4337).

Albania has also approved the norms for emissions in the air for various technologies in Law No. 435, "On the approval of Norms of Emissions in the Air in the Republic of Albania" of 12.09.2002, (Official Journal No 56, September 2002, p. 1579). Production units and industrial plants are not permitted to emit smoke darker than the second level of the Ringelmann scale (The Ringelmann scale is based on a visual look on smoke from a stack. It is a scale for measuring the apparent density of Smoke. It was developed by Maximilien Ringelmann of La Station d'Essais de Machines in Paris in 1888. This monitoring method has not been used in the old EU Member States for 50 years). The controls demanded by the legal framework regarding discharges have not been applied.

Albanian air quality standards were established in 1976. The DCM No 803 of 04.12.2003 regulates new standards. The new standards are based on the Standards/Guidelines of 1987, (World Health Organization Regional Publications, European Series, No 91 2000, x + 273) revised in 2000 by the WHO European Office in its "Guidelines on Air Quality in Europe" on objective No 10 entitled "Universal Health". The values approved by Albania according to DCM No 803 of 04.12.2003, are higher than those of WHO and the EU countries on parameters like PM10, SO<sub>2</sub>, NO<sub>2</sub>, Pb, etc.).

The National Monitoring Programme based on the DCM No 1189, of 18.11.2009 “On rules and procedures for drawing and implementing the national environmental monitoring programme”, Official Journal No 200, December 2009, was conducted by the Institute of Public Health from 1976 to 1991 in 13 cities for the most important pollutants, (like SO<sub>2</sub>, NO<sub>2</sub>) and on several other occasions other pollutants related to specific conditions. The Institute of Hydrometeorology conducted monitoring (periodic measurement campaigns) of precipitated solid matter – inert dust (to 1991).

With the amendment to the law on ambient air quality (LAW No. 10 266, dated 15.4.2010 FOR SOME CHANGES AND AMENDMENTS TO LAW 8897, DATED 16.5.2002) Albania has, as a matter of fact, adopted most of the decisions in the Directive (Directive 2008/50/EC on ambient air quality and cleaner air for Europe). The amendment includes similar limit values, assessment based on methods and criteria used in the European community, zoning, preliminary assessment and air quality management plans. However, at the time of drafting this document (March 2013) none of the activities stated in the amendment have been yet implemented or initiated.

A new Law on ambient air quality is being drafted with the assistance of the SELEA project fully transposing the Directive 2008/50/EC. Number of secondary legislation will be developed and drafted during the course of the project implementation.

See also Annex I: List of relevant legislation in Albania for this and related sectors

### **Present enforcement measures**

Chapter IV, of Law No. 7895, dated 27.01.1995, “The Penal Code of the Republic of Albania” as amended, Official Journal: Year 1995, No. 2, page 23; Publication date: 16.03.1995, details “Crimes against the environment”. Among others, the following punishments are prescribed for acts against environment: Article 201 - “Air pollution”. “Air pollution through emission of smoke, gas and other toxic radioactive substances, exceeding the allowed limits, when it does not constitute an administrative act constitutes a penal violation and is punishable by fine or imprisonment for up to two years. The same act, when causing serious consequences to human life and health, is liable for up to ten years of imprisonment.”

The procedure for appeal the penalty on administrative way and after that through the court will be in accordance to the Law no. 10279, date 20.5.2010 “On administrative procedures” and Civil Code.

The aim of establishing an environmental tax is to gain protection from those goods or services which are a major cause of environmental pollution. Revenues from such taxes are used to undertake policies in the field of environmental protection.

- Tax on the importation of used vehicles.
- Carbon tax for gasoline, benzol and gasoil, Carbon tax is set at level 0,5 lekë per liter for gasoil and benzol, and at 1 lekë per liter for gasoline. This tax is applicable for both imported and domestically produced fuels.

The 2002 law on air quality states that environmental tax shall be paid for emission of air pollutants. Article 18 Air discharge taxes says: For polluting the air, operators that discharge air pollutants are under the obligation to pay discharge taxes based on the amount and type of discharged pollutants as per definitions contained in Law No. 8435, dated 28 October 1998: "On

the tax system of the Republic of Albania". The tax for air pollution emission has never been implemented.

## 2.4 Current Implementation Status

The need for improvement in the air sector has been called for in different reports of the European Commission including the regular EC Progress Monitoring Reports which are also reporting on environment sector.

Air pollution is one of the main environmental concerns for Albania. In the National Environmental Strategy (MoEFWA, November 2006) air quality problems have been addressed but the problems mentioned have not been reduced during the period of six years.

It is possible to list the current implementation shortcomings as follows:

- 1) *The current monitoring practice is not in line with the EU requirements.* QA/QC of data has never been implemented and for the NEA there is a lack of financing consumables, maintenance and the sparse staff cannot ensure reliable capture and management of AAQ data. Periodically the automatic monitoring stations produce concentration figures but Quality Assurance is needed if the data shall be considered plausible and be used to create the information needed for managing air quality. Urgent efforts are needed to develop a consolidated, properly equipped monitoring and information system.
- 2) Control and reduction of discharges of gases to the atmosphere by motorised vehicles is a very difficult task which probably will require a that several measures are implemented simultaneously (e.g. exhaust control, reduction of the number cars using streets where the AAQ problems are highest, improved public transport to substitute private cars, etc.). Exhaust control of cars is not possible since there are no institutions able to make emission measurements from engine exhaust. Emission monitoring and information is a precondition for control.
- 3) Control and reduction of discharges of polluting substances from industrial plants is not possible when industrial emission monitoring has not been enforced. It will be necessary to implement emission monitoring by the NEI to perform emission measurements in a reliable way.
- 4) Control and reduction of dust caused by construction is probably not the biggest AAQ challenge in Albania. It is possible to use some abatement strategies without air quality data since it is too expensive and comprehensive to monitor emission from single sources.
- 5) When the above activities have been implemented it will be possible to make plans for air quality management. To be cost-effective the measures has to be selected and designed based on facts and reliable information on emissions and the ambient air quality.
- 6) *The environmental inspection system is only partly aligned with the acquis.* There is a lack of professional capacity, in particular enough well trained staff and appropriate equipment for proper implementation of the whole environmental inspection cycle. Particular efforts are needed on inspection planning, on effective cooperation between environmental inspectors and other supervisory authorities and on improving the system for reporting and evaluating the inspectorate's work.
- 7) *A more effective system for prosecuting breaches of environmental law is required,* including new legislation targeting specific offences, proportionate and dissuasive sanctions, an effective enforcement system and proper prosecution. Overall,

implementation and enforcement levels are low due to lack of human and financial resources, and lack of awareness in government, business and society in general, fragmented responsibilities and a weak judicial system<sup>1</sup>.

- 8) *There are no regional plans concerning ambient air quality and no activities have been initiated to improve known exceedances of the limit values.*

### 2.4.1 Monitoring ambient air quality

According to the Albanian Environment Sector and Cross-Cutting Strategy (ESCCS), the monitoring results indicate non compliance in relation to EU and international quality standards (EQS) in a number of environmental components including air. According the Albanian State of Environment 2010 report results of monitoring of ambient air quality 2006 – 2010 show that air quality standards<sup>2</sup> for PM10 (Particulate Matter with a diameter less than 10 micron) are not met in most of the urban areas of the country. In the central part of Tirana NO<sub>2</sub> concentrations are above the EU limit values. According to several reports the concentrations of particulates are 2-5 times higher than allowed levels in major cities like Tirana and Elbasan.

The monitoring results conclude that traffic, the oil industry and the metallurgical industry are the main sources for air pollution. The areas influenced by the most severe pollution are Tirana Centre, Elbasan and the Fier area.

#### ***Air quality measurements***

Air quality monitoring is a key component of any effective approach to air quality management. Its main purpose is to provide evidence to inform decisions on managing and improving our environment

In Albania the Institute for Public Health (IPH) has, since 1976, performed ambient air quality monitoring. It has been the main source for air quality data collected using manual and semi-automatic sampling and laboratory analyses. Early 2011 the WHO (World Health Organisation) financed two automatic monitoring stations situated in the courtyard at the institute and in the courtyard of the Poliklinika Qendrore in Tirana.

IPH finance the operation of and operates their two automatic monitoring stations continuously and the data are shared with several institutions but for unknown reasons not with National Environment Agency (NEA). The two monitoring stations are the only automatic stations in operation primo 2013. IPH has no calibration facilities for air quality monitors but a portable calibration unit is in the budget for 2013.

The National Environmental Agency (NEA) has been in charge of the three monitoring stations supplied by the project: “Strengthening of the Environmental Monitoring System in Albania” (StEMA) since January 2008.

In 2011, as part of the EU CEMSA project (Consolidation of the Environmental Monitoring System in Albania) four automatic monitoring stations were delivered to NEA and installed in Durres, Shkoder, Korce and Vlore. However this advanced automatic equipment were provided without the devises necessary to calibrate the automatic monitoring stations.

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<sup>1</sup> Albania – European Commission’s Progress and Monitoring Reports  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/al\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/al_rapport_2011_en.pdf) <http://www.rai-see.org/anti-corruption-monitoring/938-european-commissions-progress-and-monitoring-reports-2010.html>

<sup>2</sup> **Standards** are the concentrations of pollutants in the atmosphere which can broadly be taken to achieve a certain level of environmental quality. The standards are based on assessment of the effects of each pollutant on human health including the effects on sensitive subgroups or on ecosystems

Neither IPH nor NEA has implemented quality assurance of data and neither has access to proper calibration of instruments. The lack of quality assurance has been pointed out in many reports during more than a decade and it is still the major problem for AAQ monitoring in Albania. *Due to this absence of calibration and quality assurance the monitoring data cannot be considered to provide a reliable picture of the ambient air quality.*

According to the present Albanian law all data on emissions from private companies as well as measured Ambient Air Quality (AAQ) data should be available on the internet. This is not the case at the present. Further there are no policy on data management and storage of data. E.g. when data are considered unreliable they are deleted from the data base and original sampled measurements are not available.

Annual mean values have been reported in the State of Environment Report. These published data includes the results from the IPH monitoring programme. Generally the data do not fulfill the requirements specified in the AAQ Directive on data quality objectives - concerning quality assurance, data capture, data validation etc. It is common that monthly averages and one to two weeks sampled averages are compared with the annual average limit value from the AAQ Directive. Albanian AAQ monitoring institutions have never published hourly data and concentrations on hourly basis have never been compared to the Albanian or EU limit values.

## 2.5 Current Investment Status

There has been significant investment in the air sector in the last decade in the Albania. However, there is currently scarcity of financial resources for environmental monitoring in Albania. The current investment status in relation to the Directive is considered under three headings, namely investment in people, investment in capacity building and investment in the equipment needed.

### Investment in people

#### **MoEFWA**

There is one staff member dedicated to air quality management and measurement within the NEA at present and three staff members in MoEFWA, Air, Climate Change and Chemical Sector shall cover air quality among many other responsibilities.

#### **MoH**

In IPH (MoH) there is a director and a technician dedicated to air quality management. IPH further use assistance from the Regional Directorates for Public Health for running the daily average samplers outside Tirana.

It is a precondition of environmental monitoring that the necessary staffs are available and that the staffs have a reasonable training in maintenance of equipment and assessment of data output and are dedicated to their job.

In both MoEFWA/NEA and MoH/IPH there is need to further strengthening the understanding, knowledge and competence on AAQ monitoring and management. After more than ten years monitoring the need for quality assurance including basic calibration of instruments has not been recognised. The need for proper training of dedicated and qualified staff members is profound.

Donor-funded technical assistance projects

There have been a number of TA projects in recent years which have sought supporting monitoring and planning for the air sector in Albania as indicated in Table 2 below.

*Table 2: Projects supporting monitoring and planning for the air sector in Albania*

Title	Funded by	Timing	Equipment supplied to	Remarks
NA	NA	1996 - 1999	IPH	1 automatic station <sup>3</sup> . Monitoring stopped 1999 due to lack of spare parts and calibration
Strengthening of the Environmental Monitoring System in Albania (StEMA)	EU	2007	IPH but NEA took over 2008	2 automatic stations (not in operation) 1 mobile station (not in operation) 4 thick film monitors (never in regular operation) 120 diffusion tubes 4 particulate samplers (not in operation)
NA	WHO	2011	IPH	2 automatic monitoring stations (in operation)
Consolidation of the Environmental Monitoring System in Albania (CEMSA)	EU	2011 - 2012	NEA. Ultimo 2012 run by IPH - contract with MoEFWA	4 automatic monitoring stations. After operation half time the first year operation stopped December 2012 and January 2013 due to limitations in the budget for consumables and spare parts.

NA: Not Available

Further in 2012 an Italian consultant has done a national emission inventory and an air quality modelling for the whole Albania for 2009. The findings have indicated some results that should be included in the zoning procedures required by article 5 of the AAQ Directive. (AIR POLLUTANT EMISSION INVENTORIES IMPLEMENTATION AND AIR QUALITY PLANNING. Consultancy services in the sector of the Air Pollutant Emission Inventories Implementation and Air Quality Planning in Albania. Techne Consulting July 2012)

Investment in equipment

*At present there is no need for further investments in monitors but of resources for the proper maintenance of existing monitors and for consumables.*

As indicated in table 2 EU and WHO have supplied Albania with nine automatic monitoring stations since 2007 - plus a considerable amount of extra supplies such as particulate monitors/samplers, thick film monitors and passive samplers. The investments from WHO and the EU since 2007 are about one million EURO. The two automatic monitoring stations financed and operated by IPH are the only stations in operation in January 2013.

<sup>3</sup> An Automatic Monitoring Station typically consists of a permanent housing, such as a portacabin, which contains a number of sophisticated electronic instruments. Air is continuously pumped into each analyser and the level of the pollutant in the air recorded.

The pollution levels are automatically stored by the analyser and the data sent via telephone lines (or Internet) to a central data management system. The data is regularly checked and audited to ensure that high quality measurements are reported.

The analysers are 'calibrated' every two weeks to make sure they are working correctly.

(<http://www.camden.gov.uk/ccm/content/environment/air-quality-and-pollution/air-quality/air-quality-monitoring.en.jsessionid=76645679692030F2C2544D57B3435EB2>)

Budget for running costs

There are very limited and insufficient funds allocated for the running costs at NEA. The MoEFWA has contracted IPH to perform monitoring and maintenance of the four monitoring stations in Shkoder, Durres, Vlore and Korce from August to December 2012. There has been no budget for consumables like inlet filters for the gas monitors but the supplier has free of charge donated filters to make the monitors operate during the guaranty period of one year before Final Acceptance of the supplies.

IPH is in charge of two monitoring stations in Tirana. All expenses are covered by the institute (MoH). The budget is not available but the CEMSA project has estimated a price of 25,000 EUR per year to run one monitoring station – all included (also technical staff).

It is the consolidated opinion of the scientific community that it is better not to have any measurement data than unreliable data. It is also the experts opinion that, in case the necessary resources will not be allocated to introduce a minimum of QA/QC procedures it would be better to stop monitoring and save working hours and running costs for the monitoring stations. The yearly costs for running a monitoring station are considerable but small compared to the expensive investments in automatic monitoring stations.

### 3. Approximation Plan

#### 3.1 Overall Plan and Milestones

With the signing of the Stabilisation and Association Agreement (SAA)<sup>4</sup> in June 2006 Albania has clearly expressed political commitment to the EU membership. Albania has established relations with the European Union through which was signed in June 2006. Since then the EU accession process and the adopting of the *Acquis* has been driving Albanian environment institutions to adjust to a changing legal framework that has significant implications for the future scope and organization of their work.

Approximation of the *Acquis* into national legislation is an iterative process involving institutional arrangements and adoption of specific binding legal measures (quality and technical standards, testing and notification requirements, etc.) and country-specific decisions on discretionary and suggested legal measures.

In order to plan, set priorities, and monitor the Albanian integration process, a National Plan for the Implementation of the Stabilisation and Association Agreement 2007 – 2012<sup>5</sup> (NPISAA) was adopted by the Council of Ministers of Albania. The document sets out the core mechanisms for the adoption of legislation; it addresses the issues of Albanian legislation alignment with the EU *Acquis*, as an obligation deriving from the SAA, by monitoring and improving the existing legal and international framework, as well as the time limits to transpose these initiatives as per short-term, mid-term, and long-term periods.

The National Strategy for European Integration, adopted on 6<sup>th</sup> of September 2004, and the draft National Programme for the Adoption of the *Acquis Communautaire*, dated March 2006, also provide a strong confirmation of the ability and dedication of all relevant institutions and civil servants to response of the requirements of the EU integration process.

One of the main conditions for EU membership is the integration and implementation of the EU legislation, the so called approximation process, which consists of three main components: legal transposition, implementation (or practical application), and enforcement. In Albania, several approximation projects funded either by the EU or other donors have been carried out in the past or are presently ongoing or under way.

The overall plan to obtain full approximation, taking into account the past and on-going approximation projects, is presented in the following pages. It consists of a legal transposition plan and an implementation plan (including enforcement).

The legal transposition plan is composed of series of actions to be undertaken by the CA and other relevant stakeholders, to gradually accomplish full transposition.

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4 The SAA provides the legal framework for relations and progressive actions toward harmonization with the European Union.

5 The National Plan for the Implementation of the Stabilisation and Association Agreement 2007 updates and revises (and changes the name of) the National Plan for Approximation of Legislation.

- Preparation and drafting of the new and/or revised legislation,
- Designate Competent authorities,
- Preparation of new or revised administrative procedures, guidelines and standards,
- Adoption of the new/revised legislation.

The implementation plan is usually composed of the following steps: (A detailed description of the implementation plan is presented in Sub-Chapter 3.3.)

- Development and strengthening of institutional infrastructure,
- Development of supporting instruments,
- Training of human resources,
- Provision of financial means,
- Adequate physical infrastructure,
- Collection, processing and dissemination of information

The third very important part of the approximation process is *enforcement*. Without efficient enforcement measures there is no full harmonisation/approximation. Enforcement measures are not to be understood as a separate process to be dealt with after the two above are accomplished. The steps are taken in parallel to the above two – one without another could not be done. Constitutes usually of the following actions that are applied and taken either separately over a certain timescale or a simultaneous combination of the actions:

- Reporting to the Commission,
- Issuing of licences and permits,
- Monitoring and inspection,
- Collection of information and periodic reviews and assessments of compliance
- “Notorious” enforcement measures (such as court system, the juridical procedures in place, prosecution system, police, administrative measures, fines, liability measures, etc)

In specifying the phasing over time of these actions, the approach taken has been to specify relative years (starting with year 0). In practice the pace at which the directive can be transposed and implemented will depend on the availability of scarce manpower resources and budgets that have to be shared with other sectors.

It has to be emphasised that the Directive’s full implementation is strongly inter-dependent with the implementations of other co-related directives (and regulations) in the same and the related sectors. The Directive is defining and establishing objectives for ambient air quality and its purpose is, at the end, monitoring of the air pollution stemming from different sources, like stationary sources (industrial plants), motor vehicles, etc. and taking action to remove the causes of exceedances of limits allowed for different polluting agents, protecting human health and environment. The following should be considered as likely priorities for implementation in order to make the implementation and enforcement of this Directive possible:

- **Setting standards for fuel and vehicle emissions.** *These areas are the competence of the Ministry of Economy and the Ministry of Transport. The role of the MoEFWA in advising on environmental aspects of these two functions needs to be clearly stated.*
- **Implementation of vehicle emission control** - *Clarify competence and co-ordinate activities between MoEFWA and Ministry of Transport for ensuring imported vehicles meet EU*

*requirements for type-approval and that vehicles are inspected to ensure compliance with road worthiness emissions*

The implementation of the AAQ Directive serves as a tool for the enforcement of other directives – e.g. Usually the measuring of pollution in different zones helps establishing with a high certainty the pollution sources/causes.

The milestones of the overall plan for full approximation are given in Table 5 below (starting in year 0 – actual start will be determined in the National Environmental Approximation Strategy):

*Table 5: Milestones of overall approximation plan*

Overall Approximation Plan	Start (month/year)	End (month/year)
<b>Legal Transposition</b>	01/0000	12/0001
<b>Practical application - Implementation</b>	01/0000	12/0004
– Establishment of CA and an office for ambient air quality management	01/0000	06/0000
– Introductory work (including definition of zones and agglomerations)	01/0000	06/0000
– Establishment of a AAQ Directive compliant monitoring and data management system	07/0000	06/0003
– Laboratories and standards for analyses	07/0000	06/0001
– National Reference Laboratory for AAQ	07/0000	06/0001
– Establishment of national database and website	04/0000	12/0002
– First assessment of ambient air quality	07/0003	12/0003
– Establishing plans/programmes to ensure that limit values are complied with within a specified time limit (to be revised to address subsequent results of ambient air monitoring)	01/0004	12/0004
– Information and reporting	12/0002	On-going

In table 5 (a) the most important steps towards full transposition and implementation are summarised.

*Table 5(a): First steps towards full transposition and implementation:*

EU legal act	Priority	Ministry	Key Actions
Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe	1	MoEFWA	<ul style="list-style-type: none"> <li>➤ New air framework law (being drafted (December 2012)).</li> <li>➤ Assess need for (additional) monitoring stations.</li> <li>➤ Prepare baseline survey of air quality.</li> <li>➤ Draw up list of zones where levels of pollutants exceed EU standards &amp; develop air quality plans.</li> <li>➤ Establish a smog warning system and procedures to warn public of threshold exceedances.</li> <li>➤ Establish procedure for actions to be taken when thresholds are exceeded</li> </ul>

### 3.2 Transposition Plan

The main findings of the legal gap analysis presented in Sub-Chapter 2.3 has formed the basis for identifying and deciding on the required future actions that will enable full transposition and is the core of the Transposition Plan. Those actions are either based on the existing draft law and

subsequent legislation to be issued or amendments of the relevant other laws, where applicable/possible.

The actions required to complete the legal transposition of the AAQ Directive are presented in Table 6, which are setting out the number of actions needed, the legal instrument(s), the legal transposition, the responsible authorities involved in the preparation and adoption of each legal instrument, as well as implementation period. The first action refers to existing law(s) which is not fully in line with the Directive; therefore a new draft Law is being prepared which will also introduce provisions providing for legal basis that will enable adoption of secondary legislation. It is advisable to prepare the required/listed secondary legislation in as far as feasible in parallel at the same time bearing in mind a realistic timeframe for implementation of requirements set in the secondary implementing regulations.

*Table 6: Actions for full legal transposition*

Action No.	National Legislation Reference	Action for Full Legal Transposition – Implementing legs.	Responsible Institution	Implementation Period (month/year)
1	Law no. 8897, dated 16.5.2002 "On protection of air pollution." Law. no.10266, dated. 15.04.2010 "On some amendments to Law no. 8897, dated 16.05.2002 "On protection of air pollution."	Drafting, adopting and entering into force a new Framework Law on ambient air quality and cleaner air, repealing the Laws in force	MoEFWA	01/0000 12/0000
2	New adopted Law on ambient air quality and cleaner air, repealing the Laws and regulations in force.	Drafting, adopting and entering into force a DCM on the Methodology and Procedure For Preliminary Assessment And Establishing List Of Zones And Agglomerations Of Ambient Air Quality	MoEFWA	01/0000 12/0000
3	New adopted Law on ambient air quality and cleaner air, repealing the Laws and regulations in force.	Drafting, Adopting And Entering Into Force A DCM On Monitoring And Reporting On Ambient Air Quality.	MoEFWA	01/0001 12/0001
4	New adopted Law on ambient air quality and cleaner air, repealing the Laws and regulations in force.	Drafting, Adopting And Entering Into Force A Decree on Limit values of levels and types of polluting substances in the ambient air and alarming thresholds, deadlines for achieving the limit values, tolerance margins for the limit values, target values, long-term objectives.	MoEFWA	01/0001 12/0001
5	New adopted Law on ambient air quality and cleaner air, repealing the Laws and regulations in force.	Draft DCM on Air quality management, introducing duties to prepare air quality improvement plans for areas of poor air quality; action plans for short term exceedances, and to meet the information requirements of Framework Directive.	MoEFWA	01/0001 6/0002
6	Law "On environmental protection" no. 10431	Draft DCM on the organisation and functioning of the National Environment Agency, the division and organisation of work, the status of the employees and its relations with other institutions.	MoEFWA	01/0000 06/0000
7	New adopted Law on ambient air quality and cleaner air, repealing the Laws and regulations in force and others where relevant.	Draft DCM on air quality standards and measurement - prepared on a substance by substance basis. Adopt standards which are at least as stringent as those of the EU.	MoEFWA NEA PHI	01/0001 12/0001
8	New adopted Law on ambient air quality and cleaner air,	Penalty measures (amend other laws as appropriate)	MoEFWA	01/0001 12/0001

Action No.	National Legislation Reference	Action for Full Legal Transposition – Implementing legs.	Responsible Institution	Implementation Period (month/year)
	repealing the Laws and regulations in force and others where relevant.			

It has to be noted that the table above with stated actions does not prejudice the possibility to alter the number of actions in the future insofar as all the Directive's provisions will be fully transposed into the national legislation (primary or secondary). A review to be done by the CA can decrease or increase the number of actions dealing with the issuance of subsequent legislation as well as amendments (where and if relevant).

In the case where there is not yet a finally adopted and published official act, the discretion of altering the number of actions is wider. The legal drafter could, based on the national nomenclature, increase or decrease the number of provisions found in the main law that provide legal basis for issuing secondary legislation. Attention should only be paid to the need to address all the legal gap findings in the national legislation.

In all cases, any changes on the number of actions will not affect the institutional strengthening needed, nor the needs that were identified and the financial implications on investments.

Finally, it has to be underlined that the adoption of those actions will enable full transposition insofar as the Directive's objectives are met. It is recommended that for each action a legal compliance check is done before its adoption in order to ensure proper transposition.

### 3.3 Implementation Plan

The main findings of the gap analysis presented in Sub-Chapter 2.4 have formed the basis for identifying and deciding on the required future implementation and enforcement actions. Those actions will enable for full implementation and enforcement of this Directive and is the core of the Implementation Plan.

The actions needed to secure full implementation and enforcement of this Directive are presented in the Table 7 below together with a short description of each of the proposed actions, responsible institution and a proposed implementation period.

Table 7: Implementation and enforcement actions

Action no.	Action required	Responsible Institution	Implementation period (month/year)
1.	Designating the competent authority/ies and bodies (Art. 3); Establish CA: Clarify respective roles of the different institutions and authorities; MOEFWA; NEA; MoH, Institute of Public Health, Regional and municipal bodies in respect of the definition of ambient air quality standards	MoEFWA/MoH	01/0000 –03/0000
2.	Clarify responsibilities and establish internal reporting systems and lines of communication between MoEFWA, regional departments and municipalities and EPA in respect of monitoring, measuring methodologies, assessment and reporting.	MoEFWA/ NEA	01/0000 –06/0000
3.	Undertake detailed comparison of Albanian monitoring practice with EU requirements and investigate investment needs to bring it in line (equipment and training); develop implementation plan making maximum use of ongoing projects.	NEA/MoEFWA	07/0000 –09/0000
4.	Setting up an assessment regime (Art. 5)	NEA	07/0000 –09/0000
5.	Determine location of sampling points for the measurements and assess need for (additional) monitoring stations at sites where threshold levels of tropospheric ozone and other pollutants are likely to be exceeded	NEA/REA	10/0000 –12/0000
6.	Accredit laboratories in line with European quality assurance standards and ensure that laboratories and monitoring/measurement sites have organised, systematic quality controls.	MoEFWA/ MoH	01/0001 –06/0001
7.	Establishing zones and agglomerations (Art. 4); Draw up a list of agglomerations and zones based on levels of pollutants, which fall into the categories defined in the Framework Directive, i.e. exceed the EU standards, and those in which the levels of pollutants are below the limit values.	MoEFWA/NEA	07/0000 –09/0000
8.	Drawing up a list of zones/agglomerations where exceedances might be due to natural sources, winter sanding or –salting (Art. 20 & 21)	MoEFWA/NEA	01/0001 –06/0001
8a	Planning a monitoring programme to demonstrate that exceedances are caused by natural contributions.	NEA/IPH	
9.	Establishing a system for assessing ambient air quality (Arts. 6, 7, 8, 9, 10 & 11); The first Preliminary assessment and zoning shall be based on available data on AQ combined with knowledge on emissions and major polluters	NEA/IPH	01/0000 –06/0000
9 (a).	Prepare a baseline survey of air quality of pollutants as defined in the directive using reference methods in line with EU requirements. Establishing a system for maintaining ambient air quality where levels are lower than limit values (Art. 12)	NEA/IPH	07/0001 - 12/0001
10.	Establishing a system for ensuring compliance with limit values and critical levels (Arts. 13 & 14)	MoEFWA/NEA	07/0001 - 12/0001
11.	Establishing a system for ensuring compliance with the national PM2.5 exposure reduction targets, target values and limit values (Art. 15 & 16) including a National action plan for reduction of particulate matter (PM) and NOx.	MoEFWA/NEA	
12.	Establishing a system for ensuring compliance with target values and long-term objectives for ozone (Arts. 17 & 18)	MoEFWA/NEA	07/0001 - 12/0001
13.	Establishing a system for plans/programmes to ensure that limit values are complied with within a specified time limit (Art. 23) Develop air quality plans to improve air quality in zones and agglomerations where air quality exceeds standards with specific improvement deadlines.	MoEFWA	01/0004 - 12/0004

Action no.	Action required	Responsible Institution	Implementation period (month/year)
14.	Establishing a system for ensuring information of the public of exceedances of alert thresholds (Art. 19); Establish procedures to warn the public of threshold exceedances (e.g. by radio, television and the press)	MoEFWA/NEA	06/0001 - 12/0001
15.	Establishing a system for short term action plans to reduce the risk of exceedance of alert thresholds (Art. 24); Draft short term action plans containing measures to reduce air pollution for short term exceedances (e.g. to control or suspend certain activities, e.g. traffic flows may be stopped or controlled if they contribute to limit values being exceeded to dangerous levels).	MoEFWA/NEA	01/0004 - 12/0004
16.	Establishing a system to provide information to the public and to the Commission (Arts. 26 & 27)	MoEFWA/NEA	06/0001 - 12/0001
17.	Consult representatives of industry which contributes to air pollution and other interested parties on implementation, particularly on the design and feasibility of improvement plans to assist in achieving compliance with air quality standards.	NEA	07/0001 - 12/0001
18.	Establish procedures for compilation of data and establishment of national database and website annual (also procedure for reporting to the Commission - <i>for the future</i> )	NEA	01/0001 - 12/0001
19.	Establishing a system for plans/programmes to ensure that limit values are complied with within a specified time limit (Art. 23)	NEA/MoEFWA	04/0000 - 12/0001
20.	Establishing a system for postponement of attainment deadlines (Art. 22)	MoEFWA/NEA	01/0004 - 12/0004
21.	Establishing a system for exemption of obligation to apply limit values for PM10 (Art. 22)	MoEFWA/NEA	01/0004 - 12/0004
22.	Establishing a system to penalize infringements of national provisions (Art. 28) Penalty measures as/if relevant.	MoEFWA/ relevant Ministries/ bodies	01/0000 - On going
23.	Establishing a system for cooperation with other countries (Art. 25)	MoEFWA/NEA	01/0004 - 12/0004

The description and timing of the actions in table must be considered indicative until a better understanding of the air quality situation in Albania based on reliable monitoring results can be established.

The identified implementation actions can be compiled into the following main groups of actions:

1. Establishment of CA and an office for ambient air quality management at the NEA;
2. Preliminary assessment and other introductory work;
3. Upgrading of monitoring stations
4. Establishment of data handling and reporting system;
5. Further implementation activities necessary for a fully implemented monitoring system;
6. Plan and procedures for information to the public especially in the event of alert thresholds being exceeded;
7. National plan for ambient air quality improvement and short term action plans containing measures to reduce air pollution for short term exceedances.

Below we comment on the first 5 of these group of actions.

**1. Institutional strengthening and capacity building (Establishment of office for ambient air quality management)**

Establishment of a Competent Authority on national level for implementation of the requirements of the EU Directives is of utmost importance and priority in the Environmental Sector in general.

The required staff of the Competent Authority (NEA) and the Local Units (REA) for implementing the Directive shall be identified and employed, and the necessary software shall be procured. Training shall be provided in the tasks required for the implementation of the Directive. Institutional arrangements (assignment of responsibilities, definition of working procedures, relation between stakeholders, etc.) shall be established.

SELEA estimates that Albania needs several years to build up the necessary physical and human capacity to ensure that monitoring is done in accordance with the AAQ directive.

It is recommended that a specific office is established for the management of this directive. It is estimated that the necessary human resources in the first phase will correspond to a work load of 3 additional fulltime persons working with the maintenance and management of the monitoring system of 2 - 6 automatic monitoring stations. SELEA suggest an implementation period of three years where it should be possible to start up two monitoring stations the first year, for the second year and six the third year. The maximum work load will be three man-years but the number of trained staff should be 5 to cover periods of peak load and absence of staff.

## 2. Preliminary assessment and other introductory work

The introductory work includes introduction of preliminary assessment of air quality, definition of zones and agglomerations, and introduction of standards for monitoring analyses. It is recommended that the monitoring results as good as possible be compared and explained on background of known emissions. The problems are primarily related to particles, NO<sub>2</sub> and ozone. This will require 6 months of work of a well qualified ambient air quality expert (International) and participation of 1 staff member for one year, trained in AAQ and emission inventories.

## 3. Upgrading of monitoring stations and establishing data collection system

This activity includes upgrading for monitoring and measurement of all air pollutants according to the AAQ Directive. The number of monitoring stations within each zone and the exact location of the stations has to be proposed. It has to be assessed if the existing stations will be used in the future, if in compliance with the new requirements. The first to be done is to decide upon the final location of the future monitoring stations according to the defined number of zones. Thereafter a detailed investigation of all monitoring stations must be performed and necessary upgrading must take place to secure that the stations fulfill the requirements of the AAQ Directive.

There will be implications in terms of cost of new automatic monitoring equipment, re-sitting of monitoring stations and training. A detailed comparison of Albanian monitoring practice with EU requirements should be undertaken to investigate investment needs to bring it in line (equipment and training) to identify best monitoring practice and to develop an implementation plan making maximum use of on-going projects.

It is very expensive to run a monitoring system. It is therefore important to restrict the number of monitoring stations to the lowest possible but sufficient for complying with the Albanian needs and the requirements of the AAQ Directive. To minimise the costs for automatic monitoring passive sampling (indicative measurements) should be used as well as modeling for large emitters of air pollutants. A monitoring and modeling programme should be developed during the Preliminary Assessment.

When a management and assessment programme is prepared during the Preliminary Assessment the needs for further investments can be assessed in detail. With a proper use of available tools it should be possible that the existing nine automatic monitoring stations could cover the requirements of the directive and the Albanian needs. A closer cooperation between NEA and IPH and a more clear division of monitoring responsibility between the two organisations is one of the pre-conditions for the establishment of an AAQ Directive compliant monitoring system.

During a period of three years it should be possible to train the staff for management (QA/QC, analyses, presentation and reporting) and for maintaining the monitoring and the data sampling equipment. The training needs will include technical training for maintenance delivered by the supplier or a similar qualified institution. For management training it will be necessary to involve international experts. It is essential to increase the staff with up to four persons that are trainable with some experience or background in maintaining electromechanical equipment. The required workload will correspond to three full time positions for seven monitoring stations but for efficiency it will be necessary to have a larger and flexible staff.

#### 4. Data handling and reporting

A database has to be established at NEA for the purposes of compliance control, data management, data presentation for decision making, giving access to data for the public in line with the Directive on Access to Environmental Information. Automatic transfer of data from automatic monitoring stations shall be introduced for quality control and for on-line information systems.

#### 5. Further implementation activities necessary for a fully implemented monitoring system

The above mentioned activities are short-term activities that are absolutely necessary to form an ambient air quality monitoring system based on automatic monitoring. This system needs further upgrading to satisfy Quality Assurance and Quality Control used in general and indirectly implemented in the directive.

It is assumed that some activities shall be initiated after four years. These activities are described in brief below and a rough estimate for investments and running costs are given. It shall be underlined that budgets are dependant on the necessary number of monitoring stations to be included in the Albanian monitoring system – to be decided after the Preliminary Assessment. It is also assumed that the Preliminary Assessment shall be revised when necessary monitoring has been performed after a couple of years because the available information on air quality is insufficient and the existing data cannot be considered reliable.

##### - **Calibration laboratory**

In the initial phase the NEA and IPH staff shall be trained in using a portable calibration unit based on permeation tubes (SO<sub>2</sub>, NO<sub>2</sub> and Benzene). This unit can be checked by simple flow measurements and weighing. Other gasses in pressurised cylinders shall be used for the remaining gas monitors. The portable calibrator is not a calibration laboratory but a big step forward for the Albanian “specialists” who have not considered calibration a necessary part of a monitoring system.

A calibration laboratory could include one reference monitor for each type of monitors, necessary reference gasses in cylinders (Primary Reference Material), flow meters and other necessary tools. For particulate monitors using filters a conditioning system for filters and an accurate balance shall be available.

- **Accreditation**

A National Reference Laboratory shall be appointed and accredited to ensure that all laboratories in Albania involved in ambient air quality monitoring are using a high standard for monitoring. QA/QC is essential for all measurements. If the quality for the monitoring is not ensured in all steps of the monitoring system, doubt about the quality may cause users to conclude that all data are non-plausible. The accreditation system shall be developed by the staff at the National Reference Laboratory. Technical Assistance will be needed to implement this activity. .

### 3.4 Resources and Costs

An estimate has been made of the costs of the various actions needed to approximate and implement the Directive. The results of this costing are set out below. The approach taken in the costing and some overall assumptions made are described in the following sections.

#### Method of cost estimation and sources of cost data

In the case of the *legal transposition* the starting point was the list of transposition actions listed in Table 6. The resource requirements of each action were estimated jointly by the project legal experts and key staff of the MoEFWA and the MoH. These resources comprised:

- human resources in the Competent Authority and other relevant institutions (the resources needed for deployment on transposition tasks only, implying that the personnel would be used for other purposes afterwards),
- training requirements,
- office space, equipment and support services,
- materials to be procured,
- production of necessary documents,
- technical assistance projects / experts.

These resources were then costed on the basis of unit costs for personnel, office space, equipment, materials, etc. These unit costs were generally provided by the government office of Sector for European Affairs.

In the case of *implementation* a similar approach was taken, except that:

- The starting point was the list of actions contained in Table 7.
- The requirements of the standard resources listed above were estimated by the projects national and international sector experts and economic/financial experts rather than the legal experts;
- The human resources are generally assumed to be new resources which will be required on an ongoing basis;
- The resource requirements for technical assistance projects were based on estimates, drawing on experience, of the necessary Technical Assistance (TA) project inputs in terms of international and national consultants and other resources.

The cost estimation is outlined briefly in Annex IV. 'Recurrent costs' (operational costs) are estimated on the basis of the additional resources needed to comply with EU legislation compared with the present situation as outlined in sub-chapter 2.5.

All costs are estimated in constant 2012 prices.

Assumptions made in costing

In making such a costing certain assumptions have to be made. Some of the general assumptions are discussed here. More detailed action-specific assumptions are presented when the particular action is discussed.

*- Date of the Albania's accession to the EU*

The Date of the Albania's accession to the EU is important because:

- in principle the Albania has to be in compliance with the EU by its date of accession (although in practice it will be able to negotiate a deferment for some of its more onerous obligations), and
- the financing status of the Albania will change when it accedes to the EU. It will cease to be eligible for the EU Instrument for Pre-Accession Assistance (IPA) and for assistance by most bilateral donors, but on the other hand it will become eligible for funds under the cohesion and social funds.

*- Identity of Competent Authority*

In assigning the costs to institutions, it has been assumed that Ministry of Environment, Forest and Water Administration (MoEFWA) will have the ultimate responsibility for ensuring that the Directive is implemented, for coordination and for all environmental aspects of the Directive, and that the National Environmental Agency will be the CA.

*- Phasing of measures and investment*

SELEA suggest an implementation period for the setting up the monitoring system of three years where it should be possible to start up two monitoring stations the first year, for the second year and six the third year.

Estimated costs of legal transposition

The estimated costs of transposing the Directive into the national legislation are 0.01 million. This is made up as follows:

*Table 8: Costs of transposing the Directive into national legislation*

Cost type	Cost (€'000)	Remarks
Human resources for transposition	8	1 person year. Including indirect costs, e.g. cost of overheads
Reporting	2	1/4 person year. Including indirect costs, e.g. cost of overheads
Training	-	Included in the below TA project (2 M €)
TA (Projects)	-	It is recommended that a TA project for the Directive on Ambient Air Quality is implemented. As it will mainly address implementation issues it is included in table 9
<b>Total</b>	10	

Estimated costs of implementation

Implementing the Directive will mainly be the responsibility of the Competent Authorities designated to implement the Directive at the national level (NEA).

As IPH is expected also in the future to implement monitoring activities on ambient air quality, a close and efficient cooperation between NEA and IPH is crucial.

It is assumed that after an implementation period of three years an additional 4 persons will be taken into service to manage the monitoring, data management (incl. quality assurance and quality control) and the national programme for ambient air management and improvement. 3 additional fulltime persons will be working with the maintenance and management of the monitoring system and 1 additional fulltime person will be required for reporting and the national programme for ambient air management and improvement.

The estimated overall costs of implementing the Directive are shown in the table below. Costs are divided into:

- capital or one-off costs, which includes capital expenditure and non-recurrent costs such as new equipment and rehabilitation of existing equipment, specific projects, initial training, awareness campaigns, etc., and
- operating or recurrent costs, which includes salaries, rent, maintenance, light and heating, fuel, annual fees, etc.

Table 9: Overall costs of implementing the Directive

Stakeholder	Capital / one-off costs (€ million)	Operating / recurrent costs (€'000s p.a.)
Competent Authority (monitoring, data management, reporting (incl. quality assurance and quality control), reporting and the national programme for ambient air management and improvement) – 4 full time persons	-	32
Additional equipment	0,1	-
Rehabilitation of 6 existing monitoring stations	0,1	-
Running costs for monitoring (6 stations)	-	150 <sup>6</sup>
Technical assistance project and train to the staff involved in air quality monitoring, assessment and planning in MoEFWA, NEA, MoH and IPH.	2	-
<b>Total</b>	<b>2,2</b>	<b>182</b>

The technical assistance project is proposed assist and train the staff involved in air quality monitoring, assessment and planning in MoEFWA, NEA, MoH and IPH:

- Preliminary assessment of air quality.
- Detailed comparison of Albanian monitoring practice with EU requirements.
- Definition of zones and agglomerations.
- Introduction of standards for monitoring analyses.
- Proposal for accreditation schemes for all involved laboratories.
- Proposal for the number of monitoring stations within each zone and the exact location of the stations.

<sup>6</sup> Automatic point monitoring stations produce high-resolution measurements (typically hourly or shorter period averages) for oxides of nitrogen, sulphur dioxide, carbon monoxide and particulate matter (PM10, PM2,5). Gas chromatography (GC) analysers also provide high-resolution data on benzene, and 1,3-butadiene. The sample is analysed on-line and in real-time. In order to ensure that the data produced are accurate and reliable, a high standard of maintenance, calibration, operational and QA/QC procedures is required, and SELEA has estimated the costs to 25,000 EUR pr. station pr. year incl. transport of staff to the stations for check and maintenance but exclusive staff costs.

- Assessment if and how the existing stations (location and equipment) will be used in the future, if in compliance with the new requirements.
- Re-siting of monitoring stations as necessary.
- Establish/update the system for data handling and reporting (database) inclusive a quality assurance system and hardware, software and data for the GIS system
- Training of the staff involved in ambient air quality monitoring and planning.
- Based on the first 2 years of directive compliant monitoring design the first generation of air quality plans plus action plans indicating the measures to be taken in the short term.
- Public information and consultation related to the air quality plans and action plans indicating the measures to be taken in the short term.

The above costs break down as follows:

Table 10: Implementation costs broken down by expenditure category

Stakeholder / Cost Type	Capital/ one-off costs (€'000s)	Operating / recurrent costs (€'000s p.a.)
<i>Competent Authority (NEA): 6 mon. stations</i>		
- Additional personnel 1 manager + 2 technicians + 1 planner	-	32
- Training (techn. + management)	*	-
- Technical assistance project (cal. Lab.)	*	-
- Additional equipment (e.g.: equipment for calibration of automatic monitoring stations and passive samples)	100	-
- Repair of 3 mon. stations	100	-
- Database/Register	*	-
- Running costs for monitoring (all running costs except staff, transport, consumables, maintenance, data management etc.) - 6 stations	-	150
- TA: Preliminary Assessment. Zoning. Mon. Sites.	*	
- 6 months International TA and 12 months local spec	*	
- Re-siting of mon. stations.	*	
- Accreditation 2 months Int. TA + 12 months local ass	*	
<b>Total</b>	<b>200</b>	<b>182</b>
<i>Ministry of Public Health (IPH): 2 mon. stations</i>		
- Additional personnel	-	-
- Training (techn. + management) included in NEA	-	-
- Possible re-siting of mon. stations.	*	-
- Technical assistance project (cal. Lab.)	*	-
- Database/Register	-	-
<b>Total</b>	<b>-</b>	<b>-</b>
<i>Technical Assistance project</i>	<i>2000</i>	<i>-</i>
<b>Grand total</b>	<b>2200</b>	<b>182</b>

\*: Included in the TA project

It can be seen that the running of the monitoring is rather costly. Also the 4 extra staff members in the NEA is an important part of the running costs.

### 3.5 Financing Strategy

The purpose of this section is to look at how the costs identified in the previous section can be financed.

#### Sources of funding – General

The main possible sources of funding are:

- Fees paid by polluters, cars, trucks, industries etc.
- state or municipal budgets,
- environmental fund,
- grants from the European Union pre-accession instrument IPA,
- grants from the European Regional Development Fund (ERDF) - Post-accession,
- grants from other international donors,
- loans from international funding institutions (IFIs),
- loans from bilateral financing institutions,
- loans from commercial banks,
- bonds issued by central or local government authorities, and
- private capital (through polluter-pays-principle arrangements).

These various sources of funding are considered below.

#### *- Charges paid by polluters (e.g. car owners)*

Charges paid by polluters includes:

- Tax on the importation of used vehicles.
- Carbon tax for gasoline, benzol and gasoil, Carbon tax is set at level 0,5 lekë per liter for gasoil and benzol, and at 1 lekë per liter for gasoline. This tax is applicable for both imported and domestically produced fuels.

The 2002 law on air quality states that environmental tax shall be paid for emission of air pollutants. Article 18, Air discharge taxes says: For polluting the air, operators that discharge air pollutants are under the obligation to pay discharge taxes based on the amount and type of discharged pollutants as per definitions contained in Law No. 8435, dated 28 October 1998: "On the tax system of the Republic of Albania". The tax for air pollution emission has never been implemented.

#### *- State or municipal budgets*

The salaries (including indirect personnel-related costs) of new staff taken on to meet additional obligations, and indeed all ongoing recurrent costs, will have to be met by the MoEFA or other government agency concerned.

#### *- Environment fund*

There is no specific environment fund at present in Albania. The Ministry of Finance has been resistant to the idea of an environmental fund, arguing that it distorts the allocation of resources.

#### *- Instrument for Pre-Accession Assistance*

The instrument for Pre-Accession Assistance (IPA) is the European Union's principal mechanism for providing financial assistance for compliance-related investments in candidate and accession countries.

*- European Regional Development Fund (ERDF) and Cohesion Fund*

These are potential sources of funding post-accession. They provide in particular grant funding for a range of project types including infrastructure and the environment, of up to 50% of the value of the project. It is not known how much would be available under the ERDF for the Albania, and it is possible that changes will have been made to this Fund by the time the Albania becomes a member. However these funds are relevant in terms of implementation of the environmental acquis.

*- Other bilateral and multilateral donors*

The government should try to ensure that as much foreign aid as possible is directed towards assisting Albania to meet its accession obligations. Such funding is of course likely to dry up after the Albania accedes to the EU.

*- Loans from international funding institutions (IFIs)*

The international funding institutions are development banks such as the World Bank, the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) which offers loans at a relatively low rate of interest for investments (amongst others) intended to establish or improve environmental facilities or infrastructure.

The World Bank has had an active program in Albania for nearly two decades. The World Bank issued a Country Assistance Strategy in June 2010 (covering the period 2011 to 2014), in which it recognises the importance of the Stabilisation and Association Process to Albania, and specifically mentions improved water supply and sanitation and stresses the urgent need to improve management capacity followed by high investment needs in the water sector. Albania has now graduated fully to IBRD membership, and so no longer qualifies for concessionary funding under the IDA. In recent years the Bank has been involved in a number of major water supply and sanitation projects, and has also advised the government on various issues related to the reform and decentralisation of the water sector. The Bank is very much interested in investment in the water sector. A new country assistance strategy is due later in the year. There is no specific limit on the funds which would be available from the Bank's position; it is more a matter of projects meeting the Bank's criteria and Albania's own borrowing limits. Loans would typically carry an interest rate of LIBOR + 0.25 to 0.5%

The EBRD is the largest single investor in Central and Eastern Europe. Unlike the World Bank, the EBRD lends to both public and private clients. It would prefer to lend to a local borrower (municipality, utility company) than to central government for municipal infrastructure. On the other hand at the present time the Bank would only regard a loan for infrastructure at the level of Tirana as meeting its bankability criteria. A sovereign guarantee would not necessarily be needed. The EBRD tends to lend at rather higher interest rates than the World Bank (for example LIBOR + 2 to 4%).

An important actor in Albania is KfW (Kreditanstalt für Wiederaufbau). KfW is a development bank owned by the German government and the Länder, and is very active in the water sector in Albania. Finance can be made available in consultation with the German government and the Albanian Ministry of Finance on attractive terms. There is no specific limit in place on the German side on the amount of lending, so proposals would be judged on their specific merits. Institutions usually prefer not to lend amounts less than a certain threshold. These constraints tend to limit the scope for IFI participation in financing capital investments to projects of a fairly substantial size. In addition, significant resources and time are usually needed to develop and negotiate an IFI loan.

*- Private capital*

The costs payable by polluters will include:

- costs related to implementation of the Large Combustion Installations Directive,
- costs related to implementation of the IPPC Directive,
- costs related to future tighter emissions limits from vehicles,
- the reduction in mean emissions from vehicles as the vehicle fleet becomes younger in the future.

Sources of funding for the Directive

In the following is considered how the various components of capital and operating expenditure might be funded in future years. The costs which are the responsibility of central and local government are considered separately.

*- Additional costs for which central government is responsible*

A distinction needs to be made between ongoing, recurrent costs and the one-off costs associated with implementing the Directive.

The former relate mainly to salaries and personnel-related costs and the operating costs of new systems, and these will in principle have to be met from the state budget.

The one-off costs relate to technical assistance, training, small items of equipment and the acquisition of computing hardware and software. The authorities should seek to get this expenditure funded by grant aid from the IPA or other international donors.

On this basis the sources of funding of costs for which the central Government are responsible are shown in Table 12.

*Table 12: Sources of funding for costs of Government*

Agency/ies	Amount (€'000s)	Type	Source of funding
Competent Authority	2200	One-off costs of Technical Assistance (TA), training and equipment (including legal transposition costs)	IPA (components I and IV), other bilateral or multilateral donors
	182	Recurrent costs, mainly running costs for monitoring and salaries	State budget

### 3.6 Benefits

Exposure to air pollutants in ambient air is largely beyond the control of individuals and requires action by public authorities at the national, regional and even international levels.

The aim of the Directive is to avoid, prevent or reduce emissions of harmful air pollutants, and set appropriate objectives for ambient air quality taking into account relevant World Health Organisation standards, guidelines and programmes.

The health consequences of exposure to polluted air are considerable and span a wide range of severity from coughing and bronchitis to heart disease and lung cancer. Vulnerable groups include infants, the elderly, and those suffering from chronic respiratory conditions including asthma, bronchitis, or emphysema.

The implementation of the Directive will result in a marked reduction of the number of people in Albanian cities suffering from respiratory infections, heart disease, and lung cancer.

There will also be a general reduction in environmental impacts resulting from pollutants in the air (acidification, eutrofication, crop reduction, forest degradation, etc.).

### 3.7 Key Issues and Uncertainties

The steps identified in this implementation plan are rather straightforward and should present no insurmountable difficulties of a technical, financial or administrative nature, at least for the ambient air monitoring requirements of the Directive. The main uncertainty over implementation is whether there is sufficient interest from the top level of Government to drive through the necessary institutional reforms, coordination between institutions and the steps designed to build capacity.

The primary key issues for the implementation of this directive are:

- Updating of present monitoring and reporting system.
- Establish/upgrade the data collection systems and database for emission inventory, inclusive a quality assurance and quality control system.
- Establishment of a common administrative unit to be responsible for the coordination between the involved institutions, implementation of the directive and for the national plan for air quality.
- Establishment of an integrated national plan for air quality.

The primary uncertainties are:

- It is very important that the rehabilitation/upgrading and reallocation of the monitoring stations take place early in the implementation process as reliable data will be necessary to follow the progress in the ambient air quality. It means that financing of the repair of existing monitoring stations and new monitoring equipment and budget lines to cover running costs must be identified as soon as possible.
- In the present situation different administrative units are responsible for the air quality. To achieve the necessary progress in the knowledge of the quality of the ambient air it is important that the institutional units and stakeholders work together. It is there doubtful if it will be possible to establish a reliable national plan for air pollution unless a common administrative unit in NEA (with good cooperation all stakeholders) is established. A good and effective cooperation between NEA and IPH is crucial.
- The biggest uncertainty with regard to achieve the ambient air limit values within a certain number of years can, however, show up to be the measures needed to improve the air quality for both the part of the industry, that uses "old" technology and for all inhabitants. It can e.g. be foreseen that cars has to address requirements on their exhaust, and that measures to limit the car traffic in certain part of the major towns has to be implemented. Simultaneously the public transport has to be improved.

## ANNEX I: RELEVANT NATIONAL LEGISLATION

Relevant NATIONAL Legislation (in force and in preparation/draft)		Conventions / Protocols
Primary Legislation	Secondary Legislation	
<p>Law no. 10431 of 9.6.2011 "on the Protection of Environment";</p> <p>Law no. 8897, of 15.5.2002 "on Protection of Air from Pollution", amended by</p> <p>Law. no.10266, dated. 15.04.2010 "On some amendments to Law no. 8897, dated 16.05.2002 "On protection of air pollution";</p> <p>Law no. 9425, of 06.10.2005 "on the adherence of the Republic of Albania in the LRTAP Convention";</p> <p>Draft Law on AAQ</p>	<p>DCM no.803, of 04.12.2003 "on Air Quality Norms";</p> <p>DCM no. 435, of 12.09.2002 "on the Approval of Norms of Emissions in the Air in the Republic of Albania";</p> <p>DCM no.147, of 21.3.2007 "on the quality of fuel, and diesel fuel"</p> <p>DCM on ozone</p> <p>Instruction no. 6527, dated 24.12.2004 on the allowable values of the elements of air pollutants from the environment and noise emissions from road vehicles, and ways to control them</p> <p>Common instruction (No. 6, dated 10/09/2007) for collecting and maintaining data on the quality of petrol and diesel</p> <p>Instruction no. 12 dated 15/06/2010 on some changes in instruction no. 6527, dated 24.12.2004 "on the allowable values of the elements of air pollutants from the environment and noise emissions from road</p>	<p>Law. 10422, of 26.05.2011 "On accession of the Republic of Albania in the Protocol for Long Term Financing of Cooperative Programme for Monitoring and Evaluation of Transfer of air pollutants over large distances in Europe" (Geneva, September 1984).</p> <p>Law. 10,436, of 28.06.2011 "On accession of the Republic of Albania in the Protocol on further reduction of SO2 emissions (Oslo 1994)" (Oslo, June 1994).</p> <p>Law No. 10 476, of 11.03.2011 "On accession of the Republic of Albania to the Protocol to reduce acidification, eutrophication and ozone concentration level in the lower atmospheric layer (Gothenburg, November 1999)".</p> <p>Law No. 8463, of 10.3.1999 "On accession of the Republic of Albania to the Vienna Convention On Protection of the additional ozone" and the Montreal Protocol on Substances that Deplete the Ozone Layer"</p> <p>Law no. 9425, of 06.10.2005 "On accession of the Republic of Albania in the 1979 Convention On the transboundary air pollution in large distance "</p> <p>Law no. 9480, of 16.2.2006 "On accession of the Republic of Albania in the Copenhagen Amendment to Montreal Protocol" on Substances that Deplete the Ozone Layer "</p> <p>Law no. 9484, of 2.3.2006 "On accession of the Republic of Albania in London Amendment to the Montreal Protocol" on Substances that Deplete the Ozone Layer "</p> <p>Law no. 9485, of 6.3.2006 "On accession of the Republic of Albania in the Montreal Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer "</p> <p>Law no. 9486, of 6.3.2006 "On accession of the Republic of Albania to the Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer "</p>

Relevant NATIONAL Legislation (in force and in preparation/draft)		Conventions / Protocols
Primary Legislation	Secondary Legislation	
	<p>vehicles and methods to control them"</p> <p>Draft DCM "On Air Quality Management"; Draft national programme for the progressive reduction of emissions of the relevant pollutants</p> <p>Draft Decision on "System of integrated environmental monitoring." Responsible for the preparation of this act is MMPAU assistance under the Project CEMSA.</p> <p>Draft Decision on Approval of Regulation on bio-geographical zones, areas and indicators of environmental monitoring. Responsible for the preparation of this act is MMPAU assistance under the Project CEMSA.</p>	

## ANNEX II: IMPLEMENTATION ANALYSIS

MAIN QUESTION	YES OR NO	CLARIFICATION	ANSWER AND COMMENT
<b>IMPLEMENTATION</b>			
1. Has a competent authority and body with competencies for air quality assessment, analyses and management been designated?	No	If yes, which authorities are responsible for: 1. Implementation of this Directive? 2. Assessing of ambient air quality? 3. Approving of the measurement system?	If No. What is the plan to designate the competent authority and who shall do this? <b>MoEFWA</b> shall be responsible for the implementation. <b>NEA</b> shall be responsible for assessing ambient air quality. <b>NEA</b> shall be responsible for approving the measurement system.
	No	If yes, which authorities are responsible for: 1. Ensuring accuracy of the measurements? 2. Analysis and assessment methods? 3. Co-ordination of quality assurance programmes? 4. Ensuring compliance with air quality standards?	If No. What is the plan to designate a competent authority to ensure quality of measurements? <b>NEA</b> shall ensure the accuracy of the measurements.  <b>NEA</b> shall be responsible for analysis and assessment methods. <b>NEA</b> shall be responsible for quality assurance programmes.  <b>MoEFWA</b> shall be responsible for compliance with the air quality standards.
2. Have agglomerations and zones been identified?	No	If yes, which authorities are responsible for: 1. What was the basis for identifying them? 2. How does it compare with that in Articles 2.16 and 2.17, respectively, of the Directive?	If No. Who shall be designated to identify zones? <b>MoEFWA</b> and <b>NEA</b> shall form the basis for identifying zones and agglomerations.  The competent authority shall ensure that zones and agglomerations are identified in accordance with Article 2.16 and 2.17

<b>ZONING</b>			
3. Has a system been established to designate zones or agglomerations within which assessment thresholds for one or more relevant pollutant are exceeded?	No	If yes, which authorities are responsible for: <ol style="list-style-type: none"> <li>1. A task force or group of specialist been appointed to define zones and agglomerations?</li> <li>2. Collecting available monitoring results and assess the results for the relevant pollutants?</li> <li>3. Collecting data from emission inventories to be included in the Preliminary Assessment?</li> <li>4. Preparing a Preliminary Assessment?</li> <li>5. To initiate measurement to support the Preliminary Assessment?</li> </ol>	If No. Which authorities shall be designated to enforce the zoning and the Preliminary Assessment? <p><b>MoEFWA</b> shall appoint a Task Force to define zones and agglomerations. Members from the MoEFWA, NEA and other relevant ministries – MoH.</p> <p><b>NEA</b> shall collect air quality data from the last 10 years including data measured by IPH and Hydromet.</p> <p><b>NEA</b> shall assess major emissions in the proposed zones. The emission data shall be an important input for the Preliminary Assessment.</p> <p>The Task Force shall prepare the Preliminary Assessment based on the collected air quality data and emission data.</p> <p>In many cases the available data or the quality of data might be dubious so the Task Force should initiate indicative measurement to support decision making.</p>
<b>COOPERATION</b>			
4. Has a competent authority been appointed for communication with the Commission?	No	If yes, which authorities are responsible for: <ol style="list-style-type: none"> <li>1. Co-operation with the Commission and other Member States?</li> <li>2. Reporting to the Commission?</li> <li>3. Reporting to the EEA</li> <li>4. Reporting to organisations that have a treaty with Albania?</li> </ol>	If No. Which institution should be responsible for communication and reporting? <p><b>MoEFWA</b> shall be responsible for the cooperation with the Commission.</p> <p><b>MoEFWA</b> shall be responsible for reporting to the Commission.</p> <p><b>NEA</b> shall be responsible for reporting data to the EEA.</p> <p><b>NEA</b> shall be responsible for reporting data in accordance with the treaties signed by Albania.</p>

<b>PLANNING</b>			
5. Has an authority been appointed to work out plans and systems necessary for implementing AAQ policy.	No	<ol style="list-style-type: none"> <li>1. Preparation and adoption of five-year National Plan for Air Improvement</li> <li>2. Implementation of the National Plan for Air Improvement</li> <li>3. Smog Warning system. Subject to approval by the Council of Ministers.</li> <li>4. Approved guideline "for air quality assessment"</li> <li>5. Establish local network for the purpose of measurement and monitoring of the ambient air pollution</li> <li>6. Carry out AAQ monitoring through the national network and manage the national network</li> </ol>	<p>If No. Which institution should be responsible for planning of activities:  <b>MoEFWA</b> shall be responsible for planning of air quality improvements.</p> <p><b>MoEFWA, NEA</b> and Regional Environmental Agencies shall follow up and enforce air quality improvements.  <b>NEA</b> shall introduce a monitoring network where Smog Warning can be initiated if necessary.  <b>MoEFWA</b> shall initiate the effort to prepare a Guideline on Air Quality Assessment.</p> <p><b>NEA</b> shall, if necessary, according to the Preliminary Assessment”, establish local networks for monitoring.</p> <p><b>NEA</b> shall carry out and manage the national network including quality assurance of other monitoring organisations.</p>
<b>COMMUNICATION</b>			
6. Has an authority been appointed to be responsible for communication and information?	No	<ol style="list-style-type: none"> <li>1. Establish and manage the unique AAQ information system.</li> <li>2. Prepare and publish annual reports on the emissions, annual reports on the AAQ and periodical reports on the implementation of the obligations deriving from the Law on behalf of the MoEFWA.</li> <li>3. Inform the public in a timely and accurate manner, on the current status of the AAQ, on the achieved progress, on assessment of the status and its comparison with the previous status of the AAQ management.</li> <li>4. Launching the Public Awareness Campaigns related to air emission &amp; AAQ.</li> </ol>	<p>If No. Which institution should be responsible for communication and information:  <b>NEA</b> shall establish and manage the EIS on AAQ introduced by CEMSA.</p> <p><b>NEA</b> shall publish annual reports on emissions and AAQ. Whenever necessary periodical reports shall be published.</p> <p><b>NEA</b> informs the public on line via the Internet on the actual AAQ. Plans, status for improvements compared to previous monitored periods shall be presented.</p> <p><b>MoEFWA</b> shall be the anchor for awareness campaigns in cooperation with national, local organisation and NGOs.</p>