



**The European Union's IPA 2010 programme for Albania**

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

(EuropeAid/130987/C/SER/AL)

**Directive Specific Implementation Plan  
for the Directive 2009/147/EC of the  
European Parliament and of the Council  
of 30 November 2009  
on the conservation of wild birds**



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This report has been prepared by a project team working for Grontmij. The findings conclusions and interpretations expressed in this document are those of Grontmij alone and should not in any way be taken to reflect the opinions and policies of the European Commission.

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## List of abbreviations

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BIMS	Biodiversity Information Management System
CA	Competent Authority
CoM	Council of Ministries
DCM	Decision of Council of Ministries
DSIP	Directive Specific Implementation Plan
EU	European Union
EC	European Commission
EEC	European Economic Community
ESCCS	Environment Sector and Cross-Cutting Strategy
GoA	Government of Albania
KPI	Key Performance Indicators
MoE	Ministry of Environment
MO	Ministerial Order
NSDI	National Strategy for Development and Integration
NEA	National Environment Agency
NPISAA	National Plan for the Implementation of the Stabilisation and Association Agreement 2007 – 2012
RoA	Republic of Albania
SAA	Stabilisation and Association Agreement
SAC	Special Area of Conservation (Habitats Directive)
SPA	Special Protection Area (Birds Directive)
ToC	Table of Concordance
WG	Working Group

## Executive Summary

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The EU legislation covered in this implementation plan is Directive 2009/147/EC ("**Birds Directive**").

It has been 25 years since the first Birds Directive was adopted (in April 1979). Directive of 30 November 2009 on the conservation of wild birds (2009/147/EC) contains updated annexes arising from the successive enlargements including the accession of Bulgaria and Romania)

The Birds Directive, Directive 2009/147/EC on the conservation of wild birds (this is the codified version of Directive 79/409/EEC as amended) bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds, with a few exceptions (listed in Annex III - III/A allows taking in all Member States; III/B allows taking in Member States in agreement with European Commission).

The Directive recognises hunting as a legitimate activity and provides a comprehensive system for the management of hunting (limited to species listed in Annex II - II/A allows hunting in all Member States; II/B allows hunting in listed Member States) to ensure that this practice is sustainable. This includes a requirement to ensure that birds are not hunted during the periods of their greatest vulnerability, such as the return migration to the nesting areas, reproduction and the raising of chicks. It requires Member States to outlaw all forms of non-selective and large scale killing of birds (especially the methods listed in Annex IV). It promotes research to underpin the protection, management and use of all species of birds covered by the Directive (Annex V)

In Albania, the Ministry of Environment, Forests and Water Administration through the Biodiversity Department, is the designated competent authority for the Birds Directive. The situation in Albania concerning the transposition of the legislation related to "Nature" is similar in both areas: "Habitat" and "Birds". There is a substantial compliance with the EU legislation but also a need for completing the approximation i.e. formal transposition of both nature-related Directives (Habitat and Birds) in order to establish an appropriate legal framework for implementation and enforcement to ensure full compliance. Legal acts such as DCMs shall be drafted to fully harmonise the existing Biodiversity and Nature Protection Legislation aligning with missing articles from the Habitat and Birds Directive. Furthermore Annexes according to the Directives are missing and fine tuning may be needed on the terminology, management and conservation issues. In both cases the Annexes from the Directives shall be included in the specific Habitat and Birds DCMs to be drafted. Eventual additional annexes on habitats, bird species and species of other animals and plants may be included.

Concerning the legislation on the protection of wild fauna and flora and on international trade of endangered species according to CITES, the Albanian legislation cover partly the EU acquis and improvements are needed on the format for the request for permits as well as the establishment of some procedures to improve communication with the custom authorities.

The following remains to be fulfilled in regard to both the Habitats and Birds successful transposition: drafting, adopting and entering into force of several amendments to the existing law on biodiversity protection including:

- The establishment of a coherent ecological network to enhance the conservation of the natural habitats and of wild fauna and flora of European Community and Albanian interest in the territory of Republic of Albania;

- The designation of measures that maintain or restore, at favorable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest; and
- Ensuring a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics.

For the Birds Directive the above should be completed with drafting, adopting and entering into force of a Decision of Council of Ministers which approves:

- the establishment of a coherent network of Special Protection Areas (SPAs) for birds in line with Natura 2000 principles;
- a ban on activities that directly threaten birds;
- a system for the management of hunting of birds;
- a ban on all forms of non-selective and large scale killing of birds;
- research on protection, management and use of all species of birds covered by the Directive.

There is limited progress on the **implementation** of Birds Directive. There are limitations in the current capacity to implement the Directive with respect to technical capacity and, in certain areas of the administrative structure. There is a need for increased capacity within the MoE to collect and manage data (and produce guidelines) relating to the selection of SPAs, and for enhanced capacity of the MoE to inspect SPAs.

The overall plan to obtain full approximation consists of a legal transposition plan and an implementation plan (including enforcement).

The milestones of the approximation process are given in the table below (starting in year 0):

Overall Approximation Plan	Start (month/year)	End (month/year)
<i>Legal Transposition</i>	01/0000	12/0001
<i>Implementation and Enforcement</i>	01/0001	12/0009- ongoing
- Institutional strengthening	01/0001	12/0002
- Data collection, data handling and reporting	01/0002	12/0002
- Establish Protected Areas & Biodiversity Database (Birds and Habitats Directives)	01/0001	12/0003
- Establishing a Network of Special Protection Area (SPAs)	01/0002	12/0008
- Establish a System of Strict Protection for all Species of Birds	01/0003	12/0009
- Public information, awareness and training	01/0005	12/0006 - ongoing

The **costs** of transposing the Directive fully into the national legislation and implementing it were estimated separately. All costs are estimated in constant 2013 prices. The estimated **costs of transposing** the Directive into national legislation are €18,000, while the total estimated **costs of implementation** (for both the Birds Directive and the Habitats Directives) are one-off costs of €6.6 mill and on-going recurrent costs of €0.46 mill p.a. Most of the one-off costs comprise a technical assistance project €6 mill. The major other costs items for implementation will be the salaries of new staff required and the systems needed to support them. As far as the new personnel are concerned an estimated total of 99 persons will be required for implementing the Directive and the Habitats Directives, of which 92 are staff required to manage and inspect the Natura 2000 sites, 5 are new personnel in the MoE and 2 are new IT/GIS staff in MoE.

Because of the many commonalities between this Directive and the Habitats Directive, actions needed to implement them share the same resources (e.g. staff, BIMS, cars) or are effectively the same, and it would be artificial to try to apportion the costs between the two directives. The above implementation costs cover both the directives.

## 1. Requirements of EU Legislation

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### 1.1 EU Legislation Covered

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The EU legislation covered in this DSIP is **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds** (the codified version of Council Directive 79/409/EEC, as amended), Official Journal L 020 , 26/01/2010 P. 0007 – 0025, most recently amended by Council Directive 2013/17/EU of 13 May 2013 adapting certain directives in the field of environment, by reason of the accession of the Republic of Croatia (Replacement Annex II from 01/07/2013).

### 1.2 Direct Requirements of Legislation

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**The Birds Directive** together with the **Habitats Directive** forms the cornerstone of Europe's nature conservation policy. The European Union meets its obligations for bird species under the Bern Convention and Bonn Convention by means of the Birds Directive. The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe.

The Birds Directive is the EU's oldest piece of nature legislation, creating a comprehensive scheme of *protection for all wild bird species* naturally occurring in the Union. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It was also in recognition that wild birds, many of which are migratory, are a shared heritage of the Member States and that their effective conservation required international co-operation.

To this end this Directive also:

- Identifies 194 species (and sub-species among them as particularly threatened and in need of special conservation measures),
- designate Special Protection Areas (SPAs) for 194 particularly threatened species and all migratory bird species. SPAs are part of the Natura 2000 ecological network set up under the Habitats Directive 92/43/EEC, which help to protect important bird populations that use them.
- establishes rules that limit the number of bird species that can be hunted (82 species and sub-species) and the periods during which they can be hunted.
- defines hunting methods which are permitted (e.g. non-selective hunting is banned).

The Directive recognises that *habitat loss and degradation* are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species, especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species.

The Birds Directive bans, with a few exceptions, activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds.

The Directive recognises *hunting* as a legitimate activity and provides a comprehensive system for the management of hunting to ensure that this practice is sustainable. This includes a requirement to ensure

that birds are not hunted during the periods of their greatest vulnerability, such as the return migration to the nesting areas, reproduction and the raising of chicks.

The Directive requires Member States to outlaw all forms of non-selective and *large scale killing* of birds. It promotes research to underpin the protection, management and use of all species of birds covered by the Directive.

The Directive is closely linked with the requirements of the **Habitat Directive, Directive 92/43/EEC**. The Special Protected Areas (SPAs) established under the Birds Directive are to complement the SACs (Special Area of Conservation) identified under the Habitat Directive, to form the *Natura 2000 network*.

The Birds Directive imposes the following obligations on the Member States:

- To identify and designate as Special Protection Areas (SPAs) the most suitable territories in number and size for the species of wild birds listed in Annex I (Article 4 and Annex I) and for other regularly occurring migratory species not listed in Annex I but needing protection on their breeding, moulting, staging and wintering grounds. Take into account the species' protection requirements in the geographical sea and land area where this Directive applies;
- To take measures to ensure that wild bird populations are maintained at a level which corresponds in particular to ecological, scientific and cultural requirements, both within and outside protected areas, while taking account of economic and recreational requirements, and take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats (Articles 2 and 3);
- To take special conservation measures concerning the habitats of the species of wild birds listed in Annex I, and for regularly occurring migratory species of other wild birds especially those dependent on wetlands of international importance to ensure their survival and reproduction in their area of distribution (Article 4);
- To establish a general system of protection for wild birds. This protection extends to nests and eggs (even empty ones) and, with regard to the birds themselves, includes prohibition of deliberate taking, capture, keeping or killing, deliberate disturbance which would affect any species adversely, and any activity related to the sale of live or dead birds or any of their parts or readily recognised derivatives with the exception of species listed in Annex III, after consultation with the Commission (Article 5);
- Restrictions on the sale and keeping of wild birds (Article 6).
- Specification of the conditions under which hunting and falconry can be undertaken (Article 7). (Huntable species are listed on Annex II of the Directive). To ensure that the hunting of species listed in Annex II does not jeopardize conservation efforts in their distribution area and that hunting is carried out in accordance with national legislation and complies with the principles of wise use and ecologically balanced control of the species concerned and is compatible with the requirements of the Directive. In particular, ensure that species to which hunting laws apply, are not hunted during the rearing season nor during the various stages of reproduction or, in the case of migratory species, their return to their rearing grounds (Article 7 and Annex II);
- To prohibit the use of methods and means of hunting, capturing or killing wild birds which are large-scale, non-selective or capable of causing the local disappearance of a species and in particular the use of means, arrangements or methods listed in Annex IV (Article 8);
- Procedures under which Member States may derogate from the provisions of Articles 5-8 (Article 9) — that is, the conditions under which permission may be given for otherwise prohibited activities;
- To ensure that any derogations under Article 9 are specified in accordance with the Directive, are closely supervised and monitored, and are reported annually;
- To encourage research and any other work required as a basis for the protection, management and use of wild birds paying particular attention to the subjects listed in Annex V (Article 10);

- Requirements to ensure that introduction of non-native birds do not threatened other biodiversity (Article 11).
- To establish a reporting system as regards:
  - the designation of SPAs,
  - proposals to authorise certain activities,
  - the practical application of hunting regulations,
  - the cases of derogation from the provisions of the Directive,
  - the research undertaken, and
  - the compensatory measures adopted pursuant to Article 6 of the Habitat Directive (92/43/EEC).

### 1.3 Indirect Requirements / Implications

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The indirect implications of the Directive are:

- To contribute towards ensuring biodiversity through the conservation of the bird fauna and their habitats in the Member States;
- Produce lists of national native bird species corresponding to the annexes of the Directive (as regard to Annex I, it can be an integral part of national red lists or directly specified). Annex II species could be listed under Law on Hunting;
- Assessment of existing protected area system for suitability of certain areas to be designated as SPAs;
- Assessment of potential Ramsar sites;
- Re-assess the regulation(s) on trade with wild species in order to include wild birds in the regulation;
- Develop a monitoring plan and programme.

### 1.4 Links with other Legislation

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Links with other legislation within this sector:

- **Habitats Directive (92/43/EEC)**. The Habitats Directive establishes (in Article 3) 'Natura 2000', a network of both Special Protection Areas (SPAs – Birds Directive) and Special Areas of Conservation (SACs – Habitats Directive) throughout Europe, designed to maintain the overall viability and integrity of biodiversity across Member States.
- The directive is linked to the **Convention on Biological Diversity** adopted at the Earth Summit in Rio de Janeiro in June 1992, as this established participating governments' approach towards biodiversity conservation. The EC is a signatory to the convention and produced four biodiversity action plans in 2001. The 2006 Commission Communication on Biodiversity and the attached Biodiversity Action Plan sets out a set of actions at the level of the Community and the Member States that respond too many of the obligations arising from this convention.
- More specific links to other international agreements are found in the **Ramsar Convention** on Wetlands of International Importance especially as Waterfowl Habitat, 1971; the **Bonn Convention** on Conservation of Migratory Species of Wild Animals, 1979; the **Washington Convention** (CITES) on International Trade in Endangered Species, 1973; and the **Bern Convention** on the Conservation of European Wildlife and Natural Habitats.
- **Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein**, it lays down the provisions for import, export and re-exports as well as internal EU trade in specimens of species listed in its four Annexes. It

provides for procedures and documents required for such trade (import and export permits, re-export certificates, import notifications and internal trade certificates) and it regulates the movement of live specimens. It also sets out specific requirements for Member States to ensure compliance with the Regulation and to impose adequate sanctions for infringements. The EU Wildlife Trade Regulations not only implement the provisions of CITES and the majority of CITES Resolutions, they also go beyond the requirements of the Convention in some respects, e.g. Regulation (EC) 338/97 provides the Commission with the possibility to establish import restrictions with regard to certain species/countries.

### **Links with other legislation within other sectors**

**WFD – Water Framework Directive<sup>1</sup>:** The Commission communicated (Commission Communication of 27 March 2001 to the Council and the European Parliament) its intention to protect biodiversity in wetlands through initiatives under **Natura 2000, the Water Framework Directive and the Strategy for Integrated Coastal Zone Management**. The communication proposes approach to reverse the current trends of biodiversity loss related to management of water, soil, forests and wetlands: using the Water Framework Directive, enhancing the ecological function of land cover and protecting wetlands. The Water Framework Directive should be used as a tool for the conservation and sustainable use of biodiversity. For every river basin, analyses will be carried out of water quality and quantity versus demand, and also water needs for irrigation, energy generation, drinking water consumption and industrial and ecological uses.

### **Horizontal legislation**

**Environmental Impact Assessment Directive (85/337/EEC)**, amended by Council Directive 97/11/EC and Directive 2003/35/EC.: Prescribes an EIA for new projects which are judged to have a significant impact on the environment. Thus SPAs (and SACs) are evaluated for possible damage under the EIA Directive and could be seen to benefit from this additional ‘protection’. The results are to be made public, and the views of the public taken into consideration in the consenting procedure. One of the triggers for requiring an EIA is where sites of value to wildlife are potentially affected.

**Strategic Environmental Assessment (SEA) Directive 2001/42/EC:** The SEA Directive applies to a wide range of public plans and programmes (e.g. on land use, transport, energy, waste, agriculture, etc.). An SEA is mandatory for plans/programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use and which set the framework for future development consent of projects listed in the EIA Directive or have been determined to require an assessment under the Habitats Directive.

**Directive 2003/35/EC providing for public participation** in respect of the drawing up of certain plans and programmes relating to the environment: Prescribes a procedure to follow to ensure sufficient public participation in certain land development projects affecting the environment, and hence nature and local.

**Access to Environmental Information Directive (2003/4/EC)** requires environmental information held by public bodies to be made available to the general public on request. Some of the nature protection directives require Member States to collect information relating to the protection of habitats and species. Most of this information held by public bodies would be affected by this directive.

**Reporting Directive (91/692/EEC)** contains provisions on the transmission of information and reports concerning certain EC directives from Member States to the European Commission. Nature protection directives contain various reporting requirements.

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<sup>1</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1–73

**Directive 2007/2/EC establishing an infrastructure for spatial information in the European Community (INSPIRE).** Member States must establish a system for spatial information including biodiversity lists and other statistics and meta-data on nature protection areas and on specific types of flora and fauna.

**Directive 2004/35/EC on environmental liability** with regard to the prevention and remedying of environmental damage. The directive establishes a framework for environmental liability based on the polluter pays principle, with a view to preventing and remedying environmental damage. The directive covers, amongst others, direct and indirect damage to species and natural habitats protected by the Birds Directive or the Habitats Directive. For damage affecting protected species and natural habitats, the directive is aimed at restoring the environment to how it was before it was damaged. For this purpose, the damaged natural resources or impaired services must be restored or replaced by identical, similar or equivalent natural resources or services either at the site of the incident or, if necessary, at an alternative site.

### **International Agreements on Nature Protection**

Albania has signed/ratified the following International Agreements on Nature Protection:

1. **Convention on Biological Diversity** is signed by Republic of Albania on 5 January 1994. The Habitats Directive is linked to the Convention on Biological Diversity adopted at the Earth Summit in Rio de Janeiro in June 1992, as this established participating governments' approach towards biodiversity conservation. The EU is a signatory to the Convention and is producing Biodiversity Action Plans. The goals of this convention are the conservation of biological diversity (the diversity of animal and plant species, their genetic diversity, and the diversity of the ecosystems on the earth), the sustainable use of natural resources, and the fair and equitable sharing of the benefits from the use of natural resources. The aim is that maintaining biological diversity would be included in all the activities which shape the landscape and natural features, such as agriculture, forestry, fishing, hunting, building, town planning, tourism and housing.
2. **Ramsar Convention** on Wetlands of International Importance especially as Waterfowl Habitat, 1971 is ratified by Republic of Albania on 29 March 1996.
3. Law no.8692, of 16.11.2000 "On the adherence of the Republic of Albania in the **Bonn Convention** "On Conservation of Migratory Species of Wild Animals"
4. Law no.9021 of 6.3.2003 "On the adherence of the Republic of Albania in the Convention on International Trade of Endangered Species (**CITES Convention**)"
5. Law no. 8294 of 2.3.1998 "On ratification of the Convention on the Conservation of European Wildlife and Natural Habitats (**Bern Convention**)"

### **Relevant non-binding acts of the EU:**

European Parliament adopted on 4 December 2008 a **Resolution**: "Towards a 'European Cormorant Management Plan'", calling for action to minimise the increasing impact of Cormorants on fish stocks, fishing and aquaculture. Great Cormorant is covered by the general protection scheme under the Birds Directive. Its deliberate capture and killing, disturbance, destruction of its nests or taking of its eggs can only be allowed by Member States in accordance with the derogation system of the Directive (art. 9)

**EC Guidance document on Great Cormorant** - Applying derogations under Article 9 of the Birds Directive. It examines the means and methods that can be used for applying the derogation system to cormorants and outlines the precautions that should be put in place when doing so.<sup>2</sup>

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<sup>2</sup> See also Table 2a: Specific comments on the Birds Directive relevant articles – art. 9, in this document

**Biodiversity strategy for 2020 - Communication from the Commission of 3 June 2011, entitled: “Our life insurance, our natural capital: EU biodiversity strategy to 2020”.** This strategy aims to stop the loss of biodiversity and the degradation of ecosystems in the European Union by 2020, by identifying six priority targets. **Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 3 December 2008 – Towards an EU strategy on invasive species** - Invasive species (IS) are considered one of the major threats to biodiversity. The term ‘Invasive Species’ encompasses the terms ‘Invasive Alien Species’ as found in the Convention on Biological Diversity and ‘Invasive non-native species’. Invasive Species are broadly defined as species whose introduction and/or spread may threaten biological diversity or have other unforeseen consequences

On 21st December 2005 the European Commission proposed a **Strategy on the Sustainable Use of Natural Resources used in Europe**. The objective of the strategy is to reduce the environmental impacts associated with resource use and to do so in a growing economy. Focusing on the environmental impacts of resource use will be a decisive factor in helping the EU achieves sustainable development. (*Thematic Strategy on the sustainable use of natural resources {SEC(2005) 1683} {SEC(2005) 1684}*)

**Commission Communication of 27 March 2001 to the Council and the European Parliament - Biodiversity Action Plan for the Conservation of Natural Resources** – The Communication highlight the objective of transposing the Habitats and Birds Directives properly into national legislation by 2002. It envisages a monitoring system with guidelines addressed to States and, moreover, the option of taking legal action against them. The annexes to both Directives will have to be amended in order to protect and take account of biodiversity in European Union candidate countries. **Also reversing biodiversity loss across the whole territory** - Priority actions to develop instruments to **improve the conservation and sustainable use of biodiversity on territory located outside protected areas**: taking account of biodiversity in policies affecting soil such as agricultural policy, fisheries, aquaculture, Structural Funds and the urban environment, and incorporating biodiversity in cross-sectoral environmental measures. In order to integrate biodiversity into cross-sectoral environmental measures, the objectives and actions detailed in the communication are based on the precautionary principle, environmental liability, environmental impact assessment, strategic environmental assessment, public participation and access to information, eco-labelling, eco-auditing and the strategy for EU chemicals policy. The actions on genetic resources outlined in the communication address alien invasive species, GMOs, zoos and botanical gardens.

## 2. Present Situation

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### Transposition

According to the EU regular annual reports on Monitoring transposition and implementation of Environmental *acquis* in Albania, a progress has been reported towards transposition of the nature protection directives especially towards transposition of the Habitats directive. The date for achieving full transposition of the two directives has not been determined. The partial transposition was due to entry into force of the law no.10006, dated 23.10.2008 “On wild fauna protection”. This progress is related with the transposition of the Annex I of the Directive in relation to the “Natura 2000 Standard Data Form” by the DCM no.897, dated 21.12.2011 “On the procedures for the designation of Special Areas of Conservation”. An implementation date has not been provided for the designation of SPAs, while full transposition of the directive has not been determined yet.

The legal analysis conducted by the project has shown that the situation in Albania concerning the transposition of the nature legal acts is similar in both areas: “Habitat” and “Birds”. There is a substantial compliance with the EU legislation. However there is a need for completing the approximation i.e. formal transposition of both nature related Directives (Habitat and Birds) in order to establish an appropriate legal framework for implementation and enforcement to ensure full compliance.

### Implementation

The competent authority designated for performing the duties arising from the Birds Directive is the Ministry of Environment, Forests and Water Administration through the Biodiversity Department, which is responsible for drafting legislation on protection and administration of the protected areas and the Ramsar sites. The daily administration and enforcement of the protected areas is the responsibility of the Administrative Sector under the Directorate of Forestry Services both at local level. At national level the Directorate refers to the Directorate of Forests and Pastures (General Directorate of Environmental Policies) and Forestry Police Sector (Directorate of Environmental Control), both part of the MoE. There are many challenges and problems related to the present daily management and administration of the protected areas. First of all the division of roles and responsibilities between the two sectors Biodiversity and Forestry is hampering a good development of the protected areas. Moreover the investments needed to sustain and restore the PAs are limited and mainly by providing foreign project funding.

### 2.1 Government Policy

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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.

**The crosscutting Sectoral Strategy for Rural Development** (Approved CMD Nr.80, date 28.01.2008) under the National Strategy for Development and Integration 2007-2013 (NSDI) also integrates the principles of sustainable development and environmental protection, including habitats that are important for conservation. The strategy highlights the need to preserve the cultural landscape. The strategy clearly

defines the need to draft environmentally friendly policies and management plans for territories that are likely candidates to be part of NATURA 2000 network.

**The Sectoral Strategy for Tourism** was adopted in 2008 by Council of Ministers Decree No. 844, dated 11.6.2008. It is based on the Strategy and Action Plan for the Development of Natural and Environmental Tourism adopted in 2006. The strategy emphasizes implementation of the principles of sustainable development at all levels of planning, decision-making, and management. Sustainable management of natural, cultural and human resources is critical for long-term sustainability of the tourist industry. Chapter II of Law No. 9734 "On Tourism", dated 14.5.2007, amended, explicitly sets out the principle of sustainable development of tourism and protection of the environment and natural resources.

## 2.2 Roles & Responsibilities

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All specialized bodies, legally in charge of environmental protection in the Republic of Albania, represent the Albanian Environmental Institutional Network. This network, although not formally established should consist of the MoE, the National Environmental Agency (NEA) and its Regional Environment Agencies (REAs), the Environmental Inspectorate (EI), environmental organizations at central and local levels, and inter-ministerial bodies approved by special Decisions of the Council of Ministers".

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 Organogram of the NEA.

The network of REAs comprises the specialised institutions responsible for monitoring and protecting the environment. The Environmental Inspectorate represents a specialised institution ensuring control and compliance with environmental standards.

MoE is organized in two General Directorates, (Policies and Supporting Services), and nine Technical Directorates<sup>3</sup>. Each directorate has several sectors that are responsible for specific activities within the MoE.

The General Directorate of Policies is responsible for drafting environmental policies and legislation and for their implementation at the national and local levels. The General Directorate is composed of four specialized technical directorates.

The Department of Biodiversity (with 7 employees is having direct or indirect responsibilities in dealing with the Birds Directive implementation The Department of Biodiversity is responsible for the protection of flora and fauna, the soil, habitats, ecosystems, and protected areas. The Directorate of biodiversity is composed of Sector of Flora, Fauna and Soil, and the Sector for Protected Areas and National Parks.

The Directorate of Environmental Control (with 11 employees), within the General Directorate of Supporting Services, ensures the implementation of environmental legislation through controls on the

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<sup>3</sup> The below information about MoE reflects the situation in April 2013.

environment, forest and pastures, water resources, and fishing. It is composed the Sector of Environmental Inspectorate, the Sector of Forest Police, and the Sector of Fishing Control.

The daily administration and enforcement of the protected areas is the responsibility of the Administrative Sector under the Directorate of Forestry Services at local level. At national level the Directorate refers to the Directorate of Forests and Pastures (General Directorate of Environmental Policies) and Forestry Police Sector (Directorate of Environmental Control), both part of the MoE.

The management plan is one of the most important management tools for the protected area. This is the background for the establishment of the Management Committees (MCs) by Decision of Council of Ministers (DCM) No.86, dated 11.2.2005 for Establishment of Committees for Management of Protected Areas. The **Minister of the Environment** and the **Minister of Agriculture** and Food are in charge for the implementation this decision. The Management Committee is foreseen to coordinate and balance the different interests in the specific protected area by taking active part in the development of the Management Plan.

The MoE is the responsible for nature and landscape protection, the network of Protected Areas, ecosystems and habitats, and varieties of flora and fauna. The MoE is also responsible for drafting policies and managing forests and pastures. The Forestry Police, as a specialized control organization guarantees the implementation of legal requirements regarding all forests and pastures, being public, private or communal. Local government units (municipalities and/or communes), through their controlling and inspecting mechanisms, are responsible for communal forests and pastures that currently occupy approximately 60% of the forest and pasture area of the territory of the Republic of Albania.<sup>4</sup>

In the figure below outlines the structure of the MoE with focus on protected areas management.

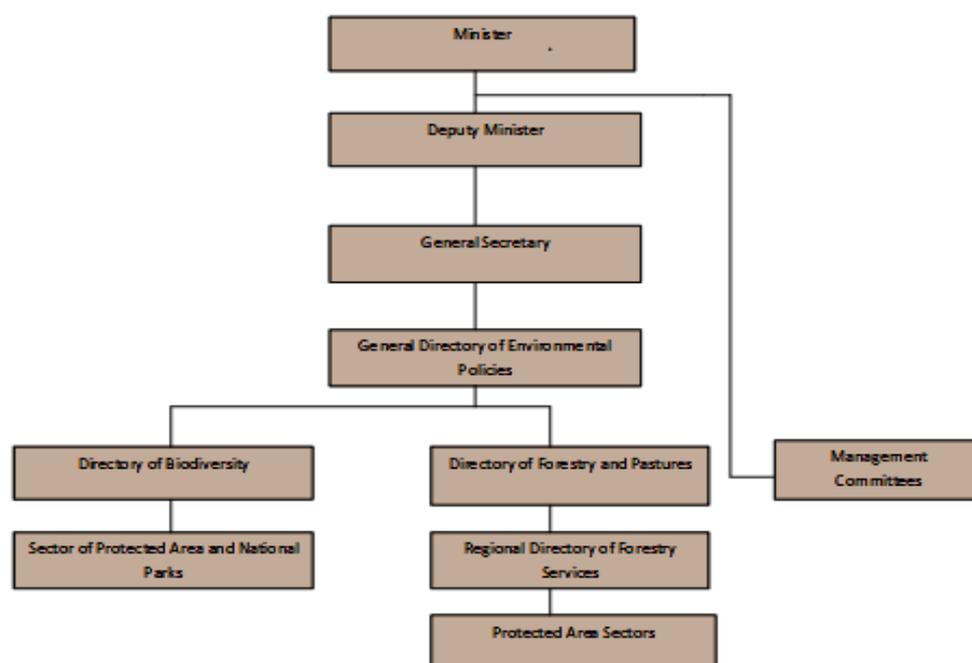


Figure 1: Structure of the MoE with focus on biodiversity and protected areas management (August 2013).

Law No. 8906 dated 06.06.2002 "On protected areas" provides the legal basis for the management of Protected Areas in Albania. The Law provides the framework for the declaration, conservation,

<sup>4</sup> Based on the Law No. 9587, dated 20.07.2006 "On protection of biodiversity"; on the Law No.10006, dated 23.10.2008 "On protection of wildlife; and Law No.8906, dated 06.06.2002 "On protected areas"

administration, management and sustainable use of protected areas and their natural and biological resources with the purpose of informing and educating local communities on direct and indirect economic benefits, and promoting eco-tourism development.

In accordance with nature protection criteria established by the International Union for Conservation of Nature (IUCN), the Law 8906 identifies six categories of protected areas providing for different status and levels of protection.

Based on the Law "On protected areas" the following categories of protected areas are identified:

- |      |          |  |
|------|----------|--|
| I.   | Category | Strict natural reserve / scientific reserve                            |
| II.  | Category | National Park  |
| III. | Category | Nature Monument  |
| IV.  | Category | Nature Managed Reserve/natural park                                    |
| V.   | Category | Protected Landscape  |
| VI.  | Category | Protected area of managed resources/ protected area with multiple uses |

The Law devotes special attention to the management of forests, excluding their utilization for economic purposes, to waters and other natural resources within the protected areas. It also provides the legal base for the designation of administrative structures and management committees for certain categories of protected areas.

The Albanian Parliament approved on 04.02.2008 the Law no. 9868, "On some amendments to Law No. 8906", which determines the criteria for proclaiming of protected areas designation of Special Areas of Conservation (SAC) of interest to the European Community. This Law also defines the concept of internal zoning within a protected area, distinguishing among core zone, traditional use zone, sustainable use zone, recreational zone and other kind of zones based on their characteristics and the human activities. The designation of protected areas is done through a Decision of Council of Ministers following the proposal of Minister responsible for environment.

There are many challenges and problems related to the present daily management and administration of the protected areas. First of all the division of roles and responsibilities between the two sectors Biodiversity and Forestry is hampering a good development of the protected areas. Moreover the investments needed to sustain and restore the PAs are limited and mainly by providing foreign project funding.

The main problems can be listed as follows:

- The general protection of the biodiversity in the protected areas
- Several Management Committees for one Protected Area
- The drafting of operational Management Plans focussing on the issues that need protection and restoration (please see above)
- Limited investments to implement the needed actions in the Management Plans
- Overlap of different planning instruments and lack of coordination
- Conflicting interests between economic (e.g. logging and mining) interests and conservation
- Illegal logging, hunting and construction
- Lack of Enforcement
- Lack of staffing and staff with the relevant qualifications (mainly foresters) in the daily administration and enforcement

The main roles and responsibilities are summarised in the following table and are further elaborated in the following.

**Table 1: Roles and responsibilities of stakeholders**

Stakeholder	Responsibility
<b>Council of Ministers</b>	Approving relevant legislation for Protected Areas, environment, biodiversity, fauna and flora, medicinal plants, forestry, fisheries, mining, renewable resources etc.
<b>National Territorial Council</b>	Checking and approving the compliance of local instruments with national planning instruments in force.
<b>Ministry of Environment (MoE)</b>	Drafting and approving relevant legislation for environmental protection, environmental permitting, EIA; Drafting and approving relevant legislation for forestry and forestry services, management and protection of fishery resources, water resources, wild fauna and flora including medicinal plants;
NEA	<ul style="list-style-type: none"> <li>- Issuing environmental permits of Type A and B, through the NLC (National Licensing Center);</li> <li>- Advising the local government unit for implementation of environmental policies;</li> <li>- Enforcing provisions of environmental legislation on EIA, environmental permitting, coordination of monitoring activities.</li> </ul>
REA	<ul style="list-style-type: none"> <li>- Issuing environmental permits of Type C, through NLC;</li> </ul>
State Inspectorate of Environment, Forests, Water and Fishery	Ensuring the enforcement of legislation on environmental protection, forests, water and fishery.
Local Directory of Forestry Service	<ul style="list-style-type: none"> <li>• Managing Protected Areas at regional level</li> <li>• Managing forest and pastures in the surrounding area</li> <li>• Controlling the enforcement of legislation in relation to forestry, pastures, protected area, wild flora and fauna and hunting.</li> </ul>
Management Committees for Protected Areas	Administering and protecting the protected area through the supervision of management plans implementation, the enforcement of legislation by protected areas administrations and enterprises performing activities in the area, the maintenance of environmental quality, the promotion of ecological (sustainable) development and the implementation of requirements for sustainable use of natural resources.
<b>National Inspectorate of Construction of Ministry of Public Works and Transport</b>	Controlling the compliance of development and construction with the approved planning instruments for the area.
<b>Ministry of Economy, Trade and Energy</b>	<ul style="list-style-type: none"> <li>✚ Policy drafting in renewable energies and mining;</li> <li>✚ Issuing permits for energy supply and mining activities through NLC.</li> </ul>
<b>Ministry of Education and Science</b>	Scientific research and education of experts in biodiversity issues.
<b>Ministry of Tourism, Culture, Youth and Sports</b>	<ul style="list-style-type: none"> <li>- Promoting tourism development;</li> <li>- Preservation of cultural heritage;</li> <li>- Policy drafting in sustainable tourism development and preservation of cultural heritage;</li> <li>- Ensuring and protecting sustainable use of touristic resources.</li> </ul>
<b>Local Government</b>	<ul style="list-style-type: none"> <li>○ Approving planning instruments (Municipality Territorial Plan);</li> <li>○ Issuing development and construction permits through NLC;</li> <li>○ Approving planning and construction regulations at local level;</li> <li>○ Providing and maintaining public services including water supply and sewerage, integrated waste management, etc.</li> </ul>
<b>Academic institutions (Universities, Academy, Institutes, etc.)</b>	Technical research (specific species, habitat management, value criteria for species/habitats).
<b>Private Sector (bars, restaurants and hotels)</b>	<ul style="list-style-type: none"> <li>➤ Increasing number of tourists and visitors in the area;</li> <li>➤ Possibility of illegal building activities.</li> </ul>

Stakeholder	Responsibility
<b>Associations</b>	Hunter associations, farmers associations
<b>Other relevant stakeholders (NGOs, international donors)</b>	Awareness rising in environmental issues, nature conservation (small scale projects), public participation issues, represent the public interest, lobbying on planning and environmental issues, research and monitoring in conservation.
<b>Local community Groups</b>	<ul style="list-style-type: none"> <li>✓ Consultation role over traditional land rights and human-wildlife conflicts.</li> <li>✓ Regulate the use for grazing and harvesting of wood for local fuel purposes.</li> <li>✓ Hunting associations and other registered for-profit organisations, whose dual role is not only to organise hunting in specific areas but also to care for the game.</li> </ul>
<b>Shepherds</b>	<ul style="list-style-type: none"> <li>▪ Managing the number of livestock (overgrazing results in a loss of biodiversity and soil erosion);</li> <li>▪ Improving grazing quality of pastures including seasonal burning (seasonal burning results in a loss of biodiversity and soil erosion).</li> </ul>

### 2.3 Other issues related to implementation and enforcement

**Chapter 8** of the Law on environmental protection describes in detail the responsibility for environmental damage, defining all the necessary instruments for the regulation of these responsibilities. This chapter partly transposes the Directive 2004/35/EC on environmental liability and foresees the obligation of decision makers to adopt sublegal acts related to the specific rules for its implementation.

**Criminal penalties for breaches of environmental law** are defined in 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".

Article 137 (3), of the **Code of Administrative Procedures** requires the complainant to exhaust all the administrative procedures before going to Court. This means that the person should first seek an administrative review from the relevant public authority and then appeal that decision at a higher body, before going to court. Article 48 of the **Law no.10431, date 9.6.2011 "On Environmental Protection"** contains provisions on access to justice and guarantees individuals and organisations the right to bring cases at the court. More specifically: "In case of damage, pollution and threat to the environment, the public has the right to: (a) ask the relevant public authorities taking appropriate measures within the deadlines and in accordance with the authority given by the law, (b) lawsuit in court, in accordance with the conditions laid down by the Code of Civil Procedure, against the public authority or natural or legal person that has caused damage to the environment or which threatens to undermine it."

The above mentioned legislation ensures that any individual or organisation may start legal proceedings in a court for environment-related cases.

Biodiversity monitoring involves certain major flora and fauna groups (mammals, birds, amphibians, insects, molluscs, algae, etc.), **the quality of a number of habitats** important to flora and fauna, and endangered species. Some investigations and monitoring is carried out by a wide network of institutions, including the Natural Sciences Museum and departments of the Faculty of Natural Sciences.

#### **Impact on habitats/species in environmental assessments procedures**

Albania has made efforts to protect habitats/species against the adverse effects of economic developments. The potential impact of such activities is considered during the environmental impact assessment process. All economic and social activities, described in the Appendix I and II of Law No. 8990, dated 23.1.2003 "On the environmental impact assessment," as having an impact on the environment in the country (Official Journal 5/2003, p. 135, date of publication 19.02.2003) are subject to an

environmental impact assessment (EIA). Under the procedures of the EIA, the entities, seeking to carry out activities with an environmental impact, shall report a detailed analysis covering:

- The habitats affected by the development and the operation of the proposed activity,
- The types of fauna and flora affected, and
- Impact on any Protected Areas,
- The influence of the proposed activity on the condition of the habitat and biodiversity, and
- Measures for the compensation and rehabilitation of effected areas, habitats, and the endemic species in the zone in question.

Control of the impact of activities on Protected Areas is improved by Law No. 8906/2002 “On Protected Areas”, (Official Journal 29, dated 26.06.2002) and law No. Chapter 27- Environment Albania 9868/2008 “On some changes and amendments to law No. 8906, dated 6.6.2002, “On Protected Areas” (Official Journal 18/2008, page 640). The law clearly stipulates forbidden activities and the activities for which environmental permits are required. Of concern are activities that have an impact on the ecosystems, the habitats and the species outside of protected areas, which under the Habitats Directive and the Birds Directive, require special protection. Better rules for establishing Special Protected Areas, and the protection of natural species outside the protected areas, is needed. The list of habitats and natural species must be adopted within 3 years.

**Mechanisms to provide for the protection of the environment** to be taken into consideration in other policies, in particular agricultural, industrial, energy and transport policies. Law “On environmental protection” stipulates, that “State organizations in charge of national and local policies relating to transport, energy, agriculture, tourism industry, services, urban planning, and economic and social development ensure harmonization of economic and social development with environmental protection and improvements in the quality of life”. Point 2, Article 9 of the same law reiterates that: “Strategies, plans and programmes for development of the economy at the national, regional, or municipal level integrate the requirements of environmental protection in compliance with the national environmental strategy.”

Article 5 of Law No. 8990 dated 23.1.2003 “On the environmental impact assessment: the Environmental Strategic Assessment”, establishes the necessary mechanisms and instruments for implementation. Specifically, it deals with:

- a) Strategies and action plans for energy, mining, industry, transportation, agriculture, forestry, **natural resources management**, mining properties management, and waste management;
- b) **National and regional plans** for urban and rural centres and areas, industrial areas, coastal areas, tourist areas, **protected areas, and areas of high sensitivity towards pollution and damage**.

**Initiatives or programmes of environmental regional cooperation in which Albania is participating.** The environmental regional cooperation is focused on cross- border projects, and dedicated to the cross-border protection of ecosystems. In Albania’s case this involves lakes and mountain ranges, like Prespa lakes integrated ecosystem management project, Shkodra Lake Integrated management project, project on the protection and sustainable development of Ohrid Lake and its water basin, etc.

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## 2.4 Current Legal Framework

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**The Constitution** of the Republic of Albania (1998), approved by the Law No.8417, dated 21.10.1998, “Constitution of the Republic of Albania”, Official Journal, Year 1998, No. 28, Page 1073; publishing date: 07.12.1998, as amended, pays special attention to including the environment and its protection.

Constitutional provisions emphasize that:

- The environment and its protection are considered to be fundamental goals of the state;
- The core requirement of environmental protection is continuous conservation of a healthy and ecologically suitable environment;
- Environmental protection is a permanent duty at any time and under all circumstance, and related to the life and health of the population;
- Sustainable development is a fundamental requirement and thus the Constitution guarantees the protection and preservation of the environment for current and future generations;
- The public has the right to be informed about the state of the environment and state institutions are obliged to inform the public concerning the environment and measures taken for its protection.

Law No.7664, dated 21.01.1993 "On Environmental Protection", Official Journal: Year 1993, No. 1, Page 35; publication date: 28.02. 1993, was the first law in Albania specifically dedicated to environmental protection. Until 2002 it served as the legal basis for the preparation of sectoral framework laws and subordinate legal acts concerning environmental protection. **A new Law "On the Protection of Environment" has been adopted in 2011**, Law no. 10431 of 9.6.2011. The new law is more contemporary, more complete, and better adapted to the EU directives on nature protection than the previous. The Law "On the Protection of Environment" is the general environmental protection framework act serving as the basis for the preparation of all sectoral laws and subordinate specific legal acts dedicated to protection of environmental components and their implementation.

The situation in Albania concerning the transposition of the nature legal acts is similar in both areas: "Habitat" and "Birds". There is compliance with the EU legislation to some degree. However, there is a need for completing the approximation i.e. formal transposition of both nature related Directives (Habitat and Birds) in order to establish an appropriate legal framework for implementation and enforcement to ensure full compliance.

The existing legal framework that deals with the conservation of birds comprises of:

- Law "On the protection of wild fauna", no. 10006, date 23.10.2008
- Law "On hunting", no. 10253, date 11.3.2010
- DCM "On hunting season in the Republic of Albania", no. 546, 7.7.2010
- DCM "On the approval of the list of huntable species in Albania", no. 547, date 7.7.2010
- Law no. 9587, date 20.7.2006 "On protection of biodiversity "
- Law no. 9868, date 4.2.2008 "On some changes and additions on the Law "On protected areas" no. 8906, date 6.6.2002"
- Law "On protection of wild life" no. 10006, date on 23.10.2008
- Law no. 9867, date 31.1.2008 "On defining the rules and procedures for international trade of endangered species of wild fauna and flora"
- DCM Nr.897, date 21.12.2011 for approval of rules for the designation of special areas of conservation

The Legal basis for the development of legislation is the art. 19 of the Environment Protection Law. Concerning the Habitats and Birds Directives: the legal acts on Biodiversity and Protected areas appear to be, prima facie, in line with the EU legislation. The existing Albanian Laws adequately address the conservation and restoration measures as well as the definition of management plans as requested by the Directive.

However, new legal acts such as DCMs has to be drafted to fully harmonise the existing Biodiversity and Nature Protection Legislation aligning with missing articles from the Habitats and Birds Directive. Furthermore Annexes to the Birds and Habitats Directives are not transposed to Albanian law and fine tuning may be needed on the terminology, management and conservation issues. In both cases the Annexes from the Directives shall be included in the specific Habitats and Birds DCMs to be drafted.

Eventual additional annexes on habitats, species and bird species may be included, if suggested by Albanian competent authorities.

Concerning the legislation on the protection of wild fauna and flora and on international trade of endangered species according to CITES, the Albanian legislation cover partly the EU acquis and improvements are needed on the format for the request for permits as well as the establishment of some procedures to improve communication with the custom authorities.

Specific comments on the Directive relevant articles in provided in table 2a.

**Table 2a: Specific comments on the Birds Directive relevant articles**

Directive 2009/147 (Birds)	Albanian Legislation
<p>Art. 7.4 Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2 They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction.</p>	<p>Fully in compliance from the legal point* of view.  <u>However it must be reexamined with biologist technical specialist to see if it sufficient to establish practical implementing measures</u></p> <p>*Law "On hunting", no.10253, dated 11.3.2010, Article 1 'Goal', para a-d and article 33 'Hunting season, para 1-3.</p> <p>Law "On hunting", no.10253, dated 11.3.2010, article 46 "Prohibited actions during hunting"</p> <p>Law "On hunting", no.10253, dated 11.3.2010, article 46 'Prohibited manners during hunting', para g.</p>
<p>Art. 9 Member States may derogate from the general prohibition on hunting protected species in the provisions of Articles 5 to 8 for specific listed reasons.</p> <p>Note: Before a valid derogation can be given under Article 9, the competent national authority needs to consider and properly address several conditions concerning the derogation's prior justification and subsequent application. In accordance with general legal principles, the grounds justifying derogations need to be strictly interpreted to avoid undermining the main provisions of the Directive. The ECJ<sup>5</sup> confirmed that Article 9 is to be interpreted as meaning that it authorizes the Member States to derogate from the general prohibition on hunting protected species laid down by Articles 5 and 7 of the directive only by measures which refer in sufficient detail to the factors mentioned in Article 9(1) and (2). A license or other instrument embodying derogation should therefore be complete and explicit in</p>	<p>Albanian Legislation (Law no. 10006 of 2008 on protection of Wild Fauna; art. 13.2) foresees the possibility of providing certain derogations. These provisions are in line with art. 9 of the Directive.</p>

<sup>5</sup> Judgment of 7 March 1996, Associazione Italiana per il WWF and others v Regione Veneto, case C-118/94, ECR 1996, p.1223, paragraph 21 and judgment of 16 October 2003, Ligue pour la protection des oiseaux and Others v Premier ministre and Ministre de l'Aménagement du territoire et de l'Environnement, Case C-182/02, paragraph 10.

Directive 2009/147 (Birds)	Albanian Legislation
<p>referring to the conditions that derogation must satisfy.</p> <p>It is important also to bear in mind that the Court has stated that the possibility provided for in Article 9 of derogating from the restrictions on hunting, as well as from the other restrictions and prohibitions contained in Articles 5, 6 and 8 of the Directive, is subject to <u>three conditions</u>. Firstly, the Member State must restrict the derogation to cases in which there is no other satisfactory solution. Secondly, the derogation must be based on at least one of the reasons listed exhaustively in Article 9(1) (a), (b) and (c). Thirdly, the derogation must comply with the precise formal conditions set out in Article 9.2, which are intended to limit derogations to what is strictly necessary and to enable the Commission to supervise them. Although Article 9 therefore authorizes wide derogations from the general system of protection, it must be applied appropriately in order to deal with precise requirements and specific situations</p>	
<p>Art. 11 Member States shall see that any introduction of species of bird, which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna.</p>	<p><u>Fully in compliance from the legal point* of view. However it must be reexamined with biologist technical specialist to see if it sufficient to establish practical implementing measures</u></p> <p>*Law “On the protection of wild fauna”, no. 10006, dated 23.10.2008, article 5 ‘Protection goals’, para c &amp; d.</p>
<p>Art. 13 Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of the species of birds referred to in Article 1</p>	<p><u>Fully in compliance from the legal point* of view. However it must be reexamined with biologist technical specialist to see if it sufficient to establish practical implementing measures</u></p> <p>*Law “On the protection of wild fauna”, no.10006, dated 23.10.2008, article 5 “Goals of protection”</p>
<p>Annex I - List of particularly vulnerable species of wild birds which are the subject of special habitat conservation measures</p>	<p>This list will be approved by a Decision of Council of Ministers “On the approval of lists of natural habitat types, plants, animals and birds</p>
<p>Annex II Species which may be hunted, subject to the hunting activity not harming conservation efforts</p>	<p><u>Fully in compliance from the legal point* of view.</u></p> <p>*DCM ‘On the approval of list of species that can be hunted in the Republic of Albania’ no. 553, dated 7.7.2010</p>
<p>Annex II/A Species that may be hunted anywhere within the Community</p>	<p><u>The new DCM shall take into fully into account this annex.</u></p> <p>At a later stage the Ministry may include additional species</p>
<p>Annex II/B Species to be hunted only in certain MSs</p>	<p><u>The new DCM shall take into fully into account this annex.</u></p> <p>At a later stage the Ministry may include additional species</p>
<p>Annex III Exceptions to the general prohibition on the sale of wild birds</p>	<p><u>Fully in compliance from the legal point* of view.</u></p>

Directive 2009/147 (Birds)	Albanian Legislation
Annex III/A: species which may be sold if they have been legally killed, captured or otherwise legally acquired Annex III/B: species which may be exempted from the general prohibition after consultation with the Commission	*Law "On hunting", no. 10253, dated 11.3.2010, article 51 "Trade of the hunt"
Annex IV Restrictions on capturing devices Annex IV(a): prohibited methods & means, e.g. snares, explosives, nets, semi-automatic or automatic weapons & use of live birds as decoys	Fully in compliance from the legal point* of view. *Law "On hunting", no. 10253, dated 11.3.2010, article 45 "manners and means prohibited during the hunting activity"
Annex IV(b): prohibited modes of transport for hunting purposes	Fully in compliance from the legal point* of view. *Law "On hunting", no. 10253, dated 11.3.2010, article 58 "Customs control"
Annex V Species to be the subject of research on the protection & management of wild birds and any work required as a basis for the protection and management of these species of birds	The new DCM shall take into fully into account these annex. At a later stage the Ministry may include additional species

## 2.4 Current Implementation Status

There is limited progress on the implementation of Birds Directive. There are limitations in the current capacity to implement the Directive with respect to technical capacity and, in certain areas of the administrative structure. There is a need for increased capacity within the MoE to collect and manage data (and produce guidelines) relating to the selection of SPAs, and for enhanced capacity of the MoE to inspect SPAs.

Albania is home to an impressive number of species of birds that vary from residents that stay all year around, to breeding birds that spend a good part of the growing season in Albania to raise their young, migrants who pass through Albania with the seasons, to wintering birds.

Albania has recently significantly expanded the extension of its network of protected areas, doubling it between 2005 and 2009 from 5.8 % to 12.57 % of the total land area of the country.

### Network of protected areas

The network of protected areas of Albania includes 15 national parks, 5 Protected Landscape Areas, 4 Strict Nature Reserves, 26 Managed Nature Reserves, and other protected areas.

There are many challenges and problems related to the present daily management and administration of the protected areas. First of all the division of roles and responsibilities between the two sectors Biodiversity and Forestry is hampering a good development of the protected areas. Moreover the investments needed to sustain and restore the protected areas are limited and mainly by providing foreign project funding.

The main problems can be listed as follows:

1. The general protection of the biodiversity in the protected areas;
2. The drafting of operational Management Plans focussing on the issues that need protection and restoration;

3. Limited investments to implement the needed actions in the Management Plans;
4. Overlap of different planning instruments and lack of coordination;
5. Conflicting interests between economic (e.g. logging and mining) interests and conservation;
6. Illegal logging, hunting and construction;
7. Insufficient Enforcement;
8. Insufficient number of staff and staff with the relevant qualifications (presently mainly foresters) in the daily administration and enforcement.

#### Management plans

Management plans and actions to improve the situation of birds. The protected area Management Plans are approved by Order of the Minister. A Management Plan is designed for each protected area according to the International Union for Conservation of Nature (IUCN) categorization and includes the actions and the related investments needed to protect, sustain or restore the relevant protected area. The actions are drafted based on the existing zoning of each protected area according to the specific DCM. For several protected areas the zoning is defined in the relevant DCM, dividing the protected area mainly in a core zone, a traditional use zone, a sustainable use zone and a recreational zone. Based on the protected area category some areas are divided in three subzones and a buffer zone.

#### Availability of guidance's etc.

Guides and methodologies are presently not available. The ministry is working for the drafting of national guidelines for the zoning of protected area in Albania.

#### Inspection and enforcement

Local Directory of Forestry Service is responsible for managing Protected Areas at regional level; they are managing forest and pastures in the surrounding area, controlling the enforcement of legislation in relation to forestry, pastures, protected areas, Wild flora and fauna and hunting.

#### Monitoring

There is no systematic monitoring system. All data that are collected and reported are sporadic, irregular and not systematic.

#### Information

There are only limited attempts to inform the public about biodiversity issues and how to protect wild birds. The Management Committees for Protected Areas includes representatives for landowners, municipalities, communes and NGOs, and has a formal role in administrating and protecting the protected areas according the DCM No.86, dated 11.2.2005 "On establishment of the management committees on protected areas".

## 2.5 Current Investment Status

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In this section a distinction is made between investment in human resources in government, recent investment in technical assistance and institutional strengthening and investment in nature protection areas.

#### Investment in human resources in MoE

At present there are at present 7 people within the MoE who work on nature protection and conservation issues:

- Director;
- Head of Protected Area section;
- Two specialists in the Protected Area section;

- Head of fauna and flora section;
- Two specialists in the fauna and flora section.

#### Recent investment in technical assistance

There have been a number of TA projects in recent years which have sought directly to protect or resulted indirectly in the protection of habitats in the Albania relevant for wild birds. The main such projects are indicated in Table 2b below.

**Table 2b: TA projects of relevance nature protection**

Title	Funded by	Budget and timing	Remarks
Integrated ecosystem management in the Prespa Lake Basin of Albania, Albania and Greece	UNDP	€2,603,000 Sep 2006 – Project closed	Cooperation between 3 riparian states for integrated ecosystem management of international water resources with the aim of conserving globally significant biodiversity.
Lake Ohrid Conservation Project	World Bank	€2,284,000 03.99–06.02	Cooperation between Albania and the Albania for the joint conservation and protection of natural resources and biodiversity in the catchment of Lake Ohrid
Integrated Ecosystem Management of Lake Skadar	BB/GEF/ EBRD/MoE	1,990,000 \$ 09.08-.09.13	Capacity building; Institutional, organisational and economic arrangements; Legislation and regulatory measures; Management plans and demonstration actions; Networking, participation and partnership building
Albania: Improving Coverage and Management Effectiveness of Marine and Coastal Protected Areas (ID 3997)	UNDP/GEF	2,927,500 \$ 01.11-12.12	Biodiversity project implemented by UNDP. The project aims at implementing recommendations through Albania's participation in the Convention on Biological Diversity's Program of Work on Protected Areas
Project for Conservation and Sustainable Use of Divjake-Karavasta National Park with Participation of Local Governments and Stakeholders	JICA	04/2012 – 04/2014	Outputs: 1. A management plan is elaborated with participation of local governments and stakeholders. 2. Implementation know-how of the National Park management plan is understood among targeted group through some actions based on the management and action plan. 3. The methodology of national park management plan for conservation and sustainable use is disseminated to stakeholders of other protected areas (including national parks) of Albania.
Biodiversity Strategy	UNEP/GEF	200,000 \$	Prepare a Biodiversity Strategy/Action Plan and the first national report for The Convention on Biological Diversity
Sustainable Biodiversity Protection in Three Lakes Ohrid-Prespa, Shkodra	GIZ	€2,000,000 01.12-06.14	Improved implementation of legislation, regulations and management plans for the conservation and sustainable use of biodiversity at lakes Prespa, Ohrid and Shkodra/Skadar.
Biodiversity protection in rural areas (Alps)	GIZ	€1,200,000 04.12-03.15	Concepts for the sustainable management and preservation of biodiversity in the Albanian alpine region. Advisory services, training, limited supplies of materials and equipment and local grants to support environmental communication, PR, seminars and fact-finding trips.
Trans-Boundary Biosphere Reservat Prespa	KfW	€3,550,000	Reduce exploitation level of the national parks, protect the biodiversity of Prespa Lakes, help reducing poverty in the Albanian part of the project and enhance the regional cooperation between Albania, Macedonia and Greece.

### 3 Approximation Plan

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#### 3.1 Overall Plan and Milestones

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With the signing of the Stabilisation and Association Agreement (SAA)<sup>6</sup> in June 2006 Albania has clearly expressed political commitment to the EU membership. Since then the EU accession process and the adopting of the *Acquis* has given the Albanian environment institutions the challenge to adjust to a changing legal framework that has significant implications for the future extent, 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 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>7</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 main strategic document as regards European Integration in Albania is the Albanian National Strategy for Development and Integration (NSDI) 2007-2013. The NSDI represents the fundamental strategic document of the country that harmonizes for the first time in a single strategic document the perspective of the sustainable economic and social development, integration into the European Union and NATO structures, as well as the achievement of Millennium Development Goals. The NSDI was finalised in December 2007 and approved by Council of Ministers Decision no. 342 date on 12 March 2008. A revised NSDI covering the period 2013 to 2020 is presently (April 2013) being drafted.

Albania has applied for European Union membership in April 2009. 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 on-going or under way.

The overall plan to obtain full approximation, taking into account the past and on-going approximation projects, 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:

- 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.

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<sup>6</sup> The SAA provides the legal framework for relations and progressive actions toward harmonization with the European Union.

<sup>7</sup> 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.

*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 implementation – 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.

**Table 3: Milestones of overall approximation plan**

Overall Approximation Plan	Start (month/year)	End (month/year)
<i>Legal Transposition</i>	01/0000	12/0001
<i>Implementation and Enforcement</i>	01/0001	12/0009- ongoing
- Institutional strengthening	01/0001	12/0002
- Data collection, data handling and reporting	01/0002	12/0002
- Establish Protected Areas & Biodiversity Database (Birds and Habitats Directives)	01/0001	12/0003
- Establishing a Network of Special Protection Area (SPAs)	01/0002	12/0008
- Establish a System of Strict Protection for all Species of Birds	01/0003	12/0009
- Public information, awareness and training	01/0005	12/0006 - ongoing

### 3.2 Transposition Plan

**Legal changes required.** The existing Albanian Laws adequately address the conservation and restoration measures as well as the definition of management plans as requested by the Directive Provisions will need to be made in the Albanian legislation for the identification and designation of sites that comply with EU criteria and those of the relevant international conventions and for a register of such sites to be compiled.

In particular, there will need to be rules on the selection of sites eligible for identification as Special Protection Areas (SPAs) based on the criteria set out in the Birds Directive, and relevant scientific information. (It may well be that some of the currently existing protected areas may be suitable, in whole or in part, to be proposed for inclusion on the list of sites of Community importance).

The list of habitats inside and outside the protected zones, whose conservation requires the designation of SPAs, and the list of bird species of community interest shall not only address the corresponding annexes of the Birds Directive. Additional bird species, not included in the annexes in the Birds Directive and their habitats, shall be considered for inclusion in the specific Albanian list of habitats and species of community interest.

There are several options to transpose EU requirements in this field but the most reasonable and practical is to prepare a new framework law on nature protection at national and/or entity level, taking into account the broad national and European requirements as well as those of international agreements such as the Bonn and Ramsar Conventions. Such a law should lay out the basic framework and give the power to the relevant authorities to issue rules or regulations to implement the more detailed, specific provisions. More than one law in this area will inevitably lead to cross-referencing between different laws and this should be avoided, since there would be a greater risk of gaps and inconsistencies, as well as less flexibility in terms of incorporating future amendments to EU legislation. Furthermore, different and at the same time overlapping provisions could make the regulatory framework more difficult to work with, as several would have to be consulted to work out what the law is.

It is also very important that nature conservation objectives be taken into account in the context of all land use planning laws, policies and activities, as well as in the Laws on Environmental Impact Assessment and any implementing rules and procedures hereof. Effective implementation of the Birds Directive may well require amendments not only to planning laws but also to other regulatory controls such as discharge consents, waste management licenses, etc.

There is an overall agreement for drafting the legislation according to the described approach. It has been stated that ca. 85 % of the Albanian legislation is in compliance with the EU acquis. A new draft Law and a DCM are being drafted shall fill the gaps and address articles and annexes for “Habitat” and “Birds” Directives. The following has to be completed:

1. preparation of a Law and a DCM with the inclusion of the Directive Annexes as they are, for the moment without additional Albanian habitat and species,
2. elaboration of a DCM establishing the format for the request of permitting on wild fauna and flora international trade and the procedures for expert certification,
3. identification of additional structures for the enforcement of CITES convention,
4. elaboration of training programmes for the enforcement of legislation in particular concerning the illegal hunting,

**Problem areas:** Monitoring capacity and capability are currently insufficient to meet the requirements of EU legislation and will need to be considerably strengthened.

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. Considering the gap analysis and the ToC of the Birds directive 92/43/EEC (see ANNEX II: TABLE OF CONCORDANCE).

The actions required to complete the legal transposition of this Directive are presented in Table 4, 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) amendment dealing with this Directive. The amendment either comprises the introduction of new provisions or the reformulation of existing provisions that partly transpose a Directive's obligation, but also the introduction of a provision providing for legal basis that will enable the issuance of secondary legislation.

The other actions refer mainly to either amendments that are needed in existing secondary legislation, or to the preparation and adoption of secondary legislation.

**Table 4: Actions for full legal transposition**

Action No.	Action for Full Legal Transposition	Responsible Institution	Implementation Period (month/year)
1	<p>Draft law "On some amendments in the law no.9587, dated 20.7.2006 "On the protection of biodiversity" as amended, which will include:</p> <ul style="list-style-type: none"> <li>- The establishment of a coherent European ecological network to enhance the conservation of the natural habitats and of wild fauna and flora of European Community interest in the Albanian territory;</li> <li>- The designation of measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest; and</li> <li>- Ensuring a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics.</li> </ul>	MoE	01/0000 – 12/0000
2	<p>Draft DCM which will approve:</p> <ol style="list-style-type: none"> <li>1. the list of natural habitat types of community interest whose conservation requires the designation of special areas of conservation;</li> <li>2. the list of animal and plant species of community interest whose conservation requires the designation of special areas of conservation;</li> <li>3. the list of animal and plant species of community interest in need of strict protection;</li> <li>4. the list of animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures;</li> <li>5. the identification of species to be subject of research on the protection and management of wild birds.</li> <li>6. List of particularly vulnerable species of wild birds which are the subject of special habitat conservation measures</li> </ol>	MoE	07/0000 – 12/0001

It has to be noted that the table above with the identified actions is without prejudice for a 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 and/or secondary). The Competent Authority can decrease or increase the number of actions dealing with the issuance of subsequent legislation as well as amendments to the primary legislation where a legal basis has to be created. 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 a 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

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In general, establishment of national, regional and municipal structures for permitting, registration, inspection, data collection and processing will be needed for implementation and enforcement of EU directives requirements in nature sector.

Since the purpose of the Directive is to promote the maintenance of biodiversity by requiring measures to create a comprehensive scheme of protection for all wild bird species naturally occurring in the EU, the most important implementation features are to take account of biological, economic, social and cultural requirements, as well as regional and local characteristics which have an influence on the life of wild birds covered by the Directive (Annex I).

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 5 below together with a short description of the proposed actions, responsible institution and a proposed implementation period. The key tasks involved in implementing this directive are summarised and organised in chronological order (where possible).

However it should be emphasised that this Directive implementation cannot be fully achieved without taking into consideration some additional legal instruments. A number of other legal acts are relevant to the full implementation of this directive:

- a) Since this directive aims to protect wild bird populations within the European territory of the Member States, it is very closely linked to the Habitats Directive (92/43/EEC), especially through the replacement of site protection obligations under Article 4 of the Birds Directive by those set out in Article 6 of the Habitats Directive (see Article 7 of the Habitats Directive). The Habitats Directive also establishes (in Article 3) Natura 2000, a network of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) throughout Europe, designed to maintain the overall viability and integrity of biodiversity across Member States.
- b) Environmental Impact Assessment Directive (85/337/EEC), amended by Council Directive 97/11/EC and Directive 2003/35/EC) are used as a tool to assess the potential effects of projects and plans on SPAs and to contrive necessary mitigation or compensatory measures.
- c) Other major international agreements having a bearing on the Birds Directive and for which the directive is an implementation mechanism are the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971; the Bonn Convention on Conservation of Migratory Species of Wild Animals, 1979; the Washington Convention on International Trade in Endangered Species, 1973; and the Berne Convention on the Conservation of European Wildlife and Natural Habitats, 1979; the African Eurasian Waterbird Agreement, 1995; as well as the Convention on Biological Diversity to which the EU is a signatory.
- d) Given the history of amending the directive to reflect the changing geographical coverage of the EC Annex I (and Annex II) will be amended to take account of any threatened or hunted bird species found in the accession countries not already included in the annex(es).

**Table 5: Implementation and enforcement actions**

THE BIRDS DIRECTIVE – KEY IMPLEMENTATION TASKS			
Action No.	EU Requirement (Articles) Action/tasks	Responsible Institution	Implementation period (month/year)
<b>1. Planning</b>			
1.1	Establish or delegate a competent authority to be responsible for implementing the requirements of the directive.	MoE	01/0000 03/0000
1.2	The competent authority should develop a system to protect all birds in the wild state	MoE	01/0000 12/0001
1.3	On the basis of ornithological criteria, the competent authority should identify and designate as SPAs areas that are important for rare or vulnerable bird species listed in Annex I of the directive and those used by migrating species, with particular reference to wetlands (either inland or coastal, such as estuaries) and especially wetlands of international importance	MoE	01/0002 - 12/0008
1.4	Ensure that the competent authority is consulted under the EIA Directive (85/337/EEC) for proposals affecting SPAs.	MoE	01/0002 - ongoing
<b>2. Regulation</b>			
2.1	Take the necessary measures to maintain bird populations at appropriate levels, taking into account scientific and cultural requirements including measures to preserve, maintain or re-establish a sufficient diversity and area of habitats. (Art. 2 and 3).	MoE	01/0002 - ongoing
2.2	Take special conservation measures for the species listed in Annex I and for regularly occurring migratory species, especially those dependent on wetlands of international importance. (Art. 4).	MoE	01/0002 - ongoing
2.3	For each SPA, take actions to ensure appropriate management and to avoid deterioration of sites and their habitats and significant disturbance of species. (Art. 6(2) together with Art. 6(3) and 6(4) of Council Directive 92/43/EEC <sup>8</sup> superseding the obligation under the first sentence of Art. 4(4) of this directive).	MoE	01/0002 - ongoing
2.4	Establish a general system to protect all listed bird species referred to in Article 1, including protection from disturbance, keeping, killing and capture. Prohibit any activities relating to sale, unless for species under Annex III. This protection also extends to eggs and nests. (Art. 5 and 6).	MoE	01/0003 – 12/0009
2.5	Provide under national legislation exceptions to this general protection regime that are allowed for: – species listed in Annex III/A which may be subject to commercialisation if legally killed or captured, or otherwise legally acquired (Art 6(2)); – species listed in Annex III/B which may be commercialised after consultation with the Commission (Art 6(3)); – species listed in Annex II/A which may be hunted in all Member States (Art. 7(2)); – species listed in Annex II/B which may be hunted only in the Member States specified (Art. 7(3)); and – derogations for specific reasons such as public health and safety, prevention of damage to crops, the protection of flora and fauna etc. (Art. 9).	MoE	01/0003 – 12/0005
2.6	Provide under national legislation for hunting of species listed in Annex II and ensure that hunting of species listed in Annex II is carried out in accordance with the provisions of Articles 7 and 8, which aim to ensure humane killing methods and sustainable use of bird populations.	MoE	01/0003 – 12/0005
2.7	Ensure that any derogations from Articles 5 to 8 allowed under Article 9 are specified in accordance with the directive, are closely supervised and monitored, and are subject to annual reporting to and review by the Commission	MoE	01/0003 – ongoing
2.8	Ensure that the introduction of non-native species of birds does not adversely affect local flora and fauna. (Art. 11).	MoE	01/0003 – ongoing
2.9	Assess any plan or project that either by itself or in combination with other plans or projects is likely to have a significant effect on an SPA, and ensure that such a plan or project is not approved if it would adversely affect the integrity of the site, unless there are imperative reasons of overriding public interest.	MoE	01/0003 – ongoing
2.11	If a plan or project is approved in spite of a negative assessment, take all necessary	MoE	01/0003 –

<sup>8</sup> Habitats Directive

THE BIRDS DIRECTIVE – KEY IMPLEMENTATION TASKS			
Action No.	EU Requirement (Articles) Action/tasks	Responsible Institution	Implementation period (month/year)
	compensatory measures to ensure that the overall coherence of Natura 2000 is protected. (Art. 6(4) of Council Directive 92/43/EEC).		ongoing
2.12	Carry out remedial measures to maintain or enhance the ecological value of SPAs, should monitoring indicate that there has been any deterioration in habitat quality and/or value to bird species listed in Annex I.	MoE	01/0003 – ongoing
2.13	Ensure that measures taken pursuant to this directive do not lead to deterioration in the present situation regarding the conservation of wild birds (Art. 13).	MoE	01/0003 – ongoing
<b>3. Monitoring and Research</b>			
3.1	Encourage specific research and scientific study to support the protection of designated sites and bird species. Particular attention should be paid to the subjects listed in Annex V, with Member States sending the Commission any information required to enable it to take appropriate measures for the coordination of research and work referred to in Article 10 of the directive.(Art. 6,7 & 11)	MoE	01/0003 – ongoing
3.2	Establish a monitoring system covering the spectrum of activities within the directive. The monitoring should include: assessment of population levels of Annex I species; ecological value and integrity of SPAs; and effectiveness of mechanisms to prevent undue harmful activities to bird species listed in Annex II.	MoE	01/0003 – 01/0005
3.3	Monitor compliance with the conditions relating to the marketing of wild birds, the effect of hunting on conservation efforts and the effect of introducing non-native species.	MoE	01/0003 – ongoing
3.4	Encourage research and any other work required as a basis for the protection, management and use of wild birds paying particular attention to the subjects listed in Annex V (Art. 10 and Annex V).	MoE	01/0003 – ongoing
<b>4. Consultation &amp; Reporting</b>			
4.1	Consult with the public before agreeing to a plan or project that is likely to have a significant effect on an SPA. (Art. 6(3) of Council Directive 92/43/EEC).	MoE	
4.2	Consult with the Commission about the introduction of non-native species of birds. (Art. 11).	MoE	Upon accession to EU
4.3	Report to the Commission, as appropriate, on the following: - the designation of SPAs, providing all relevant information so that it can take the appropriate initiatives with a view to the co-ordination necessary to ensure that the designated areas form a coherent whole which meets the protection requirements of the directive (Art. 4); - proposals to authorise certain activities (Art. 6); - the practical application of hunting regulations (Art. 7); - cases of derogation from the provisions of the directive (every year, (Art. 9); - research (Art. 10); - implementation of national provisions under the directive (every three years, (Art. 12); - the texts of the main provisions of national law which they adopt in the field governed by this Directive. (Art. 17); - compensatory measures adopted pursuant to Article 6 of Council Directive 92/43/EEC.	MoE	Upon accession to EU

The 13 identified implementation and enforcement actions can be compiled into the following five groups of actions:

- I. Institutional strengthening;
- II. Data collection, data handling and reporting;
- III. Establishing a Network of Special Areas of Conservation (SACs);
- IV. Establish Strict Conservation Measures for Species on Annex IV;
- V. Public Information and training

These five groups of actions are briefly described below.

## I. Institutional Strengthening

### *Establishment of a Competent Authority*

The Competent Authority will be responsible for implementing the Directive (and the Habitats Directive (92/43/EC)), and the tasks of this authority should include:

- ✓ Collecting and managing data and producing guidance for selection of SPAs;
- ✓ Coordinating the identification and (when appropriate) submission of possible SPAs to the European Commission;
- ✓ Working with expert organisations to secure an agreed interpretation of 'favourable conservation status' and an agreed process for monitoring and reporting of Natura 2000 sites;
- ✓ Coordinating the production of agreed standards for the monitoring of nature conservation in National Parks and other possible SPAs, including development of indicators and limits;
- ✓ Working with appropriate scientific experts, to identify indicators for monitoring habitat quality, species abundance, conservation threats, effectiveness and outcome of management activities and institutional competence;
- ✓ Working with appropriate scientific experts, to improve the scientific and technical knowledge necessary for implementation of the Directive;
- ✓ Working with appropriate experts and protected area authorities, to establish limits, which may comprise "ecological minimums", "Limits to Acceptable Change", and "Limits to Acceptable Use". "Limits to Acceptable Change" specify the desired range of states of the natural system, such as a wetlands habitat that is subject to change in water level. "Limits to Acceptable Use" give specific targets for park management such as the carrying capacities (visitor or vehicle numbers) in different zones, the permitted densities of paths, trails and tracks, restrictions on vehicles including their suitability for local conditions, limitations on the collection of fuel plants and natural products, quotas and restricted seasons for hunting of game birds/mammals and on fishing, and constraints on constructions within the Conservation Area;
- ✓ Reviewing policy for management of statutory sites and populations of wild species of Community interest (including policies relating to climate change, migratory species, illegal and traditional uses of plants and animals and their products, forest certification, invasive species, GM crops, disease, human-wildlife conflict, law enforcement, communication with the public and transfrontier conservation);
- ✓ Inspecting National Parks and other statutory sites to ensure that management is achieving favourable conservation status.

## II. Establishment of Protected Areas and Biodiversity Database

Protected areas should be classified according to the International Union for Conservation of Nature (IUCN) categories. Criteria for identification of SPA sites should be specified and the commercial management of forests within national parks should be assessed by a suitable expert in forest biodiversity to determine whether it is having a significant effect on conservation of natural wild bird habitats.

Gaps in the protected area system should be identified based on poorly protected habitat types and centres of diversity and endemism. The habitat classification system used by Natura 2000 should be adopted and extended as necessary, including both natural habitats and historical habitats arising from traditional land management practices. Maps should be prepared in the GIS of wild bird species and habitats.

Administrative and legislative procedures should be defined for gathering and submitting data on national parks, other possible SPAs, habitats, species of conservation interest, and threats to biodiversity. All

aspects of data handling should be arranged, including the preparation of data forms and a manual for data registration, for use by notifiers of biodiversity information.

The MoE and other stakeholders specify their needs with respect to a biodiversity information management system (BIMS) database. Hard- and software solutions are evaluated, and a functional BIMS database is established. The needs for data on, or relating to, habitats and species are analysed, sources of these data are identified and obtained, and data are entered into the database.

A Biodiversity Information Management Systems (BIMS) with integrated GIS should be developed to allow monitoring of the status of individual species, habitat types, and protected areas relevant to Natura 2000 and this Directive. The database should be able to perform the following functions:

- ✚ Process and store records resulting from field surveys;
- ✚ Generate lists of known and expected wild bird species for any given area;
- ✚ Generate locality lists for any given wild bird species;
- ✚ Evaluate species conservation status;
- ✚ Assess gaps in the protected area system based on poorly protected wild bird and their habitat types;
- ✚ Generate the statistics and status records for protected areas, including staff details;
- ✚ Store socio-economic information for surrounding and enclave communities;
- ✚ Store conservation laws and policies.

A database procedures manual that provides all the information necessary for maintenance and sustainable operation of the database should be prepared.

### III. Establishing a Network of Special Protected Areas (SPAs)

The requisite measures to maintain the population of the species referred to in Article I of the Directive (all native species in the territory of country) at a level which corresponds in particular to ecological, scientific and cultural requirements shall be taken, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

Special conservation measures shall be taken for the species listed in Annex I and for regularly occurring migratory species not listed in Annex I in order to ensure their survival and reproduction in their area of distribution. This provision applies to:

- species in danger of extinction,
- species vulnerable to specific changes in their habitat,
- species considered rare because of small populations or restricted local distribution, and
- other species requiring particular attention for reasons of the specific nature of their habitat.

The most suitable territories in number and size as special protection areas shall be classified for the conservation of these species. Similar measures shall be taken for the migratory species not listed in Annex I. Particular attention shall be paid to protection of the wetlands.

#### *Review of habitats and species*

The aim of this activity is firstly to collect, assess and review existing information about the distribution of birds and important bird habitats in Albania, and secondly to enter into the BIMS database the list of bird species that shall be subject to conservation at SPA sites.

#### *Identification and management planning of possible SPA sites*

Present protected areas and other officially designated areas that meet the criteria for SPAs shall be identified. Based on an assessment of Important Bird Areas (as defined by Birdlife International) and on the register of important terrestrial and wetland sites, new areas as candidates for SPAs shall be

proposed. It should be ensured that measures for conservation of the possible SPA sites, including the proposal for their borders and the preparation of management plans, are in hand. Management plans should fully address all matters relating to spatial planning within the sites.

#### *Surveillance of conservation status*

The task is to prepare a system of surveillance (i.e. baseline studies and monitoring of indicators) of the conservation status of the bird populations in SPAs. Provisions should be made for further research or conservation measures to be taken as required.

#### *Control and enforcement measures*

There has been a lack of control and enforcement measures until now due to many reasons (non-harmonized legal system, lack of clear delegation of responsibilities and lot of overlaps, lack of human capacities in the MoE, lack of human capacities in the Environmental Inspectorate and inappropriate educational background, lack of sustainable system for financing, etc.).

This task is to detail the division of responsibilities of the nature protection authorities in management of the sites and to enforce the protection measures and prohibitions of Articles 5, 6, 7 and 8 of the Directive. The responsibilities shall be laid down by the Law on Nature Protection.

#### IV. Establish a System of Strict Protection for all Species of Birds

The requisite steps to establish a system of strict protection for all species of birds naturally occurring in the Albania shall be taken, prohibiting in particular:

- deliberate killing or capture by any method,
- deliberate destruction of, or damage to, their nests and eggs or removal of their nests,
- taking their eggs in the wild and keeping these eggs even if empty,
- deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive, and
- keeping birds of species the hunting and capture of which is prohibited.

For all the bird species occurring in the Albania, the sale, transport for sale, keeping for sale and offering for sale of live or dead birds and of any readily recognisable parts or derivative parts of such birds shall be prohibited (except for birds that have been legally killed or captured). For the species listed in Annex III the aforementioned activities may be allowed after approval of the European Commission. However, it shall be verified that the conditions governing the granting of such authorisation continue to be fulfilled. The species listed in Annex II may be hunted under national legislation if hunting of these species does not jeopardise conservation efforts in the distribution area. The species listed in Annex II/A may be hunted, while the species listed in Annex II/B may be hunted only in respect of which they are indicated. It shall be ensured that the practise of hunting, including falconry, complies with maintaining of the population of the species at a level which corresponds to ecological, scientific and cultural requirements, that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction, and that migratory species are not hunted during their period of reproduction or during their return to their rearing grounds.

It is possible to derogate from the provisions of strict protection where there is no other satisfactory solution in the interest of public health and safety, in the interests of air safety, to prevent serious damage to crops, livestock, forests, fisheries and water, for the protection of flora and fauna and for the purposes of research and teaching. A system of authorisations for derogations has to be set up, including closely supervision, monitoring and reporting of the derogations.

#### *Amendment of legislation in the field of hunting*

Modification of the list of winged game in the Albania will be required so that it does not include species hunting of which is prohibited (i.e. all bird species except those in Annex II of the Directive). For species in Annex II/B, it will be necessary to consult with the Commission because of the geographical limitations that apply.) Modification of the winged game hunting season will have to comply with the requirements of the Directive.

#### *Implementation of conservation measures*

Implementation of the measures by relevant nature protection authorities shall be carried out, including the preparation of species action plans and conservation projects or where necessary recommendations for such plans, and establishment of a regime of penalties and other enforcement measures.

#### *Surveillance of conservation status*

The task is to prepare a system of surveillance (i.e. baseline studies and monitoring of indicators) of the bird species occurring in Albania that are listed in Annex I.

Provisions should be made for further research or conservation measures to be taken as required to ensure that incidental capture and killing of bird species listed in Annex I does not have a significant negative impact on the species concerned.

#### V. Public awareness and education

Review of current initiatives for educating the public and providing general information on the need to protect species of wild birds listed in Annex I shall be carried out, and recommendations for expanding these activities shall be provided.

### 3.4 Resources and Costs

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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

The costs of *transposing* the Birds Directive into national legislation and *implementing* it were estimated separately.

In the case of the *legal transposition* the starting point was the list of transposition actions listed in Table 4. The resource requirements of each action were estimated jointly by the project legal experts and key staff of the MoE. 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 This list was further disaggregated into actions and sub-actions as set out in Annex IV;
- 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.

All costs are estimated in constant 2013 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 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 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.

#### *- Separation of costs between this Directive and the Habitats Directive*

Because of the many commonalities between this Directive and the Habitats Directive (79/409/EEC), actions needed to **implement** them share the same resources (e.g. staff, BIMS, cars) or are effectively the same, and it would be artificial to try to apportion the costs between the two directives.

#### *- Identity of Competent Authority*

The competencies for implementing the Directive are allocated to the MoE.

#### *- Phasing of measures and investment*

For the time being it is assumed that the actions will be carried out at the earliest feasible time, subject only to the chronological interdependencies between the actions and the necessary elapsed time to complete them. The actual timing will be reconsidered when the overall strategy is being assembled, having regard to the overall resource implications and requirements, and the priorities of the government with regard to the different directives.

#### Estimated costs of legal transposition

The estimated costs of transposing the Directive into the national legislation are € 0.018 million. This is made up as follows:

**Table 7: Costs of transposing the Directive into national legislation**

Cost type	Cost (€'000)	Remarks
Human resources	12	1½ person-years
Reporting	2	¼ person-year
Training	4	½ person-year
TA (Projects)	*	
<b>Total</b>	<b>18</b>	

\*: The cost of the TA project, covering both transposition and implementation, is included under the implementation costs.

Technical Assistance project, covering both transposition and implementation

To support Albania in transposing and implementing the Habitats and Birds Directives it is proposed to launch a comprehensive TA project, covering both transposition and implementation, which is estimated to cost 6 M EUR and have an implementation period of 5 years.

The Technical Assistance project on the transposition and implementation of the Birds and Habitats directives will include the following activities and sub-activities:

1. Establish a Competent Authority

- Evaluate the present legislation and draft any legislation needed for Albania to fully comply with the Habitats and Birds Directives.
- Evaluate present and draft a proposal for future administrative structures of MoE
- Training of staff in the MoE.
- Evaluate the present function of the Protected Area's Management Committees and propose changes in the DCM no.86, dated 11.2.2005 if needed.
- Assessment of other institutional needs.

2. Establish inspection function

- Establish/strengthen the institutional arrangements for inspecting national parks and other possible SACs.

3. Data collection, data handling and reporting.

- Establish procedures for obtaining biodiversity data, prepare manuals, establish administrative procedures and formats for data input.
- Specify, design and establish a Biodiversity Information Management Systems (BIMS) with integrated GIS, prepare maintenance and operation manual, enter data from Natura 2000 and international databases.

4. Establish a network of a Natura 2000 network comprising of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) established under the Wild Bird Directive

- Review of habitats and species.
- Analysis of protected area network, GIS gap analysis, mapping of species and habitats (fieldwork).
- Identification and surveillance of conservation status of possible Natura 2000 sites.
- Management planning of possible Natura 2000 sites incl. a plan for implementing species conservation measures.

6. Training and Public Information

- Training in maintenance and operation of Natura 2000 database (BIMS).
- Training for employees of MoE in:
  - nature interpretation,
  - education programmes for Natura 2000, and
  - public awareness programmes.
- Training plan for general training in Natura 2000 that is to be provided to new staff in MoE.

- Establish public awareness and education plan.
- Implement public awareness and education plan.
- Establish nature interpretation and education plan.
- Implement nature interpretation and education plan.

#### Estimated costs of implementation

The estimated overall costs of implementing the Directive (and the Habitats 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 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 8: Overall costs of implementing the Birds and Habitats Directives**

Stakeholder	Capital / one-off costs (€ million)	Operating / recurrent costs (€'000s p.a.)
Competent Authority		
- Additional personnel*		408
- Vehicles, GPS units, digital cameras etc.	0.4	
- Travel costs and per diems		40
- Technical assistance project	6.0	
- PR campaign	0.2	
- Awareness activities		10
<b>Total</b>	<b>6.6</b>	<b>458</b>

\*: Salary plus adm. cost (incl. management and secretarial assistance), office space, heating etc. is estimated be: New personnel in competent authority's management body: 8,000 EUR pr. year; Inspectors/advisors: 6,000 EUR pr. year; SAC/SPA manager: 6,000 EUR pr. year; SAC/SPA biologist: 4,000 EUR pr. year, SAC/SPA ranger: 2,000 EUR pr. year and SAC/SPA administrator/secretary: 2,000 EUR pr. year.

The above new employment costs break down as follows:

**Table 9: New employment required to implement the Birds and Habitats Directives**

Function	Number	Remarks
New personnel in competent authority's management body	5	To cover the entire nature conservation function and implement both the Habitats Directive and the Birds Directive
IT staff to manage the BIMS	2	
Inspectors/advisors	12	It is assumed that there will be about 100 Natura 2000 sites (SACs and SPAs). This will require 12 inspectors/advisors with professional qualifications in ecology, forestry, zoology or botany. One for each regional authority.
Persons required to manage Natura 2000 sites	80	For each ca. 5 sites: 1 manager, 1 biologist, 1 ranger and 1 administrator/secretary.
<b>Total</b>	<b>99</b>	

Because of the many commonalities between this Directive and the Habitats Directive, the above estimation of additional staff needs cover both the directives.

### 3.5 Financing Strategy

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

The Government should seek grant funding from the international community for the TA and other one-off cost items, including for example the costs of the PR campaign. These latter expenditures should therefore be bundled up as part of the Technical Assistance (TA) projects as far as possible. Grant funding here means, in relation to activities taking place prior to accession, either the EU IPA (Instrument for Pre-Accession Assistance), or a bilateral donor. However it is not realistic to assume that the entire network of Natura 2000 protected sites will be fully in place by the date of accession. Some of the activities are intrinsically time-consuming, for example the determination of the conservation status of sites, and some activities are assumed to extend beyond accession. In that case recourse will have to be had to post-accession instruments such as cohesion or regional development funds.

**Table 10: Sources of funding for costs of transposing and implementing the Directive**

Element	Cost met from state budget		Cost met by grant aid from IPA, bilateral donor or other European funding instrument	
	Capital and one-off (€000)	Recurrent and operating costs (€000 p.a.)	Capital and one-off (€000)	Recurrent and operating costs (€000 p.a.)
<i>Legal transposition</i>				
Human resources, reporting and training	18			
<i>Implementation</i>				
TA and training			6000	
Human resources		408		
Vehicles & transportation costs		40	400	
PR campaign			200	
Awareness activities		10		
<b>Total</b>	<b>18</b>	<b>458</b>	<b>6600</b>	<b>0</b>

#### Sources of funding - General

The main possible sources of funding are:

- Fees paid by polluters, mining and hydropower schemes 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. road projects, mining and hydropower schemes)*

As a part of the EIA and permitting process road projects, mining and hydropower schemes can be obliged to restore the biodiversity in the affected area e.g. by buying land and creating replacement habitats.

*- State or municipal budgets*

In principle salaries and salary-related costs resulting from obligations accruing under EU law are a matter for the acceding country. However the Habitats Directive recognises that nature protection is a common responsibility of all Member States and that there is a danger of imposing an excessive financial burden on certain Member States, particularly a less affluent state which is rich in biodiversity, such as the Albania. To help countries to pay for urgent or innovative conservation work, the European Union has set aside funds under the LIFE-Nature fund, managed by the Environment Directorate of the European Commission. Also other Community funds can be used for Natura 2000 sites, such as structural funds and agri-environment measures. Furthermore there are pressures on the European Commission to establish more structural cost-sharing mechanisms for biodiversity protection in the Community in the future. In the

*- 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 has been very active in the water sector in Albania, but also been involved in biodiversity projects. 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*

Tour operators benefit from the management of SACs and protected areas and the touristic opportunities it creates, and can be interesting in supporting interventions in the SACs and protected areas.

#### 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.

#### *- 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.

### 3.6 Benefits

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The principal benefit of implementing the Directive will be an enhanced protection of vulnerable species birds plus their habitats associated administrative system that preserves and restores the Albania's natural heritage, thereby conserving the natural wealth of Albania for present and future generations.

At the economic level, a diverse and abundant bird fauna offers a platform on which to build eco-tourism, a low-impact brand of tourism suited to small-scale service developments that provide employment and benefits to rural communities often living in remote areas. Hence the economic developments associated

with eco-tourism, though small compared to some other sectors, are important because of their focus on alleviating rural poverty and engendering economic sustainability.

Scientific evidence shows that bird species listed in Annex I of the Birds Directive are not only doing better, on average, compared to other bird species in the EU, but also that the same species perform better within the EU than in other European countries.<sup>9</sup>

### 3.7 Key Issues and Uncertainties

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The steps identified in this implementation plan are straightforward and should present no insurmountable difficulties of a technical, financial or administrative nature. The main uncertainty over implementation is whether there is sufficient interest from the top level of Government to drive through the necessary institutional reforms and the steps designed to build capacity.

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<sup>9</sup> <http://www.sciencemag.org/content/317/5839/810.abstract>

## ANNEXES

### ANNEX I: RELEVANT NATIONAL LEGISLATION

Relevant NATIONAL Legislation		Conventions / Protocols
Legal Acts	Secondary Legislation	
Law no.10006, date 23.10.2008 "On the protection of wild fauna"	DCM no.546, date 7.7.2010 "On hunting season in the Republic of Albania"	Convention on Biological Diversity signed by Republic of Albania on 5 January 1994
Law no.10253, date 11.3.2010 "On hunting"	DCM no.547, date 7.7.2010 "On the approval of the list of huntable species in Albania"	Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971 ratified by Republic of Albania on 29 March 1996.
Law no.9587, date 20.7.2006 "On protection of biodiversity"	DCM no.897, date 21.12.2011 "On approval of rules for the designation of special areas of conservation"	Law no.8692, of 16.11.2000 "On the adhesion of the Republic of Albania in the Bonn Convention "On Conservation of Migratory Species of Wild Animals"
Law no.9868, date 4.2.2008 "On some changes and additions on the Law "On protected areas" no.8906, date 6.6.2002"		Law no.9021 of 6.3.2003 "On the adhesion of the Republic of Albania in the Convention on International Trade of Endangered Species (CITES Convention)"

**ANNEX II: TABLE OF CONCORDANCE**

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 1.1	This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.	Not to be scored Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 1 "Scope"	Yes			0	
Art. 1.2	It shall apply to birds, their eggs, nests and habitats.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 3 "Field of application"	Yes			5	
Art. 2	Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 13 "Conservation and adaptation"	Yes			5	
Art. 3.1	Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 6/1,3,6,7 "Protection requirements"	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 3.2	The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures: (a) creation of protected areas; (b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones; (c) re-establishment of destroyed biotopes; (d) creation of biotopes.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 14/1 "Protected habitats of birds"	Yes			5	
Art. 4.1	The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 14/3 "Protected habitats of birds"	Yes			5	
Art. 4.1	In this connection, account shall be taken of: (a) species in danger of extinction; (b) species vulnerable to specific changes in their habitat; (c) species considered rare because of small populations or restricted local distribution; (d) other species requiring particular attention for reasons of the specific nature of their habitat.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 7 "Protection of threatened and endemic species"	Yes			5	
	Trends and variations in population levels shall be taken into account as a background for evaluations.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 35 'Monitoring'	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
	Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this Directive applies.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 14/2 "Protected habitats of birds" DCM "On the procedures for the designation of Special Areas of Conservation", no. 897, dated 21.12.2011	Yes			5	
Art. 4.2	Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, Article 8 "protection of habitats, migratory routes and breeding areas"	Yes			5	
	Particular attention must be paid to the protection of wetlands and particularly to wetlands of international importance.	Law "On hunting", no. 10253, dated 11.3.2010 "Prohibited hunting areas", para 1/e Law "On protected areas", no. 8906, dated 6.6.2002, amended by law n0. 9868, dated 4.2.2008 "On some changes and amendments to the law "On protected areas" no. 8906, 6.6.2002".	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 4.3	Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.	Not to be scored				0	
Art. 4.4	In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 10, para 1 & 2 "Protection from hazardous waste and chemicals"	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 5	Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular: (a) deliberate killing or capture by any method; (b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests; (c) taking their eggs in the wild and keeping these eggs even if empty; (d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive; (e) keeping birds of species the hunting and capture of which is prohibited.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 3, para 1 (a,b,c,d,e) "Conservation and adaptation"	Yes			5	5
Art. 6.1	Without prejudice to paragraphs 2 and 3, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 19 "Prohibited actions", para 1 & 5	Yes			5	
Art. 6.2	The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III, Part A, provided that the birds have been legally killed or captured or otherwise legally acquired.	Law "On hunting", dated 11.3.2010, Article 51 "Trade of the hunt"	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 6.3	<p>Member States may, for the species listed in Annex III, Part B, allow within their territory the activities referred to in paragraph 1, making provision for certain restrictions, provided that the birds have been legally killed or captured or otherwise legally acquired.</p> <p>Member States wishing to grant such authorisation shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community</p> <p>Member States, which have granted such authorisation, must verify at regular intervals that any conditions governing the authorisation are still being met.</p>	<p>Not to be scored- discretionary provision</p> <p>Please provide information on national legislation in place but do not score.</p>				0	
Art. 7.1	Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.	Law "On hunting", no. 10253, dated 11.3.2010, Article 13 "Species object of hunting" and the DCM "On the approval of the list of wild fauna species object of hunting", no. 546, dated 7.7.2010	Yes			5	
Art. 7.2	The species referred to in Annex II, Part A may be hunted in the geographical sea and land area where this Directive applies.	DCM "On the approval of the list of wild fauna species object of hunting", no. 546, dated 7.7.2010	Yes			5	

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpose'n occur? (L, GO, MO)	If draft, give no. Of article transposing EU obligation	Status of transposition (5-0) accdg. to lawmaking stage)	Planned year for full transpose'n
Art. 7.3	The species referred to in Annex II, Part B may be hunted only in the Member States in respect of which they are indicated.	N/A at this moment for Albania as the country is not a Member State yet	-			0	At the time of negotiations with EC Commission close to Albania's membership to the EU
Art. 7.4	Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.	Law "On hunting", no.10253, dated 11.3.2010, Article 1 'Goal', para a-d and and article 33 'Hunting season, para 1-3.'	Yes			5	
	They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction.	Law "On hunting", no.10253, dated 11.3.2010, article 46 "Prohibited actions during hunting"	Yes			5	
	In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.	Law "On hunting", no.10253, dated 11.3.2010, article 46 'Prohibited manners during hunting', para g.	Yes			5	
	[MS must send Comm'n all relevant information on the practical application of their hunting regulations]	Not to be scored				0	

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Art. 8.1	In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV, point (a).	Law "On hunting", no.10253, dated 11.3.2010, Article 45 "prohibited methods, techniques and means of hunting", para a-c, dh-h.	Yes			5	
Art. 8.2	Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV, point (b).	Law "On hunting", no.10253, dated 11.3.2010, Article 45, para d.	Yes			5	
Art. 9.1	Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons: (a) in the interests of public health and safety; in the interests of air safety; to prevent serious damage to crops, livestock, forests; fisheries and water; for the protection of flora and fauna; (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes; (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.	Not to be scored- discretionary provision Please provide information on national legislation in place but do not score. Law On the protection of wild fauna, no. 10006, dated 23.10.2008, article 13/2 "Preservation and adaptation"	Yes			0	

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Art. 9.2	The derogations referred to in paragraph 1 must specify: (a) the species which are subject to the derogations; (b) the means, arrangements or methods authorised for capture or killing; (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted; (d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom; (e) the controls which will be carried out.	Not to be scored- discretionary provision Please provide information on national legislation in place but do not score. Law "On wild fauna protection", no. 10006, dated 23.10.2008, Article on derogations	Yes			0	
	[MS must report to Comm'n each year on the implementation of paragraphs 1 and 2]	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission.	N/A			0	
Art. 9.4	On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of the derogations referred to in paragraph 1 are not incompatible with this Directive. It shall take appropriate steps to this end.	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission.	N/A			0	
Art. 10.1	Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 6/11 and article 5/4	Yes			5	

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Art. 10.2	[MS must send relevant information to Comm'n for co-ordination purposes]	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission	N/A			0	
Art. 11	Member States shall see that any introduction of species of bird, which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna.	Law "On the protection of wild fauna", no. 10006, dated 23.10.2008, article 5 'Protection goals', para c & d.				5	
	In this connection they shall consult the Commission.	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission	N/A			0	
Art. 12	[MS must report to the Commission every 3 years on the implementation of national provisions relating to this Directive.]	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission	N/A			0	
	The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission	N/A			0	

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Art. 13	Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of the species of birds referred to in Article 1.	Law "On the protection of wild fauna", no.10006, dated 23.10.2008, article 5 "Goals of protection"				5	
Art. 14	[MS may introduce stricter protective measures than provided under this Dir.]	Not to be scored- discretionary provision Please provide information on national legislation in place but do not score. Law "On the protection of wild fauna" no. 10006, dated 23.10.2008, article 7, protection of protected and endemic species.	Yes			0	
Art. 15	Such amendments as are necessary for adapting Annexes I and V to technical and scientific progress shall be adopted. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).	Not to be scored	N/A			0	
Art. 16	The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	Not to be scored	N/A			0	

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Art. 17	Member States shall communicate to the Commission the texts of the main provisions of national law, which they adopt in the field governed by this Directive.	Not to be scored Not applicable as Albania is still on a pre-candidate status, therefore has no reporting obligations to the Commission	N/A			0	
Art. 18	Directive 79/409/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex VI, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII.	Not to be scored				0	
Art. 19	Entry into force	Not to be scored	N/A			0	
Art. 20	Addresses	Not to be scored	N/A			0	
Annex I	List of particularly vulnerable species of wild birds which are the subject of special habitat conservation measures	Draft Order of the Minister 'On the list of vulnerable species that need special conservation measures'	Yes			2	2012
Annex II	Species which may be hunted, subject to the hunting activity not harming conservation efforts	DCM 'On the approval of list of species that can be hunted in the Republic of Albania' no. 553, dated 7.7.2010	Yes			5	

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Annex II/A	Species that may be hunted anywhere within the Community		N/A		Not decided yet as Albania does not have yet the candidate status to the EU.	0	At the time of negotiations with EC Commission close to Albania's membership to the EU
Annex II/B	Species to be hunted only in certain MSs		N/A		Not decided yet as Albania does not have yet the candidate status to the EU.	0	At the time of negotiations with EC Commission close to Albania's membership to the EU

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Annex III	Exceptions to the general prohibition on the sale of wild birds Annex III/A: species which may be sold if they have been legally killed, captured or otherwise legally acquired	Law "On hunting", no. 10253, dated 11.3.2010, article 51 "Trade of the hunt"	Yes			5	
	Annex III/B: species which may be exempted from the general prohibition after consultation with the Commission		N/A		Not decided yet as Albania does not have yet the candidate status to the EU.	0	At the time of negotiations with EC Commission close to Albania's membership to the EU
Annex IV	Restrictions on hunting methods Annex IV(a): prohibited methods & means, e.g. snares, explosives, nets, semi-automatic or automatic weapons & use of live birds as decoys	Law "On hunting", no. 10253, dated 11.3.2010, article 45 "mannesr and menas prohibited during the hunting activity"	Yes			5	
	Annex IV(b): prohibited modes of transport for hunting purposes	Law "On hunting", no. 10253, dated 11.3.2010, article 58 "Customs control"	Yes			5	
Annex V	Species to be the subject of research on the protection & management of wild birds		No		Not decided yet	0	
Annex VI	Annex VI/A: Repealed directive with list of its successive amendments (referred to in Article 18)	Not to be scored				0	
	Annex VI/B: List of time limits for transposition into national law (referred to in article 18)	Not to be scored				0	
Annex VII	Correlation table	Not to be scored				0	