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Directive Specific Implementation Plan for the Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as amended



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<p>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.</p>
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List of Abbreviations

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
NLC	National Licensing Center
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

The EU legislation covered in this implementation plan, "**Habitats Directive**" (the Council Directive No. 92/43/EEC of 21 May 1992, as amended by Council Directive No. 97/62/EC of 27 October 1997), aims at contributing to the protection of biological diversity in the EU. An important step in achieving this is to establish a European ecological network of representative sites (Natura 2000) and ensuring that selected habitats and species are maintained and protected in order to maintain and/or restore them at a "favourable conservation status".

In achieving a "favourable conservation status" the Member States are required to not only identify and designate Special Areas of Conservation (SACs) but also to take various measures to protect habitats and species both within and beyond them, including prohibiting certain harmful activities. They must also carry out extensive monitoring activities related to the implementation of the directive.

The Directive provides for the identification of priority natural habitats and sites "of Community interest" hosting priority species of fauna and flora. Once identified, and in agreement with the European Commission, these sites are designated as Special Areas of Conservation (SACs), meaning that effective measures must be taken to protect these sites and the species of fauna and flora they contain. In addition to site protection, the Directive provides for strict protection of certain species of European conservation concern. Pursuant to the Directive, the Commission must, in agreement with the Member States concerned, draw up a list of sites of Community importance. In establishing the Natura 2000 network, economic, social and cultural requirements and regional/local characteristics have to be taken into account. On the basis of the national lists of sites of Community importance and attendant information furnished by the Member States, in accordance with Article 4(1) of the Habitats Directive, the Commission has adopted a number of Commission decisions setting out initial lists of sites of Community importance for different biogeographical regions.

The competent authority designated for performing the duties arising from the Birds Directive is the Ministry of Environment through the Biodiversity Department. 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.

As far as **transposition** of the Directive is concerned, the existing Albanian Laws adequately address the conservation and restoration measures as well as the definition of management plans as requested by the Directive. Nevertheless, the successful transposition of both the Habitats and Birds directives would request the drafting, adopting and entering into force of several amendments to the existing law on biodiversity protection including:

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

- the lists of natural habitat types of community interest whose conservation requires the designation of special areas of conservation;
- the lists of animal and plant species of community interest whose conservation requires the designation of special areas of conservation;
- the lists of animal and plant species of community interest in need of strict protection;
- the lists of animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures; and
- criteria for the identification of species to be the subject of research on the protection and management of wild birds.

There is limited progress on the **implementation** of Habitats 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 SACs, and for enhanced capacity of the MoE to inspect National Parks and other protected areas.

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 (Habitats and Birds Directives)	01/0001	12/0003
- Establishing a Network of Special Areas of Conservation (SACs)	01/0002	12/0009
- Establish Strict Conservation Measures for Species on Annex IV	01/0001	12/0009
- Public information, awareness and training	01/0002	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 €22,000, while the total estimated **costs of implementation** (for both the Habitats Directive and the Birds Directive) 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, 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 (including the Wild Bird Directive (79/409/EEC), 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 Birds 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.

It is possible that some private land of conservation importance may need to be taken into public ownership, and an arbitrary figure of €1 million has been adopted for the time being for this contingency.

1. Requirements of EU Legislation

1.1 EU Legislation Covered

The EU legislation covered in this implementation plan **Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora as amended by** Council Directive 97/62/EC; Regulation (EC) No 1882/2003 and Council Directive 2006/105/EC.

1.2 Direct Requirements of Legislation

The Habitats Directive, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, consolidated version of 1. 1. 2007 (includes the latest versions of the annexes), together with the **Birds Directive** forms the cornerstone of Europe's nature conservation policy. It is built around two pillars:

1. the Natura 2000 network of protected sites and
2. the strict system of species protection.

All in all the Habitats Directive ensures the conservation of a wide range of rare, threatened or endemic species, and thus protects over 1.000 animals and plant species and over 200 rare and characteristic "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

The Directive provides:

- For a ban on the downgrading of breeding and resting places for certain strictly protected animal species. Exceptions to the strict protection rules can be granted under very specific conditions.
- Establishes the EU wide Natura 2000 ecological network of protected areas,
- Provides a high level of safeguards against potentially damaging developments.

The Directive has two main requirements:

1. To set up a coherent European ecological network of "special areas of conservation" (Natura 2000), composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II of the Directive and to ensure special conservation measures for these sites, which includes the "special protection areas" pursuant to the Wild Birds Directive (79/409/EEC).
2. To establish a system of strict protection for the animal and plant species listed in Annex IV (see Articles 12 and 13) to ensure that taking in the wild of the specimens of species of wild fauna and flora listed in Annex V as well as their exploitation is compatible with their being maintained at a favourable conservation status, which takes account of the conservation of their populations,

These two main requirements of the Directive are followed by the strict obligations imposed on Member States:

- MS are required to identify and designate Special Areas of Conservation (SACs). In this respect they should draw up a list of sites hosting natural habitats and wild fauna and flora. On the basis of the national lists and by agreement with the Member States, the Commission will then adopt a list of sites of Community importance. No later than six years after the selection of a site of Community importance, the Member State concerned must designate it as a SAC;

- Measures have to be taken to protect habitats and species both within the SACs and outside its borders, which correspond to the ecological requirements of the habitat types listed in Annex I and species in Annex II of the Directive. This includes the prohibition of certain harmful activities. Member States must:
 - encourage the management of features of the landscape which are essential for the migration, dispersal and genetic exchange of wild species,
 - establish systems of strict protection for those animal and plant species which are particularly threatened (Annex IV) and study the desirability of reintroducing those species in their territory, and
 - prohibit the use of non-selective methods of taking, capturing or killing certain animal and plant species (Annex V);
- The Member States and the Commission must encourage research and scientific work that can contribute to the objectives of the Directive;
- The Directive sets out the conditions and procedures to be used to obtain derogations to the requirements of the Directive.

This Directive is closely linked with the requirements of the **Birds Directive, Directive 2009/147/EC** of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (*this is the codified version of Directive 79/409/EEC as amended*). The SACs identified under the Habitats Directive are to complement the Special Protected Areas (SPAs) established under the Birds Directive, to form the Natura 2000 network.

1.3 Implications

The implications of the Directive are:

- To contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the Member States;
- To maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest;
- To take measures pursuant to the Directive taking account of economic, social and cultural requirements and regional and local characteristics;
- Establishing ecological networks in accordance with the Pan-European Ecological Network (PEEN) principles;
- Monitoring of habitats and species (all biodiversity components along with species from Annex II or IV).

1.4 Links with other Legislation

Links with other legislation within this sector:

- Council Directive 79/409/EEC on the conservation of wild birds. The SACs to be identified under the Directive are to complement the Special Protection Areas (SPAs) established under the Wild Bird Directive (79/409/EEC), to form the Europe wide network of protected sites known as Natura 2000. Moreover, Article 6 of the Directive sets out management obligations that replace the management obligations for SPAs set out in Article 4 of the Birds Directive (Article 7).
- Council Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived there from.
- Council Directive 1999/22/EC relating to the keeping of wild animals in zoos.
- Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein.
- Council Regulation (EEC) No. 348/81 on common rules for imports of whales or other cetacean products.

- Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards.
- Regulation (EC) No. 2494/2000 on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries.
- 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 to 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 Directive¹: 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

¹ 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

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.

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 adhesion 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 adhesion 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:

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

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, 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

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 legislation on fisheries is guided by the general principles of the Management Code of Responsible Fishing of the FAO. In the law no.64/2012 dated 31.5.2012 "On fishery" are foreseen the zones where any fishing activities are absolutely forbidden.

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

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, consists 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 Organic 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 Directorates². 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 Habitats 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.

² The below information about MoE reflects the situation in April 2013.

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 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.³

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

³ 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"

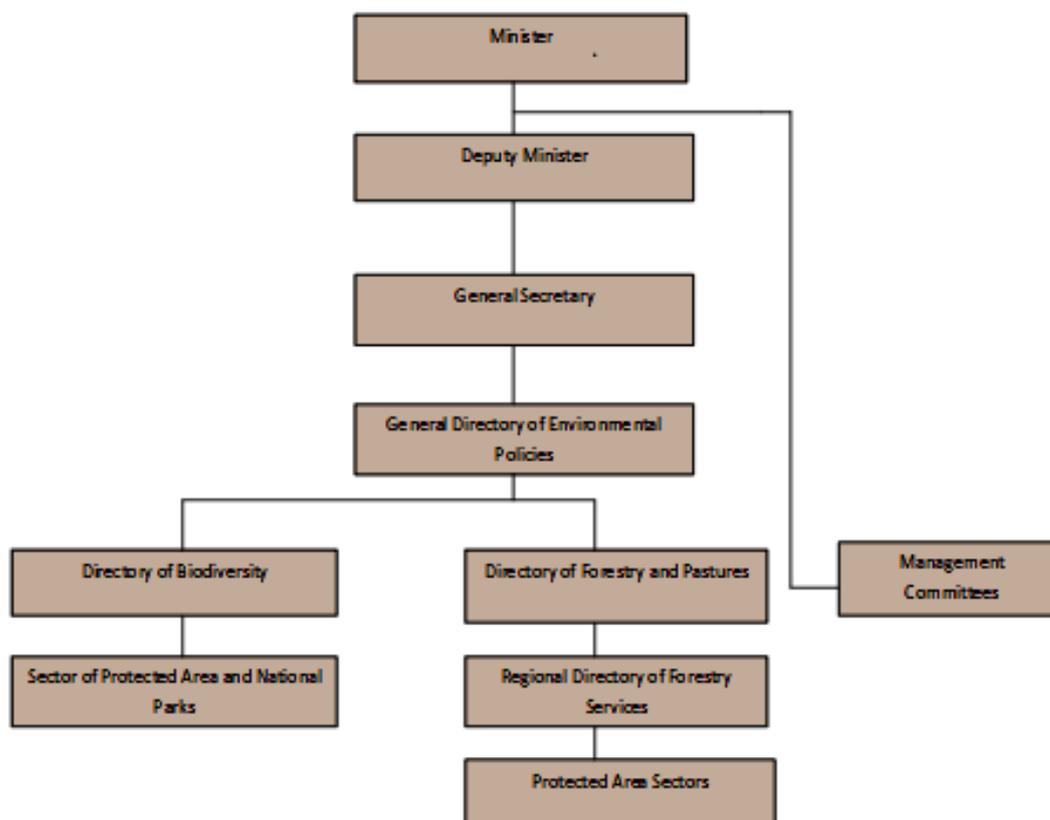


Figure 1: Structure of the MoE with focus on biodiversity and protected areas management.

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, 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
Council of Ministers	Approving relevant legislation for Protected Areas, environment, biodiversity, fauna and flora, medicinal plants, forestry, fisheries, mining, renewable resources etc.
National Territorial Council	Checking and approving the compliance of local instruments with national planning instruments in force.
Ministry of Environment (MoE)	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	- Issuing environmental permits of Type A and B, through the NLC (National Licensing Center); - Advising the local government unit for implementation of environmental policies; - Enforcing provisions of environmental legislation on EIA, environmental permitting, coordination of monitoring activities.
REA	- Issuing environmental permits of Type C, through NLC;
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"> • Managing Protected Areas at regional level • Managing forest and pastures in the surrounding area • Controlling the enforcement of legislation in relation to forestry, pastures, protected area, wild flora and fauna and hunting.

Management Committees for Protected Areas	Administrating 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.
National Inspectorate of Construction of Ministry of Public Works and Transport	Controlling the compliance of development and construction with the approved planning instruments for the area.
Ministry of Economy, Trade and Energy	<ul style="list-style-type: none"> ✚ Policy drafting in renewable energies and mining; ✚ Issuing permits for energy supply and mining activities through NLC.
Ministry of Education and Science	Scientific research and education of experts in biodiversity issues.
Ministry of Tourism, Culture, Youth and Sports	<ul style="list-style-type: none"> - Promoting tourism development; - Preservation of cultural heritage; - Policy drafting in sustainable tourism development and preservation of cultural heritage; - Ensuring and protecting sustainable use of touristic resources.
Local Government	<ul style="list-style-type: none"> ○ Approving planning instruments (Municipality Territorial Plan); ○ Issuing development and construction permits through NLC; ○ Approving planning and construction regulations at local level; ○ Providing and maintaining public services including water supply and sewerage, integrated waste management, etc.
Academic institutions (Universities, Academy, Institutes, etc.)	Technical research (specific species, habitat management, value criteria for species/habitats).
Private Sector (bars, restaurants and hotels)	<ul style="list-style-type: none"> ➤ Increasing number of tourists and visitors in the area; ➤ Possibility of illegal building activities.
Associations	Hunter associations
Other relevant stakeholders (NGOs, international donors)	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.
Local community Groups	<ul style="list-style-type: none"> ✓ Consultation role over traditional land rights and human-wildlife conflicts. ✓ Regulate the use for grazing and harvesting of wood for local fuel purposes. ✓ 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.
Shepherds	<ul style="list-style-type: none"> ▪ Managing the number of livestock (overgrazing results in a loss of biodiversity and soil erosion); ▪ Improving grazing quality of pastures including seasonal burning (seasonal burning results in a loss of biodiversity and soil erosion).

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.

2.4 Current Legal Framework

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 EU Nature Protection Legislation is similar for both directives: "Habitats" 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 natural habitats and of wild fauna and flora comprises of:

- Law No. 8906 dated 06.06.2002 "On protected areas" provides the legal basis for the management of Protected Areas in Albania.
- Decision of the Council of Ministers (DCM) No. 676, date 20.12.2002 "On the declaration as protected areas of the Albanian monuments of nature", which declare as protected area the Albanian monuments of nature listed in Annex attached to it.
- DCM No. 267, dated 24.04.2003, "On proposal and designation procedures for protected area and buffer zone";
- DCM No.266, dated 24.4.2003 "On the administration of protected areas";
- DCM No.86, date 11.2.2005 "On establishment of management committees on protected areas";
- DCM No.519, dated 30.6.2010 "On proposal and approval procedures and rules on administration of regional natural parks";
- DCM No.897, dated 21.12.2011 "On approval of rules on designation of Special conservation areas".
- 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 no. 9867, date 31.1.2008 "On defining the rules and procedures for international trade of endangered species of wild fauna and flora"

The 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 "On the procedures for the designation of Special Areas of Conservation" approved in November 2011.

An implementation date has been provided for the inventory of sites and for the designation of SAC, while full transposition of the directive has not been determined yet.

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.

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.

It has been stated (by MoE) that ca. 85 % of the Albanian legislation is in compliance with the EU *acquis*. The remaining gaps shall be filled with DCMs. Further for the approximation of nature legislation (Habitats and Birds directives), the following has been requested by MoE:

1. preparation of two DCMs with the inclusion of the Directive Annexes as they are, for the moment without additional Albanian habitats and species. The DCMs shall possibly identify the criteria on internal zoning,
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,
5. concerning the marine areas, taking contact with UNDP project on marine strategy for protected area in order to avoid overlapping.

The new DCMs shall take into fully into account these annexes of the Habitats Directive:

- Annex I Natural habitat types of Community interest whose conservation requires the designation of Special Areas of Conservation (SACs)
- Annex II Animal & plant species of Community interest whose conservation requires the designation of SACs
- Annex IV List of animal & plant species of Community interest in need of strict protection
- Annex V Animal & plant species of Community interest whose taking in the wild & exploitation may be subject to management measures
- Annex VI Prohibited methods & means of capture & killing & modes of transport.

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

Table 2a: Specific comments on the Habitats Directive relevant articles

Directive 92/43 (Habitats)	Albanian Legislation
<p>Natura 2000 Network: Directive. Art. 3.1 Special Areas of Conservation and 3.1.2 Special Protection Areas.</p>	<p>Partially in compliance: <u>A more specific reference could be made in a New Law/DCM since:</u> Art 4.3 Law: it is a general reference to “areas”. Main difference is the lack of reference to the Natura 2000 (European ecological network). Article 12 of the same Law refers to a “representative network” which could be similar. Following an analysis it can be stated that with <u>DCM Nr.897, date 21.12.2011 for approval of rules for the designation of special areas of conservation</u></p>
<p>ART. 6 on Management Plan</p>	<p>Fully in compliance: competent authorities may be <u>further verified</u></p>
<p>Art. 12.1 A system of strict protection must be established for Annex IV (a) animal species in their natural range, prohibiting:</p> <ul style="list-style-type: none"> • deliberate capture or killing in the wild; • deliberate disturbance, especially during breeding, rearing, hibernation & migration periods; • deliberation destruction or taking of eggs; • deterioration or destruction of breeding sites or resting places <p>Art. 12.4 A system must be established to monitor the incidental capture & killing of Annex IV (a) species & further research or conservation measures taken as required to ensure that incidental capture and killing does not have a significant negative impact on species concerned.</p>	<p>Law on biodiversity protection No. 9587, dated 20.7.2006, Official gazette of 2006, No 84, date of publication 9.8.2006 article 23 point 3, a-ç</p> <p><u>Fully in compliance with the Art. 12.1</u></p> <p><u>Concerning Art. 12.4: missing paragraph article: an article shall be included in the new DCM. To be proposed and agreed with the Ministry</u></p>
<p>Art. 14 If necessary (in the light of Art. 11 surveillance) measures must be taken, including continuing surveillance, to ensure that the taking &/or exploitation of Annex V species is compatible with maintaining their favourable conservation status.</p>	<p>Partially in compliance: although the Law no.9868, dated 4.2.2008 adds to the original law 8606 of 2002, Article 4/4. point 6 and improves “6. Ministry responsible for environment oversee status of conservation of natural habitats and species taking special attention to priority natural habitats and priority species and promote as well researches and scientific work taking into consideration the requirements of this article”</p> <p><u>Still this provision must be integrated with a specific reference to Annex V of the Directive.</u></p>
<p>Annex I Natural habitat types of Community interest whose conservation requires the designation of Special Areas of Conservation (SACs)</p> <p>Annex II Animal & plant species of Community interest whose conservation requires the designation of SACs</p>	<p>The new DCM shall take into fully into account <u>these annexes.</u></p> <p>In particular Annex I, II, IV, V are missing.</p> <p>At a later stage the Ministry may include additional habitats and species</p>

Directive 92/43 (Habitats)	Albanian Legislation
Annex III OK Annex IV List of animal & plant species of Community interest in need of strict protection Annex V Animal & plant species of Community interest whose taking in the wild & exploitation may be subject to management measures Annex VI Prohibited methods & means of capture & killing & modes of transport –	

2.5 Current Implementation Status

Albania contains exceptional terrestrial and aquatic habitats and many important plant and animal species that are currently vulnerable to anthropogenic influences. Albania supports a wide spectrum of flora and fauna, many of which are endemic or sub-endemic, due to its ecosystem diversity and its geographical location between the Adriatic and Ionian seas.

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:

- The general protection of the biodiversity in the protected areas;
- The drafting of operational Management Plans focussing on the issues that need protection and restoration;
- 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;
- Insufficient Enforcement;
- 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 habitats or species. 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. 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".

2.6 Current Investment Status

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. 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.
Natural Resources Development Project	GoA, IDA, GEF, SIDA	€14,400,000 05.12-12.13	The project development objective is to establish or maintain sustainable, community-based natural resource management in about 218 communes in upland and mountainous erosion-prone lands. This will lead to enhanced productivity and incomes derived from sustainable resource management, reduced soil degradation, improved water management, conservation of biodiversity, and strengthened public sector management of these resources.
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

Title	Funded by	Budget and timing	Remarks
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

3.1 Overall Plan and Milestones

With the signing of the Stabilisation and Association Agreement (SAA)⁴ 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 – 2012⁵ (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.

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

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

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 (Habitats and Birds Directives)	01/0001	12/0003
- Establishing a Network of Special Areas of Conservation (SACs)	01/0002	12/0009
- Establish Strict Conservation Measures for Species on Annex IV	01/0001	12/0009
- Public information, awareness and training	01/0002	12/0006 - ongoing

3.2 Transposition Plan

Legal changes required. 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 proposed Sites of Community Importance (SCI) based on the criteria set out in the Habitats 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 natural habitat types of community interest, whose conservation requires the designation of SACs, and the list of animal and plant species of community interest shall not only address the corresponding annexes of the Habitats Directive. Additional species and habitats, for example species endemic to Albania and their habitats, shall be considered for inclusion in the specific Albanian list of proposed 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 Habitats Directive may well require amendments not only to planning laws but also to other regulatory controls such as discharge consents, waste management licenses, etc.

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 Habitats 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"> - 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; - The designation of measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna and flora 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. 	MoE	01/0000 – 12/0000
2	<p>Draft DCM which will approve:</p> <ol style="list-style-type: none"> a. the list of natural habitat types of community interest whose conservation requires the designation of special areas of conservation (SACs); b. the list of animal and plant species of community interest whose conservation requires the designation of special areas of conservation; c. the list of animal and plant species of community interest in need of strict protection; d. the list of animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures; e. the identification of species to be subject of research on the protection and management of wild birds. 	MoE	07/0000 – 12/0001

It has to be noted that the table above with stated actions does not prejudice the possibility to alter the number of actions in the future insofar as all the Directive's provisions will be fully transposed into the national legislation (primary or secondary). A review from the Competent Authority can decrease or increase the number of actions dealing with the issuance of subsequent legislation as well as amendments in the primary legislation where legal basis is to be included. This means that secondary legislation could cover more than one of the Directive's provisions that need to be transposed into the national legal order.

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

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

3.3 Implementation Plan

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 Habitats Directive is to promote the maintenance of biodiversity by requiring measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance, the most important implementation features are to take account of biological, economic, social and cultural requirements, as well as regional and local characteristics.

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 each 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).

Table 5: Implementation and enforcement actions

THE HABITATS DIRECTIVE – KEY IMPLEMENTATION TASKS			
Action No.	EU Requirement (Articles) Action/tasks	Responsible Institution	Implementation period (month/year)
1. Planning			
1.1	<p>Establish or delegate a competent authority to be responsible for implementing the requirements of the directive.</p> <ul style="list-style-type: none"> - Evaluate present and draft future administrative structures of MoE regarding nature protection - Assessment of institutional needs regarding nature protection - Reform the Managerial Board overseeing National Parks - Establish institutional arrangements for inspecting national parks and other possible Special Areas of Conservation (SAC's) - Establish procedures for obtaining biodiversity data and prepare manuals - Specify, design and establish a bio-diversity information management system (BIMS) 	MoE	01/0000 - 03/0001
1.2	<p>Producing an inventory of sites - Annex III, the competent authority should identify a suite of sites hosting natural habitat types according to Annex I or representing the habitat of species in accordance with Annex II. (art. 4)</p> <ul style="list-style-type: none"> - Review of habitats and species - Analyse protected area network and mapping of species and habitats - Identification and Management Planning of possible Natura 2000 sites (art. 3,4 & 6) 	MoE	04/0000 - 12/0003
1.3	<p>Designate the SACs as soon as possible and establish priorities for the management of these sites. (art.4)</p> <p><i>The SACs to be selected are to include the full range of indigenous species, in particular habitat types listed in Annex I and habitats of the species listed in Annex II. The SACs will (with SPAs designated under the Wild Birds Directive) form a network of such sites throughout Europe (Natura 2000).</i></p>	MoE	04/0000 - 12/0009
	<p><i>Where the area of potential SACs with priority interests in a Member State exceeds 5% of its territory, it may seek, in agreement with the Commission, a more flexible approach to the application of the criteria listed in Annex III. (N/A)</i></p>		N/A

THE HABITATS DIRECTIVE – KEY IMPLEMENTATION TASKS			
Action No.	EU Requirement (Articles) Action/tasks	Responsible Institution	Implementation period (month/year)
2. Regulation			
2.1	Establish measures required for the conservation of such sites, including co-financing (Arts. 6 & 8) <i>It may include the development of management plans tailored to specific sites and statutory, administrative or contractual arrangements that will meet the ecological requirements of the natural habitat types in Annex I and the species in Annex II.</i> Control and enforcement measures	MoE	04/0000 - 12/0009
2.2	Maintain the wildlife population at appropriate levels (Arts. 3 & 10), <i>Taking into account scientific and cultural requirements. Where considered necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape that are of major importance to wildlife, such as linear habitat features and key traditional habitats.</i>	MoE	04/0000 - ongoing
2.3	Establishing a system of strict protection for Annex IV species (Arts. 12 & 13) <i>Take the necessary measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range. In particular, prohibit the deliberate capture or killing of specimens of these species in the wild. Provide protection from disturbance of these species during the breeding, rearing, hibernation and migration periods and deliberate destruction or taking of eggs from the wild, and deterioration of breeding sites or resting places.</i>	MoE	04/0000 - 12/0009
2.4	For the listed species, prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this directive is implemented.	MoE	04/0000 - 12/0005
2.5	Establish a system of strict protection for the plant species listed in Annex IV (b). <i>This system must prohibit deliberate picking, collecting, uprooting or destruction of such plants in their natural range in the wild. It must also prohibit the keeping, transport, sale or exchange and offering for sale of these species taken from the wild, apart from those taken legally prior to the directive being implemented. In both this case and the case of animals, the protection must cover all stages in the biological life cycle of the organism.</i>	MoE	04/0000 - 12/0009
2.6	Assessing the status of Annex V species and taking appropriate conservation measures (Art. 14) <i>Where deemed necessary, ensure that the taking and exploitation of certain species of wild plants and animals (listed in Annex V) is controlled to ensure that they are maintained at a “favourable conservation status” (Art. 14).</i>	MoE	04/0000 - 12/0007
2.7	Prohibit the use of specified means of capture and killing of certain animal species (listed in Annexes IV and V) (Art. 15 and Annex VI).	MoE	04/0000 - 12/0003
2.8	Regulate the deliberate introduction of non-native wildlife species to protect the native populations.	MoE	04/0000 - 12/0003
2.9	Take steps to prevent the deterioration of SACs and the disturbance of species for which they were created.	MoE	04/0000 - 12/0009
2.10	Assess any plans or projects that are likely to have a significant effect on the SAC network and prohibit plans or projects that would adversely affect the integrity of the sites, unless they are necessary due to a lack of alternatives and the existence of imperative reasons of overriding public interest or safety. If a plan or project is permitted in spite of a negative assessment for reasons of public interest, take all necessary compensatory measures to ensure that the overall coherence of Natura 2000 is protected (Art. 6).	MoE	04/0000 - 12/0009
3. Monitoring and Research			

THE HABITATS DIRECTIVE – KEY IMPLEMENTATION TASKS			
Action No.	EU Requirement (Articles) Action/tasks	Responsible Institution	Implementation period (month/year)
3.1	Establishing a system to monitor conservation status of habitats and species (Art. 11) Establishing a system to monitor incidental capture/killing of Annex VI(a) species (Art. 12) and, following information collection, undertake further research or conservation measures as required to ensure that capture or killing activities do not have a significant effect on the species concerned.	MoE	04/0000 - 12/0006
3.2	Establish a monitoring system covering all of the monitoring activities required in the directive. <i>The monitoring should include population level analysis and species condition, as indicators of the conservation status of natural habitats and species. Encourage the necessary research and information exchange to achieve the objectives set out in Annex II (conservation of natural habitats and wild fauna and flora) and ensure the requisite monitoring (Annex II).</i>	MoE	04/0000 - 12/0006
3.3	Encourage the necessary research and information exchange necessary to achieve the objectives of the directive.	MoE	04/0000 - 12/0007/ ongoing
3.4	Where necessary, continue monitoring and surveillance after control of the taking and exploitation of certain species of wild plants and animals to ensure that they are maintained at a “favourable conservation status” has taken place. <i>Further regulations may include those regarding access to property, local prohibitions on timing and taking of species, hunting and fishing rules, establishment of licenses, regulation of sale and keeping of species, regulation of captive breeding and propagation and evaluation of the effectiveness of the above measures.</i>	MoE	04/0000 - 12/0009/ ongoing
3.5	Study the desirability of reintroducing native species where this might contribute to their conservation.	MoE	04/0000 - 12/0007/ ongoing
4. Information, Training and Reporting			
4.1	Report to the Commission, as appropriate on the following: <ul style="list-style-type: none"> • sites that host natural habitat types and species listed in Annexes I and II; • nomination of sites and designation of SACs; • cases of derogations from specified requirements of the directive; • results of scientific investigations (Art. 18); • estimates relating to possible co-financing by the Community (Art. 8); • implementation of the directive (Art. 17); • measures taken to comply with the directive (Art. 23); and • transposition, with texts of the main provisions of national law adopted in the field covered by the directive (Art. 23). 	MoE	N/A for Albania
4.2	Establishing a mechanism to consult the public before agreeing to projects that may affect SAC or to re-introducing native species (Arts. 6 & 22) <i>Consult the public before:</i> <ul style="list-style-type: none"> • agreeing to a plan or project that is likely to have a significant effect on a SAC (Art. 6); and • reintroducing native species (Art. 22) 	MoE	04/0000 - 12/0006
4.3	Promote education and general information on species protection and conservation (Art. 22) <ul style="list-style-type: none"> • Public awareness and education; 	MoE/ NEA/REA	04/0000 – 12/0007/ ongoing
4.4	Development of a training plan and perform training	MoE/ NEA/REA	04/0000 - 12/0007/ ongoing

The 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 tasks of this authority should include:

- Collecting and managing data
- Producing guidance for selection of SACs;
- Coordinating the identification and (when appropriate) submission of possible SACs 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 SACs, 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 (such as timber extraction) 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 habitats 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 trans-frontier conservation);
- Inspecting National Parks and other statutory sites to ensure that management is achieving favourable conservation status.
- Take decision on re-introducing native species, where this might contribute to their conservation.

As the institution responsible for environmental protection, MoE supports research and scientific development in the environmental area. The environmental cross-cutting strategy approved by DCM, No 847, dated 29.11.2007, lays out policies in the area of environmental protection. Law “On environmental protection”, stipulates that: “The Ministry of the Environment supports scientific research projects for improving the status of the environment, to introduce ecologically clean technologies, and to promote activities of environmental NGOs”.

During recent years, in cooperation with international organizations, awareness concerning issues of biodiversity and the environment have been enhanced by the Department of Biodiversity of the Faculty of Natural Sciences of Tirana University; at the Academy of Sciences; the Agriculture University of Tirana; the Polytechnic University of Tirana (UPT); the Institute for Animal Product Safety (IAPS); the Institute of Public Health; and other groups and scientific research institutions. Many publications and monograph works have been published in scientific magazines relating the context of a variety of research projects.

Evaluate administrative structures of MoE

The aim of this activity is to obtain a detailed insight into the strengths and weaknesses of the present administrative structure for ensuring biodiversity and protecting the nature. The assessment should include the current and preferred roles of different Ministries, National Park Authorities and Local Authorities. It should also include options for establishing an independent or semi-independent expert unit for nature protection, or for contracting work from outside.

Prepare an input to a discussion among ministries on the most appropriate administrative structure for management of natural sites and species of conservation interest, including an estimate of the staff and funding needed. The authority of the MoE over protected areas is currently weakened by several responsibilities taken by other Ministries, by the National Licensing Center and by the State Inspectorate for Construction that directly affect the management of National Parks. In adopting full responsibility for all activities within protected areas, or affecting them from outside, the MoE will need to expand and adjust its administrative capacity.

Assessment of institutional needs

The aim of this activity is to ensure that all needed competencies are covered within the MoE by the addition of dedicated units, recruitment of appropriately qualified staff, training of existing staff, or through a mechanism for using expertise present in other ministries. The assessment should include the technical capacity required by the MoE to inspect national parks, monuments of nature, and other possible SACs to ensure they are achieving favourable conservation status. It should also include the staffing and training needs assessments within the three National Parks.

Reform the Protected Area's Management Committee

The aim of this activity is to reconstitute the existing Management Committees to ensure that they are representative of MoE, other ministries as appropriate, local authorities and other major stakeholders such as expert national NGOs, and thereby complies with the intention of the Directive.

Establish institutional arrangements for inspecting national parks and other possible SACs.

Elaborate procedure describing the inspection process step by step (who is responsible, what information is needed, what follow-up actions are required, etc.).

II. Data Collection, Data Handling and Reporting

Establish procedures for obtaining biodiversity data

In this activity, administrative and legislative procedures are defined for gathering and submitting data on national parks, other possible SACs, 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.

Specify, design and establish a biodiversity information management system

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 BIMS should be designed to address the requirements of both the Habitats and the Birds Directives. The BIMS should be able to perform the following functions:

- Process and store records resulting from field surveys;
- Generate lists of known and expected species for any given area;
- Generate locality lists for any given species;

- Evaluate species conservation status;
- Assess gaps in the protected area system based on poorly protected 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.

In this activity 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 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 Areas of Conservation (SACs)

Review habitats and species

The aim of this activity is threefold:

- firstly to collect, assess and review existing information about Annex I habitats in Albania;
- secondly to review habitats, plant and animal species in the Albania in order to propose habitat types and species that should be added to Annex I of the Directive;
- thirdly, to enter into the BIMS database the list of animal and plant species in the Albania whose conservation requires protection within SACs (Annex II) and the list of animal and plant species needing strict protection (Annex IV).

Analyse protected area network and mapping of species and habitats

In this activity, protected areas should be classified according to the IUCN categories. Criteria for identification of SAC (and SPA) sites should be specified and all components of landscape protection in the Albania should be reviewed to determine whether they meet the criteria for Natura 2000. As a further part of this process, the 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 habitats (Annex I) and habitats of species (Annex II).

Gaps in the protected area system should be identified. 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 such as livestock breeding and collecting wood for local community heating and building purposes.

Maps should be prepared in the GIS of species and habitats of Community interest and of species and habitat types proposed for Annex II.

Identification and management planning of possible Natura 2000 sites

Sites suitable for inclusion into the Natura 2000 network should be proposed and relevant documentation completed. It should be ensured that measures for conservation of the possible Natura 2000 sites, including 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 natural habitats and species referred to in Article 2 with particular regard to priority natural habitat types (Annex I) and priority species (Annex II). Provisions should be made for further research or conservation measures to be taken as required.

Control and enforcement measures

There is a lack of control and enforcement measures due to many reasons (non-harmonized legal system, lack of clear delegation of responsibilities and lot of overlaps, lack of human capacities and inappropriate educational background, lack of financing, present extent of corruptive practices, low level of respect of the law and the authorities etc.).

IV. Establish Strict Conservation Measures for Species on Annex IV.

Analysis of current lists of species in Annex IV and establish strict conservation measures

The plant and animal species listed in Annex IV (ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN NEED OF STRICT PROTECTION) should be analysed in accordance with current legislation in Albania and the requirements of strict protection in the Directive. In accordance with new species information from national specialists, amendments to Annex IV should be proposed. The specific conservation measures required for the protection of animal and plant species listed in Annex IV of the Directive should be transposed into national legislation.

Surveillance of conservation status and implementation measures

Prepare a system of surveillance (i.e. baseline studies and monitoring of indicators) of the animal and plant species listed in Annex IV.

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

Other task is implementation of the measures by relevant nature protection authorities. The focus should be on preparation of species conservation plans and projects, rather than establishment of a regime of penalties and other enforcement measures.

V. Training and Public Information

Development of training plan and perform training

Depending on the recommendations of the institutional needs assessment, a training plan should be developed offering a mixture of training courses, field training during site visits. Training could include exchange of staff with similar institutions in other countries, e.g. placement of employees in a similar organisation in one of the EU countries for a period of several months. It should also be ensured that staffs are trained in maintenance and operation of BIMS, including GIS operations, to ensure sustainability of the database.

Public awareness and education

The aim of this activity is firstly to review current initiatives for promoting education and providing general information on the need to protect natural habitats, and secondly to provide recommendations for expanding these activities.

Review current initiatives for educating the public and providing general information on the need to protect species of wild fauna and flora listed in Annex IV, and provide recommendations for expanding these activities.

Two types of public awareness and education activities are proposed:

- PR campaign – at the beginning of the project to inform of the purpose and implications of the Natura 2000 network, which could include advertisements and press releases, brochures, public hearings and meetings, access to material via the Internet and local authorities and social marketing. The PR campaign can be an independent activity or an integrated part of the TA-Project.
- Awareness activities – ongoing activities to follow up on the PR campaign

3.4 Resources and Costs

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

Method of cost estimation and sources of cost data

The costs of *transposing* the Habitats 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.

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

- The starting point was the list of actions contained in Table 5;
- The requirements of the standard resources listed above were estimated by the projects national and international sector experts and economic/financial 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 Wild Birds Directive

Because of the many commonalities between this Directive and the Wild Birds 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 € 0.022 million. This is made up as follows:

Table 7: Costs of transposing the Directive into national legislation

Cost type	Cost (€'000)	Remarks
Human resources	16	2 person-years
Reporting	2	¼ person-year
Training	4	½ person-year
TA (Projects)	*	
Total	22	

*: 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 mill. EUR and have an implementation period of 5 years.

The Technical Assistance project on the transposition and implementation of the Habitats and Birds 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 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 Habitats and Birds 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
- Land purchase*	1.0	
- Technical assistance project	6.0	
- PR campaign	0.2	
- Awareness activities		10
Total	7.6	458

*: It may be necessary for the government to buy private land with important habitats or species to create new Natura 2000 sites. The figure must be considered as indicative and does only cover land purchase needs for the Habitats Directive.

** : 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 Habitats and Birds 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 Wild Bird 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.
Total	99	

Because of the many commonalities between this Directive and the Birds 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	22			
<i>Implementation</i>				
TA and training			6000	

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.)
Human resources		408		
Land purchase			1000	
Vehicles & transportation costs		40	400	
PR campaign			200	
Awareness activities		10		
Total	22	458	7600	0

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

The principal benefit of implementing the Directive will be an enhanced network of protected areas and associated administrative system that preserves and restores the Albania's natural heritage, thereby conserving the natural wealth of the nation for present and future generations.

Ecosystem benefits are the main benefits provided by the implementation of the Habitats Directive. Through creation of European-wide list of habitats and species of importance, the directive aims to protect species and habitats through a co-ordinated approach requiring the co-operation of countries in areas where species are migratory or habitats span across several territories.

At the economic level, a vibrant natural heritage 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.

The rural economy also relies extensively on the utilization of wild living resources. In Albania, these resources cover a wide range of products, relating to:

- Nutrition: Edible plants such as fruits, nuts, herbs and fungi, and health-giving products like teas, cordials and some berries, bee-keeping in SACs and protected areas, freshwater fish, game birds and mammals.
- Health: Herbal medicines in the form of dried materials, tinctures and natural cosmetics.
- Leisure: Bird watching and mammal viewing.
- Industrial and Agricultural Use; Chemical extracts from plants may enter into a wide range of manufactured products. In some countries, secondary metabolites from conifers are used in the manufacture of coatings, cleansers, pharmaceuticals, flavours and sealers, whilst terpenes are used in perfumes, flavouring agents and waterproofing agents.

Whilst the use of many wild living resources may be small in economic terms, they still contribute immensely to the diversity of culture, livelihoods and lifestyles in Albania. Furthermore, wild living resources may have an appreciable economic impact through the livelihoods afforded to small-scale users with associated benefits from their contribution to the nutrition, health and leisure of the rural populations.

It may be possible to recover populations of plants and animals and then expand the harvest of some wild living resources either for internal or export markets, and still remain within ecologically sustainable limits. Under this Directive, considerable importance is attached to surveillance in order to assess the status of habitats and species and the threat posed by anthropogenic activities. Many traditional uses of wild living resources are sustainable, others evidently not so. Further work and actions are then required to move unsustainable practices into a sustainable mode and to identify the mechanisms needed to achieve this.

Progress towards more sustainable tourism and recreation, reduced soil erosion, prevention of ecologically destructive hunting, measures promoting less intensive farming and the management of the expansion of human settlements and the agricultural areas near SACs, SPAs and protected areas are other likely benefits.

Wider economic benefit expected to result indirectly from nature protection include a range of services provided by forests, wetlands and other ecosystems such as water filtration; the prevention of floods and erosion; and provision of carbon sinks.

3.7 Key Issues and Uncertainties

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, to strengthen the rule of law, reduce corruption, increase public oversight, and implement the steps designed to build capacity.

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 is 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

Table of Concordance of DIRECTIVE 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Directives 97/62/EC, 2006/105/EC and Regulation (EC) 1882/2003

Article	EU Obligation	Existing national law ⁶ (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpos'n occur? (L, GO, MO)	If draft, give no. of article transposing EU obligation ¹	Status of transposition (5-0 according to lawmaking)	Planned year for full transpos'n
Art. 1	Definitions: (a) conservation	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas"" Official Gazette of 2008, No.18, date of publication 19.02.2008. • Adds Article 3, point 20 to the original law: "Conservation" means undertaking of a series of measures, to maintain or restore in favorable conservation status natural habitats and populations of species of wild flora and fauna" 	Yes			5	
	(b) natural habitats	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas" " Official Gazette of 2008, No.18, date of publication 	Yes			5	

⁶ Attach English translations of existing legislation and proposed legislation.

		19.2.2008					
	(c) natural habitat types of Community interest	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 <ul style="list-style-type: none"> I. are in danger of disappearance in their natural range II. have a small natural range following their regression or by reason of their intrinsically restricted area; • Adds Article 3, point 22 to the original law: “natural habitat types of European Community interest” are those types that are located in the territory of Republic of Albania and fulfil one of the following conditions: <ul style="list-style-type: none"> - Present outstanding examples of typical characteristics of biogeographical regions, Alpine and Mediterranean 	Yes			5	
	(d) priority natural habitat types	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas” ” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 23 to the 	Yes			5	

		original law: "Priority natural habitat types" are natural habitats of European Community interest in danger of disappearance located in the territory of Republic of Albania for which republic of Albania has particular responsibility					
	(e) conservation status of a natural habitat	<ul style="list-style-type: none"> • Law on biodiversity protection No.9587, dated 20.7.2006 Official gazette of 2006 No.84, date of publication 9.8.2006 • Article 2, point 28 "conservation status of an ecosystem, habitat or landscape is the sum of the influences acting on an ecosystem, habitat or landscape and typical species that may affect long-term natural distribution, structure and functions and long-term survival of typical species" 	Yes			5	
	(f) habitat of a species	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas" " Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 24 to the original law: "Habitat of a species" is an environment defined by specific abiotic and biotic factors in which the species lives at any stage of its biological cycle 	Yes			5	

	(g) species of Community interest (Annex II &/or Annexes IV or V)	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 25 to the original law: “Species of European Community interest” are species which within the territory of Republic of Albania fulfil one of the following conditions: <ul style="list-style-type: none"> I. are endangered, except those species whose natural range is marginal in the territory; II. are vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; III. are rare i.e. are species with limited numbers that are not at present endangered or vulnerable, but are at risk IV. are endemic and requiring special attention by reasons of specific nature of their habitat and /or the potential impact of their exploitation on their 	Yes			5	
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		conservation sta					
	(h) priority species (Annex II)	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008”on some additions and changes in law no. 8606, dated 6.6.2002”on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008, • Adds Article 3, point 26 to the original law: “Priority species” are species of European Community interest, endangered for conservation of which Republic of Albania concerning their natural range, has particular responsibility. 	Yes			5	
	(i) conservation status of a species / ‘favourable’ conservation status (Art. 14)	<ul style="list-style-type: none"> • Law on biodiversity protection No. 9587, dated 20.7.2006, Official gazette of 2006, No 84, date of publication 9.8.2006 Articles 29 and 31; • 29. Conservation status of a species is the sum of influences acting on the species concerned that may affect the long-term distribution and abundance of its population • 31. Favorable conservation status of a species is when: <ul style="list-style-type: none"> - Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as viable component of its natural habitats; - The natural range of the species is neither being reduced nor is likely 	Yes			5	

		to be reduced for the foreseeable future; - There is and will probably continue to be a sufficiently large habitat to maintain its populations on a long-term basis.					
	(j) site	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 27: “Site” is a geographically defined area whose extent is clearly delineated 	Yes			5	
	(k) site of Community importance (Annex III)	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 28 • “Site of European Community interest is the site, region or biogeographical region to which it belongs, contributes significantly to the maintenance or restoration at a favorable conservation status of natural habitat types of European Community interest or species of European Community interest or contributes significantly to the maintenance of biological diversity 	Yes			5	

		<p>within the biogeographical region or regions concerned;</p> <ul style="list-style-type: none"> • For animal species ranging over wide areas, sites of European Community interest shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction” 					
	(l) special area of conservation (Art. 3)	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 3, point 29 “Special areas of conservation are areas of European Community interest designated by Republic of Albania through a statutory, administrative or contractual act where the conservation measures are defined for the maintenance or restoration at a favorable conservation status of the natural habitat or populations of species for the site is designated” 	Yes			5	
	(m) specimen (Annexes IV, V)	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 	Yes			5	

		<ul style="list-style-type: none"> Article 2 point 9 "Specimen=Individual means a) any animal or plant, whether alive or dead, of species listed in annexes b) any part or derivative of an individual of a species of flora or fauna, included in annexes, given that it appear in accompanying document, written in packaging or a mark or label, 					
Art. 2	[Objective]	Not to be scored				0	
Art. 3.1-2	Special areas of conservation (SACs) must be designated, comprising natural habitat sites (Annex I) & habitats of species (Annex II), to contribute to the creation of Natura 2000 (European ecological network).	<ul style="list-style-type: none"> Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas"" Official Gazette of 2008, No.18, date of publication 19.2.2008 Adds Article 4./3. "Areas hosting habitat types of European Community interest and habitat of species of European Community interest are designated as special areas of conservation" 	Yes			5	
Art. 3.1	Special protection areas (SPAs) classified under Wild Birds Dir. (79/409/EEC) must be included in Natura 2000.	<ul style="list-style-type: none"> Law on biodiversity protection No.9587, dated 20.7.2006, Official Journal of 2006, No.84 date of publication 9.8.2006, Article 13 point 2c; "In the specially protected ecosystems, habitats and landscape are included those c) that are populated by specially protected 	Yes			5	

		<p>species”;</p> <ul style="list-style-type: none"> • Law “On fauna protection”, no.10006, dated 23.10.2008, Article 14 “protected habitats for birds” 					
Art. 3.3	<ul style="list-style-type: none"> • Where necessary, landscape features of major importance for wild fauna & flora (see Art.10) must be maintained or developed • For animal species ranging over wide areas, places within their natural range with the necessary physical or biological factors for reproduction; • For aquatic species ranging over wide areas, only those clearly identifiable areas with the necessary physical or biological factors for reproduction. 	<ul style="list-style-type: none"> • Law on protected areas No.8906, dated 6.6.2002 amended, Official Gazette of 2002, No.29 date of publication 26.06.2002 • Article 10 point 1 Territories larger than 1000 ha, of a harmonious and well-formed landscape of a developed characteristic relief, of a variety of ecosystems, marine or terrestrial, of historical monuments shall be declared protected monument; • Law on biodiversity protection no.9587, dated 20.7.2006, Official Gazette of 2006, No.84, date of publication 9.8.2006 article 12 point 1. Ecosystems, habitats and landscapes are conserved also when they are located outside the representative network of protected areas, public or private propriety. 	Yes			5	
Art. 4.1	<ul style="list-style-type: none"> • Adaptation of list of sites must be proposed where appropriate in light of monitoring results (Art. 11). 	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008; • Adds Article 4./3. 3 “based on the 	Yes			5	

		criteria defined on the point 2 of this article and the respective scientific data, the minister responsible environment approves the Albanian list of sites defining the natural habitat types of European Community interest and species of European interest, native for Albanian territory and that are found in site. In the list are identified those areas that where there are found one or several priority natural habitat types or priority species					
Art. 4.1	[List must be transmitted to Comm'n with information on each site (map, name, location, extent, etc.) in agreed format.]	Not to be scored				0	
Art. 4.4	Once a site of Community importance has been adopted (Art. 4.2 procedure), that site must be designated as a SAC as soon as possible (& within 6 years at most).	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas"" Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds Article 4/3. point 1 • "Sites hosting natural habitat types of European Community Interest and habitats of species of this community interest are declared special areas of conservation. These areas are part of national ecologic network and may include as well protected areas within the 	Yes			5	

		<p>representative network of protected areas and ecosystems, habitats and landscapes outside this network;</p> <ul style="list-style-type: none"> • Article 4/3 point 6 “rules for declaration of special areas of conservation are approved by a decision of Council of Ministers; 					
Art. 4.4	<p>Priorities in designating SACs must be established according to the importance of the site for the maintenance or restoration of the habitats &/or species, coherence of Natura 2000 & threats of degradation/destruction.</p>	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008 • Adds to the original law Article 4/3 point 6 “rules for declaration of special areas of conservation are approved by a decision of Council of Ministers; 	Yes			5	
Art. 4.5	<p>Once a site has been listed as a site of Community importance, it must be subject to Art. 6 conservation measures</p>	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008; • Adds to the original law Article 4/4 point 1-6 “For the special areas of conservation responsible ministry for environment takes the measures including management plans developed on the areas or integrated in other development plans and legal, administrative or 	Yes			5	

		contractual measures in compliance with ecologic requirements of natural habitat types of European Community interest and species of this community interest"					
Art. 5	[Bilateral consultation procedure MS/Comm's on national sites which have not been listed as priorities but should have been.]	Not to be scored	Yes			0	
Art. 6.1	MS must establish the necessary conservation measures for SACs including, where necessary, appropriate management plans & appropriate statutory, administrative/ contractual measures.	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas"" Official Gazette of 2008, No.18, date of publication 19.2.2008; • Adds to the original law Article 4/4 point 1 "For the special areas of conservation responsible ministry for environment takes the measures including management plans developed on the areas or integrated in other development plans and legal, administrative or contractual measures in compliance with ecologic requirements of natural habitat types of European Community interest and species of this community interest" 				5	
Art. 6.2	Appropriate steps must be taken to avoid deterioration &/or	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 "on some additions and changes in 	Yes			5	

	disturbance of natural habitats & the habitats of species in SACs.	<p>law no. 8606, dated 6.6.2002 “on protected areas” Official Gazette of 2008, No.18, date of publication 19.2.2008;</p> <ul style="list-style-type: none"> Adds to the original law Article 4./4. point 2 “to avoid deterioration of natural habitats and habitats of species in the special areas of conservation and to avoid the disturbances of species for which these areas are designated , responsible ministry for environment requires physically and legal subjects activity which negatively impact in the area to implement the requirements defined in environment permit” 					
Art. 6.3	Any plan or project not directly connected with or necessary to site’s management, but likely to have a significant effect on that site, must be subject to an appropriate assessment of its implications for conservation of the site.	<ul style="list-style-type: none"> Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas” Official Gazette of 2008, No.18, date of publication 19.2.2008; Adds to the original law Article 4/4 point 3 “every plan or project that may impact in the area, is subject to legal procedures of environment impact assessment.” 	Yes			5	
Art. 6.3	National CAs must only approve the plan or project if it will not adversely affect the integrity of	<ul style="list-style-type: none"> Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on 	Yes			5	

	the site (&, if appropriate, after having obtained the opinion of the public).	protected areas” Official Gazette of 2008, No.18, date of publication 19.2.2008; <ul style="list-style-type: none"> Adds to the original law Article 4./4. point 3 “Ministry responsible for environment accept the plan or project only after makes sure that it doesn’t negatively impact in the integrity of area and after it has taken the opinion of the public; 					
Art. 6.4	In cases where, in spite of a negative assessment, a plan or project must be carried out for reasons of overriding public interest, all necessary compensatory measures must be taken to ensure the overall coherence of Natura 2000.	<ul style="list-style-type: none"> Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas” Official Gazette of 2008, No.18, date of publication 19.2.2008; Adds to the original law Article 4/4 point 4 “4. For the plan or project which will be implemented for needs of overriding public interest, responsible ministry for environment requires the implementer taking of compensatory measures that ensure meeting of general conservation and inform the European Commission” 	Yes			5	
	[Comm’s to be informed of these measures].	Not to be scored				0	
Art. 6.4	Where site concerned hosts a	<ul style="list-style-type: none"> Law no.9868, dated 4.2.2008 “on 	Yes			5	

	priority natural habitat type &/or priority species, such reasons (of overriding public interest) may only relate to human health, public safety or beneficial consequences of primary importance for the environment (or other reasons of overriding public interest only after obtaining the Comm'n opinion).	<p>some additions and changes in law no. 8606, dated 6.6.2002 "on protected areas" Official Gazette of 2008, No.18, date of publication 19.2.2008;</p> <ul style="list-style-type: none"> Adds to the original law Article 4/4 point 5 <p>"4. For the plan or project which will be implemented for needs of overriding public interest, responsible ministry for environment requires the implementer taking of compensatory measures that ensure meeting of general conservation and inform the European Commission"</p>					
Art. 7	The obligations in Arts. 6.2, 6.3 & 6.4 replace the obligations in Art. 4.4 of Dir. 79/409/EEC.	Not to be scored	N/A			0	
Art. 8.1	[MS to send with proposed list of sites eligible for designation as SACs their estimates of amount of necessary Community co-financing to enable them to meet Art. 6.1 obligations.]	<p>Not to be scored</p> <p>Not applicable as Albania does not have the Candidate country status yet</p>	N/A			0	
Art. 8.6	[In areas where conservation measures dependent on co-financing are postponed (Art. 8.5), MS must not take any new measures which are likely to result in deterioration of those		No			0	Not decided yet

	areas.]						
Art. 10	Where MS consider it necessary in territorial planning & development policies (& with a view to improving coherence of Natura 2000) they must endeavour to encourage management of landscape features of major importance for wild fauna & flora (those which are essential for the migration, dispersion & genetic exchange of wild species).	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008; • Adds to the original law Article 4/4 Point 5 “5. When it is necessary, in the framework of land use planning the responsible ministry for environment requires to developers and implementers of land planning management of landscape features specially important for wild flora and fauna” 	Yes			5	
Art. 11	Surveillance of conservation status of natural habitats & species (Art. 2) must be undertaken, especially priority habitat types & priority species.	<ul style="list-style-type: none"> • Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008; • Adds to the original law Article 4./4. point 6 “6.Ministry responsible for environment oversee status of conservation of natural habitats and species taking special attention to priority natural habitats and priority species and promote as well researches and 	Yes			5	

		scientific work taking into consideration the requirements of this article”					
Art. 12.1	<p>A system of strict protection must be established for Annex IV(a) animal species in their natural range, prohibiting:</p> <ul style="list-style-type: none"> • deliberate capture or killing in the wild • deliberate; • disturbance, especially during breeding, rearing, hibernation & migration periods; • deliberate destruction or taking of eggs; • deterioration or destruction of breeding sites or resting places. 	<ul style="list-style-type: none"> • Law on biodiversity protection No. 9587, dated 20.7.2006, Official gazette of 2006, No 84, date of publication 9.8.2006 article 23 point 3, a- ç “Specially protected animal species are subject to a strict protection regime in their natural range, prohibiting: <ul style="list-style-type: none"> a) all the forms of deliberate capture or killing of these species b) deliberate disturbance of these species, especially during the breeding, rearing, hibernation and migration c) Deliberate destruction or taking of their eggs d) deterioration or destruction of breeding sites or resting places;” • Article 23, point 1 “Individuals of specially protected plants and animals, with exception of case where in law is foreseen otherwise. These prohibitions are applied for all the stages of animal life and all the stages of biologic 	Yes			5	

		cycle of plants.”					
Art.12.2-3	The keeping, transport, sale or exchange, or offering for sale of exchange of specimens of Annex IV(a) species taken from the wild must be prohibited (at all stages of species life).	<ul style="list-style-type: none"> • Law on biodiversity protection No. 9587, dated 20.7.2006, Official gazette of 2006, No 84, date of publication 9.8.2006 article 23 point 3, d; Specially protected animal species are subject to a strict protection regime in their natural range, prohibiting: <ul style="list-style-type: none"> a) keeping, transport, sale exchange or offering for sale or exchange of these species taken from the wild” • article 23, point 1 “Individuals of specially protected plants and animals , with exception of case where in law is foreseen otherwise. These prohibitions are applied for all the stages of animal life and all the stages of biologic cycle of plants.” 	Yes			5	
Art 12.4	A system must be established to monitor the incidental capture & killing of Annex IV(a) species & further research or conservation measures taken as required to avoid significant negative impact on species concerned		No	Not decided yet		0	Not decide yet
Art 13.1	A system of strict protection must be established for plant	<ul style="list-style-type: none"> • Law on biodiversity protection No. 9587, dated 20.7.2006, 	Yes			5	

	<p>species listed in Annex IV(b), at all stages of their biological cycle, prohibiting:</p> <ul style="list-style-type: none"> deliberate picking, collection, cutting, uprooting or destruction in the wild; keeping, transport, sale or exchange or offering for sale or exchange of such species taken in the wild. 	<p>Official gazette of 2006, No 84, date of publication 9.8.2006 article 23 point 2 "Specially protected plant species are subject to a strict protection regime, prohibiting:</p> <ul style="list-style-type: none"> a) deliberate picking/ collection, cutting, uprooting or destruction of these plants in the natural area, in the wild b) keeping, transport, sale exchange or offering for sale or exchange of these species taken in the wild" <p>article 23, point 1 "Individuals of specially protected plants and animals, with exception of case where in law is foreseen otherwise. These prohibitions are applied for all the stages of animal life and all the stages of biologic cycle of plants."</p>					
Art. 14	<p>If necessary (in the light of Art. 11 surveillance) measures must be taken, including continuing surveillance, to ensure that the taking &/or exploitation of Annex V species is compatible with maintaining their favourable conservation status</p>		No	Not decided yet		0	Not decided yet
Art. 15	<p>All indiscriminate means of the</p>	<ul style="list-style-type: none"> Law on ratification of Bern 	Yes			5	

	<p>capture or killing of Annex V(a) species (& Annex IV(a) species where Art. 16 derogations apply), must be prohibited where these might cause local disappearance of or serious disturbance to species, in particular:</p> <ul style="list-style-type: none"> • Annex VI(a) means of capture & killing; • Annex VI(b) associated modes of transport. 	<p>Convention to which Albania is a Party since 1.5.1999, annex 4</p>					
Art. 16.1	<p>Derogations to provisions of Arts. 12, 13, 14 & 15 may be justified <u>only</u> if:</p> <ul style="list-style-type: none"> • there is no satisfactory alternative • the derogation is not detrimental to the maintenance of the species population at a favourable conservation status & on the following grounds: <ul style="list-style-type: none"> a) to protect wild fauna & flora & conserve natural habitats b) to prevent serious damage to e.g. crops, livestock, forests, fisheries, water, other types of property; c) to protect public health & safety or 'other imperative reasons of 	<ul style="list-style-type: none"> • Law on Biodiversity protection no. 9587, dated 20.7.2006, Official Gazette of 2006, No.84, date of publication 9.8.2006; • Article 21 New exploitation/takings or use of individuals of protected animal and plant species are allowed to be exercised when they don't harm the status of conservation of threatened species, when they are approved by the minister and when they are supplied by environment permit. These uses use exploitations/takings are permitted for: <ul style="list-style-type: none"> a) scientific or education purposes; 	Yes			5	

	<p>overriding public interest’; d) for research & education, repopulation & reintroduction of species; e) to enable limited taking or keeping of Annex IV species as specified by competent national authorities.</p>	<p>b) ex-situ conservation, for selection measures or re-introduction purposes; c) genetic materials d) to protect biological diversity e) health, safety and tourist purposes f) sanitary or phytosanitary measures</p> <p>Article 25 New Exploitation/taking or use of individuals of specially protected animals and plants, that are presented in the case defined in article 21 of this law, are supplied with environment permit if:</p> <p>a) there are no other satisfactory alternatives; b) are in compliance with favourable status of conservation of species; c) doesn’t conflict with the international obligations of Republic of Albania; d) doesn’t conflict with objectives of species action plan for species with unfavourable conservation status</p>					
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Art. 16.2	A report on derogations must be submitted to Comm'n every 2 years in the agreed format, specifying Art. 16.3 information.	Not to be scored				0	
Art. 17	A report on the Dir.'s implementation must be submitted to Comm'n every 6 years in the agreed format.	Not to be scored				0	
Art. 18.1-2	Necessary research & scientific work to achieve Dir.'s objectives (Art. 2), implementation of Arts. 4 & 10, & Art. 11 surveillance, & transboundary co-operative research, must be encouraged by MS.	Not to be scored				0	
Art. 18.1	MS must exchange information with each other [& with Comm'n] in order to co-ordinate research carried out at MS [& Community level].	Not to be scored	Yes			0	
Art. 22	The desirability of re-introducing native Annex IV species must be considered on the basis of the criteria provided in Art. 22 (a).	Law of biodiversity Protection no.9587, dated 20.7.2006, Official Gazette of 2006, No.84, date of publication 9.8.2006, article 36 1. Re-introduction of species, to restore their population viability, where are included the efforts for repopulation, are done only by environment permit or approval of Minister of Agriculture, Food and Consumer protection				5	

		<p>2. Re-introduction is allowed in protected areas, specially protected ecosystems, habitats and landscape, given the condition that it doesn't negatively impact the biodiversity and receiving environment</p> <p>3. Re-introduction is realized according to internationally recognizable rules and action plan of species or other management instruments</p>					
Art. 22	The deliberate re-introduction of non-native species must be regulated &/or prohibited so as not to prejudice natural habitats or native fauna & flora.	<p>Law of biodiversity Protection no.9587, dated 20.7.2006, Official Gazette of 2006, No.84, date of publication 9.8.2006, article 36</p> <p>1. Re-introduction of species , to restore their population viability, where are included the efforts for repopulation, are done only by environment permit or approval of Minister of Agriculture, Food and Consumer protection</p> <p>2. Re-introduction is allowed in protected areas, specially protected ecosystems, habitats and landscape, given the condition that it doesn't negatively impact the biodiversity and receiving environment</p> <p>3. Re-introduction is realized according to internationally recognizable rules and action plan of species or other management instruments</p>	Yes			5	

	[Any assessment's results must be forwarded to Art. 20 established committee for information.]	Not to be scored				0	
Art. 22	MS must promote education & general information on the need to protect species of wild fauna & flora & to conserve their habitats.	Not to be scored				0	
Art. 23	MS must bring into force national laws, regulations & administrative provisions necessary to comply with this Dir. & notify Comm'n that they have done so.	Not to be scored				0	
	MS national measures must contain a reference to this Dir. or be accompanied by such a reference on publication.	Not to be scored				0	
	MS must notify Comm'n of main provisions of their relevant national law(s).	Not to be scored				0	
Annex I	Natural habitat types of Community interest whose conservation requires the designation of Special Areas of Conservation (SACs).		No	Not decided yet		0	Not decided yet
Annex II	Animal & plant species of Community interest whose conservation requires the designation of SACs		No	Not decided yet		0	Not decided yet

Annex III	Criteria for selecting sites eligible for identification as sites of Community importance & designation as SACs	<p>Law no.9868, dated 4.2.2008 “on some additions and changes in law no. 8606, dated 6.6.2002 “on protected areas”” Official Gazette of 2008, No.18, date of publication 19.2.2008</p> <p>Adds Article 4/3, point 2 to the original law</p> <p>Assessment of importance of sites for every natural habitat including the priority natural habitat and priority species is done according to these criteria :</p> <ul style="list-style-type: none"> • site assessment criteria for a given natural habitat type of European Community interest : <ol style="list-style-type: none"> a) Degree of representativity of the natural habitat type on the site. b) Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory. c) Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities. d) Global assessment of the value of the site for conservation of the natural 	Yes			5	
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		<p>habitat type concerned.</p> <p>B. Site assessment criteria for a given species of European Community importance</p> <p>(a) Size and density of the population of the species present on the site in relation to the populations present within national territory.</p> <p>(b) Degree of conservation of the features of the habitat which are important for the species concerned and restoration possibilities.</p> <p>(c) Degree of isolation of the population present on the site in relation to the natural range of the species.</p> <p>(d) Global assessment of the value of the site for conservation of the species concerned</p>					
Annex IV	List of animal & plant species of Community interest in need of strict protection		No	Not decided yet		0	Not decided yet
Annex V	Animal & plant species of Community interest whose taking in the wild & exploitation may be subject to management measures		No	Not decided yet		0	Not decided yet
Annex VI	Prohibited methods & means of capture & killing & modes of transport	Law on ratification of Bern Convention to which Albania is a party since 1.5.1999, annex 4	Yes			5	