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

(EuropeAid/130987/C/SER/AL)

**Component B: Improved inspection, enforcement and  
prosecution of environmental legislation**

**State Environment Inspectorate Development Plan 2015 -2020**



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

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## List of Abbreviations

ECTA	Environment Crime Taskforce for Albania
GoA	Government of Albania
KPI	Key Performance Indicators
MoE	Ministry of Environment
NEA	National Environment Agency
PPE	Personal Protection Equipment
RBA	River Basin Agency
SEI	State Environment Inspectorate

## Background

The EU funded SELEA technical assistance to the Ministry of Environment (MoE) was tasked with building capacities at the State Environment Inspectorate (SEI). One of those tasks was to provide a 5 year development plan for the inspectorate based on an assessment of the needs of the inspectorate both in terms of personnel and resources.

At the outset of the SELEA project the SEI did not exist as it was a sector within each of the 12 regional environment agencies (REA's). Although legislation existed establishing the SEI this took time to take effect on the ground and with no transitional plan to facilitate the implementation of the legislative changes on the ground the situation remained confused throughout the first half of the SELEA project.

The new SEI legislative reform proposed the formation of the one overarching National Inspectorate which would consist of a number of State Inspectorates attached to each of the Ministries. Therefore each Ministry would have its own inspectorate hence the SEI. The SEI would consist of three directorates or sectors – Forestry; Environment and Water. The latter was a new sector and at the time it had no personnel. There was originally intended to be four sectors/directorates to include Fisheries however this function was transferred to the Ministry of Agriculture after the general election.

This situation was confused even further by the shutdown of the public bodies in advance of the general election when most of the proposed SEI personnel took part in the election campaign as supporter to the Minister's political party. .

The election took place in the summer of 2013 and at that time the SEI informally consisted of the personnel from the inspection function of the REA's. A number of facilitating documents, e.g. law drafts, institutional function documentation; organisational structures, job descriptions, had all been submitted by SELEA to the MoE in 2012 however none of this documentation was actioned at the time and the process of transition from one system to the other was slow. We should consider the SEI as a work in progress and the period of this development plan should be considered a period of transition for this nascent institution.

As a consequence of the general election a new government was formed by the winning opposition party coalition.

This immediately led to a considerable change in the staffing at SEI<sup>1</sup>, which has also involved the personnel being trained by SELEA. This is not something new, not experienced in the past and indeed one of the downsides of not having a fully functioning and politically neutral civil service. However, this is a concern for the future operation and sustainability of the system, which seems of no immediate solution as this exists across the entire Albanian State sector, as the progress on public or state institutional reform is complex and therefore understandably slow.

At the time of drafting this SEI Development Plan it should be noted that there are still no inspectors appointed for the region of Vlore.

Sustainable change for Albania needs time, environmental protection function and its development is a complex process which needs to take place in a measured way with defined goals and objectives. In writing this development plan the lack of capacities within the SEI (the personnel barely qualified for the role, with no instruction or training, other than that provided by SELEA) was not the only challenging issue.

There is also the issue of resources. It is accepted that the salaries of the inspectors is extremely low at around €250 per month. It is also a fact that in terms of operational budget the SEI has very limited resources. .

At the outset of SELEA the SEI had absolutely no equipment of any kind to perform the inspection function.

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<sup>1</sup> Around 120 personnel from the SEI and the appointment of new personnel including to the new post of water inspectors, were replaced.

Throughout SELEA inspectors were provided with personal protection equipment (PPE) and water sampling equipment. A tender for procurement of vehicles and other monitoring equipment is currently on going.

**SELEA Initial Institution Assessment and Key Performance Indicators for the SEI**

During the Inception Phase of SELEA project an assessment was carried out of the SEI within the context of the Regional Environment Agencies. The SELEA project used the 20 Key Performance Indicators (KPI's) outlined below as a baseline for the assessment process. The KPI's were selected on the basis of the criteria for the basic functionality of a SEI. Each of the KPI's is scored between 0 and 10 where 0 represents a wholly unacceptable situation to 10 representing a totally satisfactory situation. A mid score of 5 represents a very basic level of performance in relation to that KPI with a need for improvement.

Here below, in table format, two results are presented: the one from the assessment at the time of the Inception Phase and the second from the assessment at the close of the SELEA project.

KPI	Description	Score March 2012	Score June 2014	Supporting Narrative	Proposed Improvement Actions
KPI 1	Staff Competencies	3	2	Staff competencies in the State function of environmental protection services delivery were extremely low in the State Environment Inspectorate. Only 7 members of staff had an environmental degree.	Development and delivery of an approved EU standard vocational training programme to bring all staff to a similar level of competence in relation to the inspection function and the broader functions of the REA.
KPI 2	Office Accommodation	1	3	Office accommodation was very poor in terms of quality and furnishings. The sizes of the offices in most cases were far too small to accommodate the staff complement for which they were intended.	Establishment by MoEFWA of appropriate regional offices for the proper functioning of the REA/REI in the context of the inspection process and the broader REA function.
KPI 3	Office Equipment & Secretarial Services	3	3	Some office equipment had been provided by a World Bank project and this included a desktop computer and a printer. The secretarial admin work was carried out by the inspectors themselves. This is very limited as all forms/inspection reports were being hand written.	Provision of basic office functionality through an core operational budget from MoEFWA to ensure that the REA/REI can perform to a modern standard as an REA/REI. This should include appropriate office accommodation with workers welfare facilities, internet access, suitable workstations for staff and appropriate secretarial services.
KPI 4	Inspection Equipment	1	1	The inspectors have no inspection equipment	Development and supply of a standard equipment list for inspectors in regard to the inspection process at sites with a high environmental impact. This list should take cognisance of the inspection needs AND of the associated health and safety issues for the inspectors themselves while conducting the site inspections.
KPI 5	Logistical Support	0	0	The inspectors have no vehicles and rely on public transport and their own vehicles to carry out inspections. In some cases the inspectors are taken to installation by the installation representatives	Provision of suitable vehicles for the REA/REI in order for them to perform site inspections within their geographical areas. The Environmental Inspectorate is one of the few, if not the only, government inspectorate not to have vehicles provided to them.
KPI 6	Sites to Inspector Ratio	0	0	The installation to inspector ratio is far too high and this figure is exacerbated by the lack of logistics.	There needs to be an environmental risk assessment done of the sites in each of the REA/REI areas which fall under the jurisdiction of the REA/REI. Given the current and future constraints of the REA/REI the current staff compliment MUST focus only on high environmental impact sites.
KPI 7	Annual Operating Budget	2	1	There is no annual operating budget. Funds for operational budget are solely restricted to the cost associated with the paperwork needed for the inspection function.	By far and away the most important issue to be resolved, aside an overall restructuring from the top to bottom of the NEA, NEL and the REA/REI network, is the need to have the REA/REI appropriately and sustainably funded by the MoEFWA.
KPI 8	Salaries Staff Status and Contracts of Employment	3	3	Staff salaries are extremely low and are around €200/€250 per month. A bank clerk in Albania in the private sector can earn €1200.00.	Staff salaries are extremely low in the context of the job description and the status of the employees also needs to be reviewed. The present situation re the proposed restructuring of the National Inspectorate is a real concern as is the notion to have a unified environmental inspectorate encompassing fisheries and forestry.  There may be a need to reconsider the current employee compliment within the REA/REI network following an overall assessment of the environmental risk associated with the sites managed by each of the REA/REI offices by SELEA.

					The final staff compliment and their competencies should be considered only after this environmental risk assessment by SELEA in terms of the sites they manage and the general environmental conditions within each REA/REI territory.
KPI 9	Investment Funding	0	1	Investment funding is restricted to funds from the International Donor community	Establishment of an investment funding programme based on a national strategy for the NEA, NEL and the REA/REI network and its future function.
KPI 10	Fines Issued	3	Not Applicable	Fines issued are firstly reviewed by a panel at the MoE and then they are applied. They are collected by the public bailiff service. The collection rates are very low and although fines are issued in significant number only a handful actually materialise as revenue for the state.	Radical review of the environmental inspection process including the sites being inspected and the use of monetary penalties. Recommendations for a better process of interface between the regulator and the site owners/operators.
KPI 11	Fine Management Process	3	Not Applicable	The fines collection is managed by a public bailiff system which is neither efficient nor effective.	Review of the present fine management system with the review resulting in recommendations for a more efficient system with greater emphasis on execution of fines and the use of private bailiffs in the process.
KPI 12	Judicial System	3	Not Applicable	The judicial system has very limited capacities in regard to environmental crime.	Review of the present judicial system with the review resulting in recommendations for a more efficient system with greater emphasis on environmental protection and engagement of all stakeholders in the process.  In this regard it is intended to establish formal links between the NEA, NEL & REA/REI to the customs officers, border police; traffic police; civil police and the judiciary and provide training to each stakeholder in terms of best practice in combatting environmental crimes. This synergy should be underpinned by a national environment crime taskforce comprising of different regulatory stakeholders.
KPI 13	Inspection Process	3	3	There is a complete lack of structure to the inspection process and it is fundamentally seen as a mechanism to apply fines. There is no real partnership with industry and examples of good inspections are very few and far between. The state inspection forms are very poorly designed and their purpose seems to be punitive rather than informative.	Development and delivery of an approved EU based vocational training programme in the correct methods to be applied in the inspection process. The training programme should be complemented by practical exercises and the development of operating procedures and inspection tools to facilitate a standardised approach to the inspection process throughout the REA/REI network.
KPI 14	Permitting Process	1	3	The permitting process has not adequately engaged the inspectors and this has been a major issue for them. They seem to have been bypassed by the QKL system and this is an opportunity missed.	A comprehensive review of the permitting process with recommendation in terms of application management and decision making timelines.  In terms of a comparison the NLC Law provides a decision making time line for an application for the status of a university at between 4 and 6 months.
KPI 15	Vocational Training/ Continued Professional Development	0	8	There is no formal training for anyone and vocational training is an alien concept in the Albanian environment sector.	Development of a vocational training and Continuous Professional Development system for all environmental professionals.

KPI 16	Regional Agency/ Inspectorate Activity Programme/ Prioritisation	2	1	No regional environmental permit inspection programmes exist and the SEI needs to get a structured approach to regional inspection strategy and plans.	There needs to be an environmental risk assessment done of the sites in each of the REA/REI areas which fall under the jurisdiction of the REA/REI. Given the current and future constraints of the REA/REI the current staff compliment MUST focus only on high environmental impact sites.
KPI 17	Functionality of the REA/REI	3	0	The REA functions far better than the SEI equivalent and as stated above the priority is to develop inspection strategies and programmes at a regional level	Development of a new national strategy for the structure and function of the NEA; NEL and the REA/REI network. Development of national inspection strategy and regional inspection programmes. SELEA have delivered the Strategy BUT SELEA II needs to focus regionally on programming.
KPI 18	Links to Police/Judiciary	3	1	There are no real links to the police or judiciary	Establish formal links between the NEA, NEL & REA/REI to the customs officers, border police; traffic police; civil police and the judiciary and provide training to each stakeholder in terms of best practice in combatting environmental crimes. This synergy should be underpinned by a national environment crime taskforce comprising of different regulatory stakeholders.
KPI 19	Standard Operating Procedures	3	6	There are no standard operating procedures.	Development and delivery of an approved EU based vocational training programme in the correct methods to be applied in the inspection process and the broader REA function. The training programme should be complemented by practical exercises and the development of operating procedures and inspection tools to facilitate a standardised approach to the inspection process, and the broader REA function, throughout the REA/REI network. This has been underpinned by an SEI inspection handbook with a clear set of SOP's for the inspection function.
KPI 20	MoE Support	2	Not applicable	The MOE does not play an effective role in providing support for the SEI and this role, in any case, should be taken on by the new Central Inspectorate who will assist the SEI in its development.	Establishment of a corporate/institutional organogram to provide clarity of the association between the MoEFWA and each of the NEA, NEL and the REA/REI Network as well as the associations between the latter three entities.  In an ideal scenario the NEA, NEL and REA/REI would all be the one entity and they would not be officially linked to the Ministry at all. Having said this it is a matter for debate as to whether under current financial constraints the Albanian government can actually afford a NEL.  Presently with a staff of 3 persons and no funds to retain is accreditation the NEL is clearly not affordable to Albania.

Despite the best efforts of the SELEA project team in regard to capacity building at the SEI the situation has not improved much since the project started. The delayed implementation of SEI legislation and the complete changeover of staff during the SELEA project timeline have meant that any possibility of sustainable achievement has been radically minimised.

## Introduction

It is difficult to draft a development plan when the sector is in a state of transition and this development plan has therefore tried to address the issues as follows:

1. Mission Statement, Guiding Principles, and Strategic Objectives for the period 2015 – 2020 for the State Environmental Inspection Function
2. Outline of two suggested Inter-Agency Protocols to increase resource efficiency between agencies in the delivery of State environmental protection services
3. Analysis of resource needs and associated financial commitments required for the period of the development plan

The plan does suggest somewhat radical reform and also to focus on quality as opposed to quantity. In order to move forward it will be needed to take a significant step back and start the entire process of SEI establishment again on the basis of the current legislation.

## 1. SEI Mission Statement, Guiding Principles & Strategic Objectives

### 1.1 Mission, Vision and Values

The Inspectorate should carefully consider and set out a new statement of mission, vision and values for the Inspectorate based on the role and tasks and new regulatory requirements set out in the EPL and other new environmental laws. It is proposed that underlying the Mission, vision, and values of the proposed draft Strategy for enforcement are the principles of proportionality in the application of environmental law and in securing compliance; consistency of approach that is consistent enforcement action which is necessary in the interests of legal certainty, justice, equality of treatment and credibility; transparency about how the law operates; targeting of enforcement action and implementation of the polluter pays principle.

The definition of 'environmental inspection' contained in the IED Article 3(22) (definitions) should be employed as follows:

"environmental inspection" means all actions, including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation, undertaken by or on behalf of the competent authority to check and promote compliance of installations with their permit conditions and, where necessary, to monitor their environmental impact".

The NEI has three distinct sectors of responsibility and each has its own unique sub sector strategy as a component of the overarching NEI strategy.

#### **Environment Inspectorate**

The National Environment Inspectorate (NEI) is Albania's environmental regulator. Our main role is to protect and improve the environment. We do this by being an excellent environmental regulator, helping business and industry to understand their environmental responsibilities, enabling customers to comply with legislation and good practice and to realise the many economic benefits of good environmental practice. We protect communities by regulating activities that can cause harmful pollution and by monitoring the quality of Albania's air, land and water.

We protect the environment and human health through the work of our inspectors who cover a range of specialist areas including chemistry, ecology, environmental regulation, hydrology, engineering, quality control, planning, communications, business support and management functions. Our 12 regional offices enable us to work across the whole of Albania and our corporate office is in Tirana.

We monitor and report on the state of Albania's environment and use that sound scientific understanding to inform our independent regulation of activities that may affect its quality. We also publish a wide range of publications and environmental reports.

#### **Forestry Inspectorate**

The primary function of the forest inspectorate is to conduct inspections of the forest areas of Albania to ensure compliance with forest management legislation and to ensure compliance with agreed objectives of forest management plans.

Regular reporting by forest owners is the first stage in the monitoring and inspection of forest management in forest management plans. On-the-ground inspection of the forest owner's operations is an essential complementary action to secure compliance with forest management plans.

The inspections procedures, compliance criteria, time frequency, logistics of inspection and reporting procedures and format should be defined in detail within the forest inspection strategy. However, regular and routine gathering of information on operations, forest management and harvesting have a cost.

The NEI will ensure that sufficient staff with the appropriate expertise in the full range of forest resource management activities and variables involved in the forest management plans. The NEI will develop a protocol and procedures for facing potential breaches of forest management plan and/or forest law which are identified.

The NEI will ensure that adequate funds are made available to implement the monitoring of forest management plans and to ensure sufficient levels of inspection to deter contraventions of Forest Law, including on-the-ground inspections.

The distribution of the findings and results of the NEI monitoring activities and their incorporation into changes in policy and practices is an important component of monitoring and reporting. In this regard the design of monitoring and reporting procedures, will incorporate the lessons learned from experience to modify and improve forest management practices, forest plan management and operational procedures, and improve monitoring systems.

### **Water Inspectorate**

The function of the water inspectorate is to check the environmental permit conditions as far as discharges to water are concerned.

At the moment this function has not been formally recognised in legislative terms although the provision for the body itself has been.

The legislative process is ongoing in this regard and it is hoped that the functionality of the water inspectors will be defined before the end of 2014.

#### **1.1.1 Environmental compliance assurance**

Worldwide, environmental compliance assurance is supported by several principles, most importantly:

- Proportionality in the application of the law and in securing compliance;
- Consistency and credibility of approach;
- Transparency about how to operate as an inspectorate and what the regulated community may expect from the inspectorate;
- Targeting of enforcement action.

The concept of proportionality is addressed through the balance of action to protect the environment against risks and costs. Some incidents or breaches of regulatory requirements cause or have the potential to cause serious environmental damage. Others may interfere with people's enjoyment or rights, or the inspectorate's ability to carry out its activities. The inspectorate's first response is to prevent harm to the environment from occurring or continuing. The non-compliance response taken by the inspectorate should be proportionate to the risks posed to the environment and to the seriousness of any breach of the law.

Consistency means taking a similar approach in similar circumstances to achieve similar ends.

The Inspectorate aims to achieve consistency in the response to pollution and other incidents and the use of powers and decisions on whether to prosecute. The Inspectorate should recognise that consistency does not mean simple uniformity. Decisions on enforcement action are a matter of professional judgement and the inspectorate, through its inspectors, needs to exercise some discretion. Inspectors need to take account of many variables: the scale of environmental impact, the attitude and actions of management of the company, and the history of previous incidents or breaches. Arrangements to promote consistency, including clear decision-making criteria and effective arrangements for liaisons with other enforcing authorities should be developed and maintained.

Research shows also that the effect of inspection and enforcement is strengthened if it is credible.

Credibility can be achieved by clear and realistic targets, proportional sanctions for non-compliance, and a high chance of getting caught. Credible inspection and enforcement actions should have the following characteristics: continuity, adequately founded, proportional, deterring, but fair. Furthermore the actions of the authorities (including the inspectorate) should be legitimate, authoritative, professional, and co-ordinated. Laying the foundations of an environmental inspectorate

Transparency is important in maintaining public confidence in the inspectorate's activities. It means helping the regulated community and others, to understand what is expected of them and what they should expect from the inspectorate. It also means making clear why an inspector intends to, or has taken enforcement action.

Transparency is an integral part of the role of inspectors and the inspectorate will train (and continue to train) its staff to develop its procedures to ensure, that:

- Where remedial action is required, it is clearly explained in writing, if requested, why the action is necessary and when it must be carried out. A distinction should be made between best practice advice and legal requirements;
- Opportunity is provided to discuss what is required to comply with the law before formal enforcement action is taken, unless urgent action is required, for example, to protect the environment or to prevent evidence being destroyed;
- Where urgent action is required, a written explanation of the reasons is provided as soon as practicable after the event;
- Written explanation is given of any rights of appeal against formal enforcement action at the time the action is taken.

Targeting means making sure that regulatory effort is directed primarily towards those whose activities give rise to or risk of serious environmental damage, where the risks are least well controlled, or against deliberate or organised crime. Action will be primarily focused on lawbreakers or those directly responsible for the risk and who are best placed to control it.

### **1.1.2 Risks assessment**

The inspectorate will also need to develop tools to assess and compare risks. There are high risk sites (*e.g.* some major chemical plants or some waste disposal facilities) which should receive regular visits so that the inspectorate can be sure that remote risks continue to be effectively managed.

However, a relatively low risk site or activity poorly managed has potential for greater risk to the environment than a higher risk site or activity where proper control measures are in place.

The inspectorate is supposed to have systems for prioritising regulatory effort. They include the response to complaints from the public about regulated activities, the assessment of the risks posed by a permit holder's operations and the gathering, and acting on intelligence about illegal activity.

Inspection follow-up is important to ensure that shortcomings identified are addressed in an appropriate and timely fashion, and that there is verification of actions taken. In this regard there are a number of different tools available to public authorities for follow-up action items, depending on the severity of the concerns including, for example: notifications of changes to be made; identification of agreed actions and timetables; citations and fines; and, in the most severe cases, shutdown of facilities, etc. Repeated incidents or breaches of legal requirements, which are related, may be an indication of an unwillingness to change behaviour or an inability to achieve sufficient control.

It may require a review of the legal requirements (like license prescriptions), of the actions of the company's operator, and additional investment.

Public authorities will develop standardised protocols and forms, to promote a structured approach to inspections and to inspection reports. Protocols should address the steps included in the

inspection (from preparation to the on-site visit, through reporting and follow-up). This will allow improved understanding of trends over time and facilitate exchange of information and experience.

#### *The role of environmental compliance assurance*

In the case of the use of third parties (independent of government and the operating company) delegated to undertake technical or systems inspections on behalf of public authorities, there is need to ensure the quality of such parties (for example, through certification or accreditation schemes).

Public authorities retain their legal responsibilities for the inspections; they cannot delegate their responsibilities to the third party inspectors. Care should be taken to avoid conflicts of interest, in particular where such third parties engage in both consulting as well as inspection services. Inspection authorities should also be involved in other related activities designed to further the general objective of supporting improvements in external safety and labour safety, health, nature, etc.

#### *Legal Basis*

The legal basis and necessity for the strategy is provided by the EPL, the Law on Inspection, (No. 10433; 16.06.2011) and the DCM on the Inspectorate (No223; 13.03.2013). It is also provided by legal acts adopted to meet the requirements of the environmental acquis.

#### *Challenges*

The process of implementing and enforcing the large and complex body of EC law is a huge task that requires careful planning and management by the Inspectorate on an ongoing basis.

#### *Targets and Priorities*

On the operational level, the Inspectorate should develop annual work plans as part of strategy implementation. They should include at least frequency, time, resources and budget planning for installations to be inspected. The frequency of inspection is to be based on a systematic risk assessment with plants deemed to pose the highest risk subject to a higher level of inspection than plants posing the lowest risks. The plan should also describe compliance assistance and promotion activities and should allow time and resources to carry out administrative or any unexpected tasks. The work plan should be progressively based on the approaches of professional project management, e.g. with clear targets, measures of effectiveness, time and resource allocation, and identified preconditions for implementation.

In addition, the strategy and operational plans should accurately identify and profile the regulated community. The relevant information will include the name of the facility, contact information, geographic location, type of business or operation, any existing licence or permit, emissions and risks associated with their release, etc. Information gathering should proceed in many ways (inventories, licence applications, review of existing government records, registering procedures, ambient monitoring, etc.). Systems, computerised where possible, should be developed to store, access and analyse data on the regulated community.

#### *Reporting and monitoring procedures*

Priorities should be set by the Inspectorate to achieve targets systematically. This will enable monitoring and evaluation of progress on a regular basis. The overall purpose of monitoring and evaluation is the measurement and assessment of performance in order to more effectively manage development results. Monitoring is a continuous function that aims primarily to provide the Inspectorate, Ministry and main stakeholders with an ongoing intervention with early indicators of progress, in the achievement of results. Evaluation is a selective exercise that attempts to systematically and objectively assess progress towards and the achievement of an outcome.

## 1.2 Guiding Principles for the SEI

In summation of the above the following are therefore to be considered the 16 guiding principles that will be adhered to by the National Environment Inspectorate and its three sub sector fields of Inspection throughout the period of this initial institutional development plan.

### **Principle 1: Agency mandates and powers.**

*The Laws of Albania provide the NEI with clearly-defined mandates, responsibilities, and resources to protect public health and the environment. The NEI will measure the results of compliance and enforcement efforts with regard to national policies and environmental improvements.*

The legal framework provides the NEI with the power to promote or compel compliance with environmental requirements through regulatory incentives, technical assistance, or the threat of penalties.

The NEI has the institutional autonomy to develop and implement its compliance and enforcement program free from political intervention or external pressure related to economic development or other governmental or private sector priorities.

The credibility of the NEI is dependent on the public's perception of its independence.

### **Principle 2: Subsidiarity and devolution.**

*In line with the GoA commitment to decentralisation the decision-making in the NEI will be made at the lowest level that possesses the competency to effectively carry out the required tasks.*

In keeping with the principle of subsidiarity, functional responsibilities and tasks will be handled at the lowest competent level. At the national level the NEI will perform only those tasks that cannot be performed effectively at a lower level.

While the overall trend in Albania is to decentralize and devolve compliance and enforcement authority, the national government will ensure that the compliance and enforcement program is consistent, uniform, and fair throughout the country.

The NEI will retain authority on national standard-setting and policy-making, trans-boundary pollution, or potential to create pollution havens within certain administrative areas or localities.

The NEI will also retain ultimate enforcement powers over responsibilities devolved to local authorities.

The NEI will build and strengthen the capacity of sub-national units, provide necessary oversight, implementation support and coordination, including providing policy guidance, training staff, reporting results, and establishing appropriate funding and reporting mechanisms.

The NEI will allocate resources in proportion to delegated responsibilities and capabilities.

### **Principle 3: Inter-agency cooperation.**

*The NEI will play a proactive role in ensuring that Governmental agencies with complementary enforcement and compliance responsibilities will cooperate closely through clearly defined coordination mechanisms that address strategic planning and implementation.*

The NEI will work with other related agencies to ensure effective cooperation and coordination.

The relevant sectors and governmental functions in this regard include: health and safety, natural resources management, agriculture, energy, transportation, land use planning, economic development, and criminal investigation and customs.

In coordinating with other agencies, the NEI will address gaps and overlaps in authority, and ambiguity in operational roles. The NEI is aware that a lack of cooperation and coordination among governmental agencies will result in competition for jurisdiction and budget.

The NEI will encourage the use of inter-agency cooperation mechanisms can include: inter-agency agreements and governmental decrees that establish clear coordination procedures, and multi-agency committees or task forces. Sharing information among national and local agencies will be an effective strategy for understanding their inter-linked responsibilities, and facilitating coordinated decision-making.

**Principle 4: Planning and priority setting.**

*The NEI will develop a clear strategy and implementation plan that addresses program priorities, and realistically reflects current human and institutional capacity as well as financial resources available.*

In this regard the NEI will formulate a clear strategy and plan that addresses priority challenges and sets realistic targets.

Priorities will be set on the basis that will ensure maximum impact or optimal deterrent effect by addressing key challenges, advancing new or innovative approaches, and targeting resources.

In developing this enforcement strategy, the NEI will deploy a combination of enforcement instruments that enables the NEI to achieve its goals and test new approaches within existing program constraints. These instruments will address both preventive and punitive tools that can be applied to potential and actual violators. The resulting strategy will be a well-balanced combination of command-and-control and incentives-based measures that take into account Albania's regulatory culture, such as a preference for consensus-building.

The strategy will take full cognisance of the specific needs of the Forest, Environment and Fishery Inspection functions.

The NEI will base strategic planning on up-to-date information on the composition and conduct of the regulated community, and the NEI human and institutional constraints. The NEI will use a risk assessment process to focus its efforts on controlling pollution, illegal forestry and fishery activities, from priority sources.

The NEI will clearly communicate new priorities and plans to program personnel and the regulated community via appropriate means and messages to improve program implementation

**Principle 5: Monitoring and evaluating performance.**

*The NEI will adopt appropriate performance management systems to support planning, performance evaluation, and continuous improvement of programs based on performance indicators.*

To ensure effective implementation of compliance and enforcement programs, the NEI will establish performance management systems that enable decision-makers to measure progress toward achieving priority goals and objectives. Based on performance indicators that track NEI inputs, outputs, and expected outcomes related to environmental impacts, the performance management system should provide a basis for continuously improving core program activities and initiatives, such as planning, inspection and monitoring, enforcement actions, and incentives-based programming.

The NEI will use performance management systems to evaluate program strengths and weaknesses, inform planning decisions, justify increased governmental expenditures, and inform the public of status and achievements. To support performance management systems, the NEI will deploy computerized information management systems to store and analyze indicator information.

**Principle 6: Capacity building.**

*Environmental compliance and enforcement programs will include capacity development activities that build the human and institutional capacity necessary for the NEI to carry out its responsibilities effectively.*

The NEI will strengthen human and institutional capacity in environmental compliance and enforcement through a comprehensive personnel management and support system that not only strengthens employee capabilities, but also provides incentives for improved performance and commitment to this NEI Mission Statement. Staff member capacity building will include hands-on technical skills, management, and leadership training. On the institutional side, the NEI will dedicate resources to secure necessary equipment, information management systems, etc.

**Principle 7: Compliance monitoring and inspection.**

*The NEI will monitor compliance and conduct inspections in accordance with standard procedures that reduce risks to public health and the environment.*

The NEI will develop a compliance monitoring program that enables both detection and correction of violations, and supports enforcement actions. The NEI will monitor compliance via information developed from facility inspections, self-monitoring, and citizen complaints. To ensure effectiveness, uniformity, and fairness, the NEI will develop and adopt standardized monitoring and inspection procedures and practices, and manage the resulting information in computerized data management systems.

Given that monitoring and inspection is resource intensive, the NEI will in due time develop innovative approaches for improving efficiencies, such as multi-media inspections, community monitoring, and mobilizing trained and certified third-party inspectors.

**Principle 8: Self-monitoring, recordkeeping, and self-reporting.**

*The NEI will require the regulated community to self-monitor, self-report and keep records on their environmental performance.*

Self-monitoring, recordkeeping, and self-reporting are effective, fair, and efficient means for the NEI to monitor compliance. By requiring the regulated community to measure and report their performance, the NEI is able to shift some of the burden for compliance monitoring to the regulated community. Self-monitoring can also lead to prompt responses by the government and regulated sources to situations involving non-compliance. Through sanctions defined in regulations or permit requirements for false reporting or non-reporting, the NEI can ensure the accuracy of the reports and their usefulness as a management tool.

**Principle 9: Permitting.**

*Environmental compliance and enforcement programs will require all stationary pollution sources with significant environmental impact to obtain an environmental permit as a precondition to operation.*

The provision of environmental permits to industrial installations is a fundamental element of the regulatory process addressing pollution. Major pollution sources will be subject to environmental permitting on a case-by-case basis that promotes pollution prevention rather than end-of-pipe control as a fundamental principle. In contrast, small- and medium-sized enterprises will be subject to a simplified regulatory government, since these sources pose a lower environmental risk, and case-by-case permitting imposes a disproportionately heavy administrative and financial burden on sources and regulators.

Permit conditions will be unambiguous and enforceable, and will be based on statutory requirements and technical guidance developed in cooperation with all stakeholders. Permit conditions will be made accessible to the public.

**Principle 10: Rule of law in environmental enforcement.**

*The NEI will demonstrate commitment to the rule of law by developing timely enforcement responses that deter non-compliance and accomplish a range of objectives, including correcting violations and rectifying or compensating environmental harm.*

The NEI will demonstrate commitment to upholding the rule of law by acting to correct detected non-compliance through carefully designed response mechanisms. Enforcement of environmental requirements is a fundamental element of any compliance assurance program, and provides the basis for all command-and-control and incentives-based efforts by deterring non-compliance and correcting or redressing harm.

In designing its enforcement responses, the NEI will adopt the full range of response mechanisms that include informal approaches (site visits, warnings and notices of violation), and formal approaches that include civil, administrative or judicial enforcement (revocation of permits, facilities closure, liens, monetary penalties), or criminal enforcement (fines, imprisonment). Responses will

achieve a range of objectives: obtain information on violator conduct, return violators to compliance, impose sanctions, eliminate economic benefits of non-compliance, correct or redress environmental harm, and publicize results.

The NEI will develop strategies for pursuing administrative and judicial enforcement as more effective and efficient response mechanisms. In addition, the NEI will build on the preference in Albania for negotiation and settlement and identify improved methods for alternative dispute resolution.

**Principle 11: Fair, consistent and proportionate responses.**

*The NEI will develop procedures that clearly define enforcement responses and associated remedies that are timely, fair, consistent, and proportionate to the conduct.*

Enforcement actions will not be arbitrary. Environmental laws and regulations define standards of compliance, penalties for violations, and enforcement procedures that include minimum requirements of due process: legal notice, opportunity to be heard, right to an objective and timely process of adjudication, and right to an appeal.

In accordance with the law, the NEI will pursue enforcement responses that are timely, fair, and proportionate to the conduct. Where possible, the NEI will develop clear guidelines and procedures that define selection criteria in applying informal or formal response mechanisms and related remedies. Guidance will cover such activities as issuance of field citations, terms and conditions of permit revocation or facility closure, and calculation of penalties, and should clearly define the discretion of implementing authorities.

In responding to violations, the NEI will act in a timely manner to reduce adverse environmental impacts and to ensure an atmosphere of deterrence. To guarantee fairness, the NEI will also employ a consistent and transparent approach that makes clear what enforcement actions may be taken, in which situations, and for what reasons. Transparency helps the regulated community, other agencies, and the public understand the enforcement process and promotes confidence in the NEI. Acting with a solid legal and factual justification, the NEI will select an appropriate response from the full range of available remedies that is commensurate with the risks to the environment and severity of the violation, taking into account any mitigating factors.

**Principle 12: Compliance promotion.**

*The NEI will promote compliance with regulatory requirements by providing information and technical assistance, sharing best practices, and promoting adoption of voluntary measures.*

The NEI will integrate compliance promotion as a central tool in its compliance and enforcement programs. Through the provision of information and technical assistance, and the sharing of best practices, the NEI can assist the regulated community in overcoming barriers to compliance.

The NEI will also promote, where it deems appropriate, the adoption of voluntary programs that support the principles and practices of corporate social responsibility.

**Principle 13: Incentives-based instruments.**

*The NEI will employ economic and incentives-based instruments to promote compliance.*

As a complement to command-and-control regulation, the NEI will develop and employ incentives-based instruments that provide economic and other incentives for the regulated community to adopt technologies and practices that ensure compliance with environmental standards. Possible instruments might include: pollution charges on effluents or emissions, fiscal incentives for compliance or adoption of environmental management systems, or performance bonds.

In due course the NEI may establish financial mechanisms, such as independent revolving funds to support agency programs and priorities, or other environmental investments. In this regard the NEI will take care to integrate incentives schemes with other command-and-control programs to ensure that combined measures serve to deter polluting behaviour.

The NEI will also develop performance rating schemes that publicly disclose environmental performance information to exert public pressure on violators.

**Principle 14: Access to information.**

*The NEI will facilitate citizen access to relevant agency information, subject to reasonable rules.*

Public participation in environmental enforcement is meaningful only if the public has the information necessary to make informed interventions. In line with legal and regulatory requirements, the NEI will give civil society reasonable access to information on the activities of the agency and regulated community without prematurely revealing information on enforcement cases or compromising confidentiality. The NEI will establish procedures for citizens to request and receive specific information via all available media within a reasonable timeframe, subject to rules on trade and national security secrets. Providing access to information encourages citizen participation in ensuring environmental compliance.

**Principle 15: Stakeholder participation.**

*The NEI will provide clear mechanisms for stakeholder participation in decision-making on compliance and enforcement.*

The NEI will facilitate stakeholder involvement in governmental decision-making on enforcement and compliance plans, policies, and actions. Per legal requirements, the NEI will devise administrative procedures for notice and comment on planned agency actions (e.g., permitting decisions) through clearly defined participation and consultation processes.

The NEI decision-making will document and reflect due consideration of public comments.

**Principle 16: Citizen enforcement.**

*The NEI will involve civil society in compliance monitoring and filing of complaints or lawsuits.*

Civil society plays a vital role as an environmental watchdog. To promote citizen support in enforcement programs, the NEI will establish effective mechanisms for citizen participation in compliance and enforcement, including citizen monitoring and citizen enforcement through the courts. In developing these mechanisms, the NEI will safeguard the rights of persons subjected to enforcement actions.

The NEI will support development of citizen monitoring activities that facilitate involvement by civil society in identifying and reporting instances of noncompliance. The NEI can equip individuals and citizen groups with the necessary knowledge and tools to assist with end-of-pipe and visual and ambient monitoring efforts. The NEI can also establish telephone hotlines for example to support citizen participation.

### **1.3 SEI Strategic Objectives for the Period 2015 to 2020**

The SELEA project team would respectfully suggest the following strategic objectives for the period of the development plan are planned for and achieved.

**Staffing**

1. Current Environment Inspectors contracts terminated
2. Sixty New Environment Inspectors posts created with job descriptions relevant to the role of a modern EU Environment Inspector
3. Persons specifications developed along with other recruitment documentation to ensure a fair and honest process of candidate selection and employment
4. 60 new vacancies advertised in national and local press and a transparent process of selection applied
5. All new inspectors properly equipped and induction training given on engagement

6. All new inspectors undergo formal vocational training in all aspects of environmental permit inspection

#### **Accommodation**

1. SEI to locate and rent 12 regional offices
2. SEI to equip 12 regional offices as per above definition
3. SEI to ensure sufficient communications for offices and inspectors (High Speed Internet, Landline and Mobile phones essential)

#### **Equipment**

1. SEI to provide two motor vehicles to each regional office – one in year 1 and the second in the period of the SEI Development Plan.

#### **Functionality**

1. SEI to adopt the Inter Agency Protocol on joint Operational approach with NEA/DRM/RBA
2. SEI to develop an annual inspection programme for each of the 12 regions of Albania
3. SEI to conduct an annual inspection visits to all A and B permitted installations

The existence of inspection systems and the effective carrying out of inspections by the State Environmental Inspectorate (SEI) is a deterrent to environmental violations since it enables authorities to identify breaches and enforce environmental laws through sanctions or other means. Inspections are an indispensable link in the regulatory chain. They also contribute effectively to a more consistent implementation and enforcement of environmental legislation across the nation.

For the SEI implementation of legislation means:

- checking and promoting the compliance of controlled installations with relevant environmental requirements set out and applied in national laws, some of which have transposed EU legislation,
- monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action (such as issuing, modification or revocation of environmental permit) is required to ensure regulatory compliance.

For the SEI, enforcement of legislation is the application of statutory means through persuasion and sanctions to ensure compliance in a situation where it has been established that there is noncompliance with the permit requirements.

The SEI carrying out an inspection for the above scope requires all of the following:

- Site visits are an important part of inspection activities. In addition, data and documentation held by the industrial operator, particularly self-monitoring data and documents held under an eco-management and audit scheme, are important sources of information and should be included in the inspection activity. Environmental inspections should be planned in advance (unless responding to an incident). Regular reports should be established for each site visit.
- Compliance monitoring to determine if permit conditions and environmental quality standards are being achieved.
- Assessing the activities and operations carried out at the premises
- Inspection and consideration of environmental audit reports and statements.
- Verification of any self-monitoring carried out by or on behalf of operators of industrial activities and installations.
- Checking the premises by inspection of the entire site or priority sites to check things such as equipment energy efficiency, emission controls, material storage, management response, staff training and awareness.
- Checking the relevant records kept by the operator of the activity.

The State Environment Inspectorate (SEI) is a nascent institution having only been established in 2014. The formation of the SEI saw a split in the Environmental Protection Services delivery in Albania between the enforcement function of the SEI and the monitoring function of the National Environment Agency.

The SEI will have its administrative headquarters within the Ministry of Environment in Tirana and it will additionally have 12 regional offices in each of the 12 Qarks of Albania.

It is important to understand that the starting point at the SEI Environment sector is not good. Expectations in the period of this SEI Development Plan for the period 2015 to 2020 must be carefully managed. It is imperative that advances within the sector are sustainable and that the basic funding and by default therefore the equipping requirements of the inspectorate are met by the Government of Albania.

In relation to the strategic objectives of this fledgling organisation the following have been agreed as priority areas in the first five years of the new inspectorate. These objectives have been based on a strategic assessment of the operations of the SEI against the requirements of a modern functioning inspectorate with an appropriately skilled work force.

1. Prepare a SEI development and investment plan covering the period 2015 to 2020. Present the plan to MoE for their consideration.
2. Prepare annual budget requests that enable the SEI to not only operate on an annual basis but will also enable the investment in equipment, vehicles and support services in line with the requirements of a modern environmental inspectorate.
3. Obtain civil servant status for the staff of the SEI and to provide them with sufficient health & safety equipment to allow them to perform their role in a safe and effective manner.
4. Provide opportunity for staff members to undertake training and qualifications in order achieve a level of capacity in line with their job roles and the requirements of national legislation regarding the capacities of environment inspectors.
5. Co-ordinate closely with the National Environment Agency through an Inter-Agency co-operation agreement to improve the quality of permits being issued and to more fully engage the inspectorate with the permit application process.
6. Prepare 12 annual inspection programmes for each of the 12 Qarks in Albania
7. Conduct annual inspections at all A and B permitted sites.
8. Co-ordinate with other inspection agencies to improve the efficiency of inspection programming and to minimise the impact it has on industry.
9. Development of an electronic inspection database and the supporting infrastructure at regional level to ensure efficient data access for inspectors and to facilitate better engagement with the permit application decision making process. The system will be a precursor to an e:inspection system which could be considered in the next development phase of the SEI, post 2020.

10. The inspectorate will work to achieve a partnership relationship with permit holders and will conduct its operations in a fair, transparent and a-political manner to build confidence within industry about the function of the new inspectorate.
11. The inspectorate will act decisively and promptly in the case of regulatory non-compliance and will dedicate sufficient resources to the investigative and judicial process to ensure that environmental crime is thoroughly investigated and that perpetrators are brought to justice.
12. The SEI will form closer links with the police and the judiciary along with its other partners from the State environment protection and monitoring function to facilitate greater awareness of environment crime and to promote greater co-operation in the investigation and prosecution of such criminal activity. In this regard the SEI will co-operate fully in and assist with the establishment of an Environment Crime Taskforce under the leadership of the NEA.
13. The SEI will publish annual reports on its activities and these reports will be free from political interference. Copies of the SEI annual reports will be widely distributed to all interested stakeholders.
14. The SEI will actively pursue an awareness raising agenda through the education system and the media. This will ensure that environmental issues are kept at the forefront of the public's attention and there will be specific awareness campaigns run throughout the strategy development period and these initiatives will be announced on an annual basis and in the annual report.

In addition to the above the SELEA technical assistance project proposes that in order to have a joined up approach to environmental protection services delivery and as part of the SEI strategy there should be an Inter-Agency Protocol between the SEI, NEA and the 6 River Basin Agencies in Albania.

Furthermore a suggested mechanism for the establishment of an Environment Crime Taskforce has been proposed by SELEA and this is also detailed below.

## 2. State Environmental Protection Function – Inter-Agency Protocol

As a consequence of the government's institutional re-organisation in the environment sector and the establishment of the new State Environment Inspectorate there is a need to enter into an inter-agency co-operation between the key institutions delivering environmental protection services.

In regard to the principle of Inter-Agency Co-operation the SELEA project team proposes the following strategic interagency protocol agreement between the National Environment Agency (NEA); the State Environment Inspectorate (SEI) and the River Basin Agencies (RBA's) in order to facilitate a better delivery of environmental protection services and in addition to meet the challenges of both Environmental Emergency Incident Response and Climate Change Adaptation.

In this regard it is proposed that the state entities mentioned above will co-operate and co-ordinate their collective activities in the following operational areas of environmental protection service delivery:

- The SEI; NEA & RBA's shall co-ordinate their activities in regard to the Environment Permit application process to ensure that the technical opinion of both bodies is reflected in the response to the applicant. In this regard the SEI; NEA & RBA's will appoint representatives to co-ordinate these activities in each of their respective regional offices. A joint monthly meeting will be convened and chaired by the NEA director to review matters of joint interest. This monthly meeting will help to ensure that information flow and communication between parties is sufficient to ensure an efficient and effective contribution on both sides to the environment permit application process. A protocol will be established to formalise the mechanism for this component of the inter-agency agreement.
- In the immediate term the NEA will through its regional offices identify persons who will act as sampling officers in a supporting role to the SEI & RBA's. Equipment provided by the EU through their SELEA project will be managed by the NEA and in this regard the SEI & RBA's will request the presence of a sampling officer where they suspect non-compliance with discharge limits or in the case of pollution incidents to the aquatic environment.
- The NEA; SEI & RBA's will, in co-operation with the Ministry of Environment, establish a joint taskforce on pollution incident and environment emergency response. The taskforce will be managed by an emergency preparedness committee which will be chaired by the Director of the NEA. Members of the committee will be appointed by the chairman and the committee will appoint the members of the taskforce on the basis of technical capacities and the perceived origin of threat. In this latter regard the first activity of the newly formed committee will be to assess the sources of potentially damaging environmental impacts and to develop strategies to manage possible pollution events from the identified sources. The Committee will develop a joint agency operational protocol and set of standard operating procedures for the management of environmental emergencies and pollution incidents. The taskforce will ensure that its' first priority is to establish a direct line of communication with the National Emergency Preparedness Committee of the Central Government. The Taskforce will report annually to the Ministry of Environment with a copy of the annual report being sent to the National Emergency Preparedness Committee of the Central Government.
- The SEI; NEA & RBA's will in co-operation with the Ministry of Environment establish a committee on Climate Change Adaptation in order that the threat of Climate Change to Albania is effectively and scientifically determined and that Climate Change Adaptation

measures relevant to the level of threat are designed and implemented. A National Climate Change Adaptation Strategy with an associated list of measures and an implementation plan will be developed by the Committee and circulated to all relevant stakeholders within the 1<sup>st</sup> year of the committee's formation. Following the publication of the National Climate Change Adaptation Strategy the regular auditing of Climate Change Impacts whether it is the causes or the effects of Climate Change will be conducted and monitored by the NEA. The NEA will appoint a team of Climate Change Adaptation Auditors in order to ensure that the challenge of Climate Change and the Implementation of Climate Change Adaptation measures is monitored for effectiveness and to verify that the planned impact of the mitigation measure is being realised. The Climate Change Adaptation Committee will report annually to the Ministry of Environment.

- The NEA; SEI & RBA's will, in co-operation with the Ministry of Environment, establish and operate a joint data management and information sharing platform relevant to the joint delivery of environmental protection services delivery. A working group will be established and chaired by the Ministry of Environment to establish the basis for such a platform and to explore the technical requirements of such a resource and the information required by parties intended as resource users. The working group will be given an operational remit by the MoE in this regard and it will formally report back to the MoE after a period of 3 months with initial findings. Once the MoE approves the outputs of the working group it will be reconvened with a view to developing a set of management The NEA; SEI & RBA's will, in co-operation with the Ministry of Environment, establish a joint protocols for such a system operation and to develop a technical specification for the technology required to deliver the inter agency platform.

## **2.1 Establishment of Environment Crime Taskforce for Albania**

It proposed to develop a protocol for the establishment of an Environment Crime Taskforce comprising membership from the key enforcement organisations in Albania.

The Environment Crime Taskforce for Albania (ECTA) is a group tasked with supporting delivery of the Albanian Government's commitment to tackling environmental crime. Its creation recognises that criminal activities have a significant impact on Albania's environment, economy and communities and that the most effective way to tackle environmental crime is by partnership working between all relevant stakeholders.

The members of ECTA will be as follows:

- Ministry of Environment
- National Environment Agency (lead agency)
- State Environment Inspectorate
- State Veterinary Service
- Water Basin Agencies
- State Prosecution Service
- Customs
- Police
- Forestry Police
- Municipal Police
- Tax Police
- Traffic Police

The National Environment Agency will be the lead agency of ECTA and will be the secretariat for ECTA. The NEA will host and chair all ECTA meetings. For the purposes of protocol the Director of the NEA will be the head of ECTA in his absence a Deputy Head will be appointed on a rotating basis from within the membership bodies.

The scale and extent of environment crime in Albania is the most significant intelligence gap in our understanding of this issue and it is central to the development and implementation of effective interventions.

ECTA partners will work together to examine current practices in terms of intelligence gathering and development, information sharing, joint coordination, resource implications, operational planning, joint objectives and delivery mechanisms. In order to make the best use of resources and opportunities for taking forward effective interventions, the ECTA acknowledges that intelligence and data held independently by individual ECTA members should be considered collectively.

The following actions are agreed as part of this work:

- Development of an agreement that an Information Sharing Protocol (ISP) will be developed between ECTA Members;
- agreement that ECTA members will seek to improve information and intelligence sharing in respect of environment crime;
- agreement that ECTA members will develop a joint Problem Profile in relation to environmental crime;
- agreement that a joint organisational Operational Steering Group with clear focus towards Environmental Crime will be established. This group will deliver recommendations for tactical action and prioritisation to ECTA;
- undertake joint operational action against environmental criminals.

### **Multi-agency Approach to Significant Large Scale Deliberate Acts of Environmental Degradation**

The ECTA will agree that the adoption of a multi-agency approach to tackle significant large scale deliberate acts of environmental degradation should be a priority area.

The following actions have been identified as part of this work-stream:

- the ECTA will endorse a multi-agency approach to counter those involved in significant large-scale acts of environmental degradation.

### **Illegal Waste Disposal**

The ECTA recognises that the Albanian Government wants fresh action and solutions to tackle illegal waste disposal to help deliver on its commitment to the National Waste Management Strategy.

The following actions have been identified as part of this work-stream:

- agreement that the ECTF will support intelligence development, analysis and targeting of offenders engaging in these activities;

### **Wildlife Crime**

The ECTA recognises that there are opportunities for mutual benefit in sharing intelligence, guidance and best practice in respect of roles and responsibility in combating wildlife crime.

The following actions have been identified as part of this work-stream:

- Agreement that a strategy on wildlife crime should be developed within 1 year
- agreement that a workshop is conducted between relevant partners to explore further opportunities in this area;
- agreement that training and awareness packages relating to environmental crime are developed and delivered to appropriate partners;
- agreement that there should be liaison and subsequent exchange of intelligence between ECTA members.

### **International Environmental Crime**

The ECTA will be a key supporter of proposals made by members for their bid for funding to undertake project-based work on developing our understanding of environment crime and developing intervention activities with partners across the European Union.

Interpol recognises that pollution-based crime, including waste crime, is a serious and growing international problem and has commented:

*Environmental crime is not restricted by borders, and can affect a nation's economy, security and even its existence. A significant proportion of both wildlife and pollution crime is carried out by organized criminal networks, drawn by the low risk and high profit nature of these types of crime. Indeed, environmental crime often occurs hand in hand with other offences such as passport fraud, corruption, money laundering and murder*

**([www.interpol.int/Crime-areas/Environmental-crime](http://www.interpol.int/Crime-areas/Environmental-crime))**

In response, Interpol has formed an Environmental Compliance and Enforcement Committee to design and develop strategies to enhance the effectiveness and efficiency of national and international responses to environmental compliance and enforcement.

The ECTA will work with Interpol to identify effective solutions in tackling international environmental crime through intelligence sharing and the identification of best practice approaches.

The following actions have been identified as part of this work-stream:

- ECTA will develop formal ties with Interpol
- ECTA will contribute to the international agenda in fighting environment crime

### **Recommendations on the future of the ECTA**

ECTA will be valuable in the context of enhancing members' capacity and capability to tackle environmental crime. Understanding of environmental crime will improve and the ECTA will support practical action against environmental criminals. There are further opportunities for more work in this area.

The following recommendations are offered for consideration:

- that the ECTA should be established and continues subject to annual review and report;
- that ECTA should hold an inaugural members meeting organised and hosted by the NEA (lead agency on ECTA)
- the ECTA should build upon the achievements already delivered from the agreed remit, and with a primary focus upon waste crime;
- that the membership of the ECTA should be agreed and regularly reviewed;
- that the ECTA explore ways of measuring success with respect to tackling Environmental Crime;
- that an Environmental Crime Conference is developed and held in 2015 in which the vision of the ECTA in tackling environment crime, is promoted to appropriate stakeholders;
- that a wider communication strategy be developed which raises awareness of environmental crime as a threat to the Albanian environment, its economy and communities; and the role of the ECTA and partners in tackling this crime when and wherever it is found;
- that the ECTA will explore opportunities to influence and direct new policy and legislative change to tackle environmental crime.

### 3. Qualitative and Quantitative Analysis for Staffing Needs

#### Assumptions

The following have been assumed in this process:

- Staff numbers will be reduced in line with SELEA recommendations in order to improve the quality of staff employed and by default the outputs of those reduced numbers through better enforcement.
- Financial resources will be significantly increased to ensure that the National Environmental Inspectorate can effectively function in line with the requirements of local legislation on Environment Protection; Water and Forestry.

#### Challenges

In regard to the above and the legal framework for the national Environment Inspectorate the challenges facing the GoA in this regard are numerous however the main challenges have been outlined below:

- Current funding in terms of environmental protection are unsustainable in the context of proposed new legislative functionality.
- Salaries and employment status for inspectors must be addressed to ensure a professional approach to environment inspection in line with legislative requirements and strategic aspirations.
- Resources for functionality in certain key areas of the inspectorate function fall well below those required for even basic inspectorate functionality.
- Human capacities in terms of a modern inspectorate function are low.
- Due to the nature of the institutional reform there will be significant challenges in both intra institutional and inter institutional co-operation for this new entity.
- The sole reliance by the GoA in its self-monitoring approach to industry in Albania is narrow minded and does not in itself as a policy ensure good environmental compliance by industry.

Many of these challenges will need to be met head on by the GoA and at the earliest opportunity or the new NEI will very quickly lose credibility with the citizens of Albania.

#### Staff Complement

Now that the SEI has been formed and the staff have been split the overall staff complement of the SEI is outlined in the table below.

Location	Environment	Forestry	Water	Support Services
Tirana HQ	7	7	6	7
Berat	10	6	3	7
Diber	6	11	2	7
Durres	15	11	9	7
Elbasan <sup>2</sup>	10		3	7
Fier	11	9	3	7
Gjirokaster	5	11	3	7
Korce	9	14	6	7
Kukes	5	9	2	7

<sup>2</sup> SELEA has not been given a complete staff list for Elbasan and the numbers given are based on the candidates attending the training and the generic number (7) for support services.

Lezhe	8	10	8	7
Shkoder	7	11	8	7
Tirana	21	11	6	7
Vlore <sup>3</sup>	9	7	9	7
	<b>123</b>		<b>68</b>	

The replacement of 123 inspectors in the environment sector has compromised the capacity building activities carried out in the framework of SELEA. These changes have largely occurred in late 2013/early 2014 and the process and formal agreement of staff appointments has made it impossible for SELEA to conduct any training until late January 2014. Most of the current staff compliment was only formally engaged with the SEI in the period February/March and May 2014.

The situation has been extremely challenging and complicated and even though a small amount of training was done for new appointments in December 2013 many of new appointments found themselves being replaced in early 2014. Indeed even now we have an issue with the inspectors at Vlore who having been appointed in February 2014 have been dismissed and no training has been done with these new appointees.

All these issues are discussed more fully in the summative training report for the SELEA capacity building activities.

The SELEA project has been mandated only to work with the water and environment inspectors. The SELEA project proposes to consider the dismissal of the 68 Water Inspectors as their presence seems to be a duplication of effort with the River Basin Agency staff and the Environment Inspectors. It is clear that there are very limited funds available to allow these inspectors to do anything meaningful and the lack of clarity on their functionality at the moment means that even they do not have a clear understanding of their intended job role. In the longer term and with the present lack of adequate funding for the environment sector it would be prudent to focus on quality and not quantity.

The priority are at the moment should be getting the environment permit inspection system fully functioning and this would include discharges to water. The environment inspectors could undertake these roles in the period of the Plan. It is a logical function for the environment inspectors and they at least do have a clear remit underpinned by legislation.

This has two benefits for the Government, firstly it saves valuable resources in the sector and secondly it allows the inspectorate to build their capacities in the sector, particularly in regard to discharge consents and limits monitoring, which means that they can then train the new water inspectors in this specific role when they are employed in the period 2020 to 2025.

This is a better solution to an issue which currently leaves a group of State employees in limbo.

In this regard the SELEA project therefore proposes to concentrate on appointing a new generation of Environment Inspectors based on qualifications and experience matched to the job description of a modern environment permit inspector.

In terms of the future staffing arrangement within the SEI (Environment Sector) there are two challenges for the SEI. The first is the qualifications and capacities of the newly appointed staff and the second is the staff deployment.

### **Staff Qualifications and Competencies**

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<sup>3</sup> SELEA were originally given a list for Vlore however the persons on the list were subsequently dismissed and at the moment there are no inspectors employed in Vlore. The number given is therefore indicative of the numbers on the old list.

A deep rethink on how to proceed with capacity building measures to ensure that the level of training is pitched correctly to the prospective candidates is needed. This means that capacity building programmes will need to be delivered over longer periods of time, be more structured in terms of stages of learning and be conducted in small groups.

If this lack of salient education can be overcome, which should be possible with careful planning and assessment of potential candidates then the next hurdle is overcoming the mind-set of the new appointees who really have no genuine interest in the subject matter or the job role. This is a far greater challenge to future capacity building.

These new employees really need to be encouraged to adopt a responsibility for the role they have been given.

This is a more difficult mind-set to overcome as these individuals seem not to be accountable or at least have very little accountability. The Government institutions should try to better engage these individuals and hold them accountable by implementing robust management at a supervisory level.

In the final analysis however the easiest solution for the future development of the SEI would be to start again with the staffing and properly advertise the available posts with job descriptions and the basic qualifications and competencies required to undertake the tasks of the job role. In this regard the SELEA project proposes the following actions:

1. Terminate all contracts with Water and Environment inspectors and clear advertising of all positions vacant with a list of qualifications and experiences required for the job descriptions being advertised.
2. Recruitment should be restricted to 60 new inspectors for all of Albania (12 Qarks) in the environment sector. This number would be appointed, given civil servant status and paid a salary in line with such status. They would be equipped and trained as modern environment permit inspectors.
3. The recruitment of the 60 new inspectors for the Environment based on a credible interview process where potential candidates are evaluated on a process that is credible against a set of pre-determined criteria.
4. Training and equipping of new recruits in modern inspection methods and adoption of a new inspection framework to underpin the legislative requirements of a modern EU aspiring state.
5. Water Inspectors will not be employed until the period 2020 to 2025 following on from a thorough review of their proposed function, areas of responsibility and required numbers.
6. Staffing costs would be very slightly increased from 250€ to 300€ per month per inspector and this would give an annual salary total for the 60 new inspectors of € 216,000.00 excluding the HQ staff.

### **Staff Deployment**

In regard to the actual practicalities of staff deployment this should be done for each of the following inspectorate sectors and based on some criteria as outlined below:

The SELEA project team has put together a complete electronic database of permitted facilities across Albania. On the basis of this list and of the permit categories on the list a risk assessment exercise can be conducted whereby priority of resources deployment is given to areas of the highest environmental impact. In this regard there are two key actions for the SEI:

1. The database should be brought up to date and all the A and B permits should be identified and a table produced on a Qark by Qark basis with the number of A and B permitted installation in each
2. Re-allocation of staff relevant to the numbers of A and B permits in each Qark

This process should be concluded by the end of 2014. This means that the resources available would be deployed to the areas where there is the highest environmental risk from permitted activities.

### **3.1 Determination of Equipment and Resource Requirements**

In order for the inspectorate to function in the regions the table below illustrates the needs in this regard and includes accommodation and office infrastructure.

*The table assumes that the Inter-Agency Co-operation agreement will be adopted by all parties and that all water and other sampling will be conducted by the NEA on behalf of the environment inspectorate.*

Location	Staff No	Office Rental*	Office Eqt.**	Vehicles (x2)***	Inspection Eqt.****	PPE*****	Salaries Monthly	Ops Budget Mthly*****	Totals in EURO		
									Monthly	Annual	Cap-Ex
Berat	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Diber	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Durres	6	600	2,000.00	30,000	9,000.00	1,200.00	1800	4,000.00	5,800.00	69,600.00	42,200.00
Elbasan	6	600	2,000.00	30,000	9,000.00	1,200.00	1800	4,000.00	5,800.00	69,600.00	42,200.00
Fier	6	600	2,000.00	30,000	9,000.00	1,200.00	1800	4,000.00	5,800.00	69,600.00	42,200.00
Gjirokaster	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Korce	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Kukes	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Lezhe	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Shkoder	4	600	2,000.00	30,000	6,000.00	800.00	1200	3,000.00	4,200.00	50,400.00	38,800.00
Tirana	8	800	2,000.00	30,000	12,000.00	1,600.00	2400	5,000.00	7,400.00	88,800.00	45,600.00
Vlore	6	600	2,000.00	30,000	9,000.00	1,200.00	1800-	4,000.00	5,800.00	69,600.00	42,200.00
	<b>60</b>								<b>60,000.00</b>	<b>720,000.00</b>	<b>486,000.00</b>

**Notes to table:**

\*Office Rental costs includes monthly telephone, internet, utilities and rental charges.

\*\*Office Equipment consists of office furniture, a Telephone, Mobile Phones for each inspector, Desktop Computer and Monitor (x2), Fax/Scanner/Printer (colour). Total €2000.00 per office

\*\*\* Motor Vehicles would be 1 x 4x4 vehicle (22,000.00€) and 1 x saloon car (8,000.00€).

\*\*\*\*Inspection Equipment consists of a Laptop Computer; GPS Device; Digital Camera and a Notebook (Total = 1500€ per inspector)

\*\*\*\*\*PPE Each inspector should be equipped with the following items: Steel Toe Capped Boots; Steel Toe Capped Wellington Boots; Hard Hat; Fluorescent Vest; Waterproofs; Safety Glasses; Ear Defenders; Respiratory Mask with Spare Filters; Coveralls & Gloves. (Total = €200.00 per inspector).

\*\*\*\*\*Operational Budget – Monthly operational budget includes office rental charges BUT does **not** include salaries

### **3.2 SEI Development Plan Review**

It is important that this development is reviewed in the first quarter of 2020 in order that an appropriate level of funding can be requested from government finances for the next plan period 2021 to 2025.

Future plans will be developed on a 5 years rolling programme.

It is also important to ensure that plans are preceded by a thorough operational review of the inspectorate function as any new investments whether in manpower or equipment will need to be factored in to the budgetary arrangement for the following plan period.

This will be particularly important in the second plan period 2021 to 2025 when manpower may be significantly increased in the environment and water sectors depending on operational review and of course availability of central government funding.