



Commission of European Communities, for  
and on behalf of the Government of  
Albania,

Ref.: EuropeAid/124909/C/SER/AL

# **Implementation of the National Plan for Approximation of Environmental Legislation in Albania**

**Component B: Implementation Planning**

**Sector: Waste Management**



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## **DIRECTIVE SPECIFIC IMPLEMENTATION PLAN**

### **Directive on Waste (2008/98/EC)**

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## List of Abbreviations

BAT	Best Available Techniques
BOT	build – operate - transfer
CA	Competent Authority
CARDS	Community Assistance for Reconstruction Development and Stabilization
CDF	Confined Disposal Facility
CDW	Construction and Demolition Waste
CF	Cohesion Fund
CoM	Council of Ministers
CP	Collection Point
DCM	Decision of Council of Ministers
DfID	Department for International Development (UK)
DG	Directorate General
DSIP	Directive Specific Implementation Plan
EAN	Environmental Agencies' Network
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECJ	European Court of Justice
EEA	European Environmental Agency
EEC	European Economic Community
EFA	Environment and Forests Agency
EI	Environmental Inspectorate
EIA	Environmental Impact Assessment
EIB	European Investment Bank
ELPA	Environmental Legislation and Planning (project)
EMAS	Environmental Management Audit Schemes
EPR	Environmental Performance Review
ERDF	European Regional Development Fund
EU	European Union
EWC	European Waste Catalogue
ftpe	full-time person equivalent
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
HE	Health Establishment
HW	Hazardous Waste
IFC	International Finance Corporation
IFI	International financial institution
INPAEL	Implementation of National Plan for the Approximation of Environmental Legislation
IPA	Instrument for Pre-accession Assistance
IPC	Industrial Pollution Control
IPH	Institute of Public Health
IPPC	Integrated Pollution Prevention and Control

ISPA	Instrument for Structural Policies for Pre-Accession
KfW	Kreditanstalt für Wiederaufbau
LGU	Local Government Unit
LIFE	Legal Instrument for Environment
MAFF	Multi-annual Financial Framework
MAP	Mediterranean Action Plan
METE	Ministry of Economy, Trade and Energetics
MoAFCP	Ministry of Agriculture, Food and Consumer Protection
MoD	Ministry of Defence
MoEFWA	Ministry of Environment, Forests and Water Administration
MoF	Ministry of Finance
MoH	Ministry of Health
MoPWTT	Ministry of Public Works, Transport and Telecommunications
MoU	Memorandum of Understanding
MS	Member State
MTF	Medium Term Financing
NAPISAA	National Action Plan for the Implementation of the Stabilization and Association Agreement
NEAP	National Environmental Action Plan
NES	National Environmental Strategy
NfPO	Non for Profit Organization
NGO	Non-Governmental Organisation
PEPSE	Private Enterprise Partnership for Southeast Europe
PHARE	Poland and Hungary Assistance for the Restructuring of the Economy
PPP	Public Private Partnership
PVC	Poly Vinyl Chloride
REA	Regional Environmental Agency
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
REC	Regional Environmental Centre
RoA	Republic of Albania
RoHS	Restriction of Hazardous Substances
S	Senior
SAA	Stabilization and Association Agreement
SAPARD	Special Accession Programme for Agriculture and Rural Development
SIDA	Swedish International Development Assistance
SME	Small and Medium Enterprise
SoER	State of Environment Report
TA	Technical Assistance
TAT	Technical Assistance Team
ToC	Table of Concordance
ToR	Terms of Reference
UNDP	United Nation Development Programme

UNECE	United Nations Commission for Europe
UNEP	United Nations Environment Program
WB	World Bank
WEEE	Waste Electric and Electronic Equipment
WMP	Waste Management Plan

## INTRODUCTION

This report presents the results of the legal, administrative and institutional assessment of the current state of approximation to the Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, and the overall plan to obtain full approximation in preparation to the country's accession to the EU.

The report highlights the gaps and problems/weaknesses that may hinder the effective transposition and implementation of the Directive and, therefore, identifies the capacity enhancements needed to ensure its effective and efficient implementation. The report also provides the best estimates of costs and benefits that can be made at the present time.

The report draws on the examination of relevant available documentation, together with numerous contacts and detailed discussions held both within the Technical Assistance Team (TAT) and between TAT members and a wide range of key officials.

The report is divided in 3 main sections. Section 1 provides the requirements of the new waste framework directive; section 2 provides an overview of the current existing situation in Albania regarding the current status of waste policy, roles' share between stakeholders, legal framework, status of implementation of waste legislation and investments in Albania. Section 3 is about the approximation plan for this directive in Albania, including transposition and implementation, cost estimates and potential funding resources for the implementation of this directive in Albania, as well as the benefits from its implementation.

The document is accompanied by three annexes.

## Executive summary

A new **Waste Directive** was adopted on 19 November 2008. This new Directive (Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives) repeals Directive 2006/12/EC (the previous Waste Framework Directive), 91/689/EEC (the previous Hazardous Waste Directive) and 75/439/EEC (Waste Oils Directive), as from 12 December 2010.

The new Waste Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

The Directive aims to extend producer responsibility, i.e. acceptance (by producers) of the returned products and their waste after use, waste management and financial responsibility, public information on re-use and re-cyclability, etc.

It establishes a waste hierarchy to be followed, according to the given priority order, and requires, where technically, environmentally and economically, the separate collections of waste for at least; paper, metal, plastic and glass; but also waste oils and bio-waste.

Re-use, Recycling, Recovery and Disposal have been defined more clearly than in the previous directives. The re-use should be encouraged. High quality re-cycling is promoted. Recycling targets have been set until the year 2020. Disposal, the final stage of the waste hierarchy, must be carried out without endangering human health and without harming the environment.

The Directive requires the producers and/or holders of waste to pay the costs for waste management, in accordance with the polluter pays principle. An integrated network of waste recovery and disposal installations for municipal waste must be established, taking into account BAT; if appropriate, in co-operation with other Member States. All installations must obtain a permit from the Competent Authority. Measures must be taken to control hazardous waste.

Waste management plans covering the whole territory of the country, including waste prevention programmes, are requested to be compiled and

made publicly available on a relevant website. Relevant stakeholders must have the right to participate in their elaboration.

### **Background**

So far, progress with waste management has been made primarily in the legislation area. A number of waste related acts have been approved, of which the most important ones are: Law “On the environmental administration of solid waste” and Law “On hazardous waste administration”. The purpose of these laws is to ensure protection of environment and human health from pollution and damage resulting from solid waste through their treatment at every stage: generation, collection, separation, protection, transportation, recycling, processing and elimination leading to reduction of waste and its harmful impact.

The laws define the duties of different state bodies related to waste management, MoEFWA, METE, MoPWTT, MoAFCP, MoH, local government, etc. MoEFWA is the institution dealing with policy-making, law drafting, permitting waste establishments/ import/export; monitoring, registering, data management, etc. Duties of waste generators and holders are also described.

Forbidden activities in waste management include: import of waste for storage and disposal; waste disposal in areas other than those permitted; open burning of waste; the disposal of liquid, explosive and oxidising; flammable; hospital and infectious wastes and used tyres in landfills; the mixing of hazardous and non-hazardous waste; etc.

A tentative start has been made to include waste hierarchy and encourage its consideration. A number of regulations on different kind of waste are requested by these laws including: inert, agricultural, bulky, industrial, mining and hospital waste. However, most of these necessary regulations are yet to be adopted. Criteria are set for the establishment of waste sites.

### **The problem**

By signing the SAA with the EC, Albania committed itself to co-operate on priority areas related to the Community *Acquis* in the field of environment, approximate its national legislation and comply with European legislation.

The laws mentioned above have transposed to some extent Directive 2006/12/EC on waste (only 15%) and Directive 91/689/EEC on hazardous waste (62%): both of them repealed by the new Waste Directive (from 12 December 2010). On the other hand, implementation level, has been low. A waste strategy and a waste management plan have been lacking, although being requested by legislation. Lack of such a document, guiding the overall waste management efforts of the country, has brought about low cost-effectiveness of the limited financing in the area (both national and international). Law implementation has also been compromised by lack of infrastructure/waste facilities, lack of administrative and human capacities, which have never corresponded to the gravity of waste problems in the country, lack of public awareness on waste management and acceptance of waste as a resource.

Under such circumstances, it is very clear that a sound waste management and compliance with Directive 2008/98/EC cannot be achieved making use of the current waste legislation. A new waste legislation is needed, which fully transposes the latest approved Directive on waste. As a matter of fact, different EC progress reports recommend continuing with the transposition of new directives.

The transposition of the legal requirements of this Directive into national legislation is the first important step of a long list of measures needed for its full implementation in Albania.

Implementation of this Directive will pose lots of challenges to the country, since it will impose a change in the overall attitude towards waste for the administration, industry and the general public. The administration will have to face the challenge of increasing its capacities, getting them strengthened, compiling (and periodically revising) waste management plans, monitoring and reporting their implementation results, increasing their efforts for transparency towards the general public, drafting new regulations, strengthening its enforcement functions, gradual closure of existing dumpsite, and establishment (in cooperation with industry) of networks of waste facilities for safe recovery and disposal of waste. Separate collections will be needed for at least six waste streams. Both the household sector and industry will need to be more deeply involved with waste management, taking over the related costs, etc. The general public will be given more chances for access to and involvement in planning of waste management.

### **The plan for approximation**

The overall plan to achieve full approximation has been prepared by the INPAEL staff and presented to the Waste Management Working Group for comments. It consists of a legal transposition plan and an implementation plan (including enforcement).

*The legal transposition plan* is composed of one action: drafting of the law on waste management, as well as the preparation of secondary legislation.

*The implementation plan* is composed of a number of actions which have been compiled into 10 major groups of implementation actions. All the necessary actions have been given at the table below together with the suggested time for their implementation. The year of accession is assumed to be 2015.

	<b>Overall Approximation Plan</b>	<b>Start</b>	<b>End</b>
1	Full transposition of the directive into the new integral Waste Management Law	Year 00	Year 01
2	Establish administrative structures, build capacity, assign resources	Year 01	Year 13
3	Waste management planning	Year 00	Year 03
4	Promote prevention, re-use, recycling and recovery,	Year 02	Year 09
5	Safe disposal	Year 02	Year 13

6	Permits, exemption, registration	Year 05	Year 06
7	Hazardous waste management (other than streams mentioned below)	Year 02	Year 05
8	Healthcare waste	Year 03	Year 04
9	Establish systems of separate collection of waste oils	Year 05	Year 06
10	Financial analysis	Year 03	Year 03
11	Reporting	Year 07	Year 07

The estimates for implementation costs (actions 2-11 of the approximation plan) are given below. Transposition costs for the law are covered by the current INPAEL project.

The resource requirements comprise: human resources together with the facilities to do the job; training; travel; technical and engineering measures, equipment procurement; production of documents; and technical assistance projects; expenses for public and stakeholders consultation/awareness campaigns; laboratory facilities and instrumentation; enforcement.

The unit costs used to estimate the costs of resources were based on the local data available and cost data from the region. All costs are estimated in constant 2008 prices.

The total costs of implementing the Directive on Waste in Albania are estimated to be one-off costs of just over €150 million and recurrent costs which rise to just over €52 million per year by the year 13.

The *Lion's Share* of the one-off costs is to be born by the public administration (€136 million or 88% of the total), of which the regions and local administration (€121million or 78%) and the central administration (€ 15 million or 10%, of which the bulk is to be born by the MoEFWA). The rest is to be shared between the construction and oil industry (€18.5 million or 12%).

The annual costs are to be shared more or less in the same way: public administration (€ 49 million or 92% of the total annual cost) of which the regions and local government (€ 45 million or 86%) and central government (€ 3.8 million or 6%, of which the bulk is to be born by the MoH). The rest is shared between the construction, oil and other industries (€ 4.34 million or 8%).

By type of implementation measures, the bulk of one-off costs will go for equipment and civil engineering (€133 million or 86% of the total), technical assistance (€ 12.4 million or 8%), public awareness (€ 8.3 million or 5.3%), etc. The annual costs will go basically for the operation and maintenance of new equipment (€ 41.7 million or 79% of the total annual cost), new personnel (€ 5 million or 9%), etc.

The total additional human resources required to implement the Directive on Waste is estimated at 350 full time specialists, of whom the majority will be employed by the public administration (277 or 80%), of which at the regions and local administration will receive the highest numbers (268 or 75%) and the rest at the central administration. MoEFWA will receive (9 or

2.6%). The healthcare establishments will employ 62 or 18% of the total additional number.

The main possible sources of funding include: costs paid by waste producers themselves; private capital, charges/fees/taxes; state, municipal or communal budgets; environment funds; grants/loans from international donors and commercial banks.

Benefits from compliance with this Directive encompass: improved administrative and human capacities, strengthened institutions, improved planning, monitoring and reporting, and last but not least, a drastic improvement of waste management in the most cost-efficient way leading to significant improvement in protection of the environment and human health. As a consequence, a step forward to the EU accession.

Obviously, full compliance with the Directive and the time when it is achieved depends on the willingness of the Albanian government institutions to undertake the above measures and secure the necessary funding at the pace foreseen above.

# 1 Requirement of the EU Legislation

## 1.1 EU Legislation Covered

The EU legislation covered in this implementation plan is:

- The Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

Directive 2008/98/EC was adopted on 19 November 2008. It repeals Directive 2006/12/EC (the previous Waste Framework Directive), 91/689/EEC (the previous Hazardous Waste Directive) and 75/439/EEC (Waste Oils Directive), as from 12 December 2010. It clarifies certain aspects of waste management and takes account of the relevant case law from the European Court of Justice (ECJ).

The new Waste Directive 2008/98/EC was adopted, following requests from different EC documents for a:

- better definition of waste;
- clearer differentiation between the waste and non-waste, as well as
- clearer differentiation between recovery and disposal;
- an applicable definition of recycling;
- development/strengthening of measures for waste prevention and management;
- introducing approaches that consider the whole life cycle of products;
- strengthening the economic value of waste;
- recovery and recovered material should be encouraged to conserve natural resources;
- setting of targets;
- putting waste prevention as the first priority in the waste management;
- re-use and material recycling to be preferred to energy recovery of waste.

## 1.2 Direct Requirements of Legislation

The new Waste Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Waste is defined as any substance or object which the holder discards or intends or is required to discard. Hazardous waste is defined by reference to waste that displays one or more hazardous waste properties which are listed in Annex III.

### Properties of waste which render it hazardous

H 1 "Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H 2 "Oxidizing": substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances

H 3-A "Highly flammable"

- liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
- substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
- solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
- gaseous substances and preparations which are flammable in air at normal pressure, or
- substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H 3-B "Flammable": liquid substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.

H 4 "Irritant": non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H 5 "Harmful": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H 6 "Toxic": substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H 7 "Carcinogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H 8 "Corrosive": substances and preparations which may destroy living tissue on contact.

H 9 "Infectious": substances and preparations containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H 10 "Toxic for reproduction": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H 11 "Mutagenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H 12 Waste which releases toxic or very toxic gases in contact with water, air or an acid.

H 13 "Sensitizing": substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced.

H 14 "Ecotoxic": waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

H 15 Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

A waste hierarchy is established as a priority order in waste prevention and management:

- a. Prevention
- b. Preparing for re-use
- c. Recycling
- d. Other recovery, e.g. energy recovery
- e. Disposal.

A substance or object may be regarded as not being waste but as being a by-product only when the following conditions are met:

- further use of the substance or object is certain;
- the substance or object can be used directly without any further processing other than normal industrial practice;
- the substance or object is produced as an integral part of a production process; and
- further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

Certain wastes can stop being 'waste' when they have undergone recovery operation (which includes recycling) and which complies with specified criteria. Such end-of-waste criteria should be considered for aggregates, paper, glass, metal, tyres and textiles. Where such criteria are not set at Community level, they may be set by Member States. Any criteria must meet the following conditions:

- the substance or object is commonly used for specific purposes;
- a market or demand exists for such a substance or object;
- the substance or object fulfils any technical requirements for the specific purposes and meets legislation and standards applicable to products; and
- the use of the substance or object will not lead to overall adverse environmental or human health impacts.

The list of waste (Waste Catalogue Decision 2000/532/EC) includes hazardous wastes, and takes account of the origin and composition of the waste. It will also take account of any concentration limit values, where necessary. The List of Waste is binding as regards determination whether the waste is Hazardous Waste. Hazardous Waste must not be mixed or diluted to re-classify it as non-hazardous waste.

#### Extended producer responsibility

Legislative or non-legislative measures may be taken to ensure that persons who professionally develop, manufacture, process, treats, sells, or imports products (producer of the product) has extended producer responsibility. These measures may include acceptance of the returned products and any waste that remains after these products have been used, waste management and financial responsibility. It may also include public information on re-use and re-cyclability.

Waste recovery

Recovery is defined as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Measures must be taken to ensure waste recovery operations. If necessary, and if technically, environmentally and economically practicable, waste should be collected separately and not mixed with other waste or other material with different properties.

Annex II sets out a non-exhaustive list of recovery operations.

**Non-exhaustive list of recovery operations**

R 1 Use principally as a fuel or other means to generate energy  
 R 2 Solvent reclamation/regeneration  
 R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)  
 R 4 Recycling/reclamation of metals and metal compounds  
 R 5 Recycling/reclamation of other inorganic materials  
 R 6 Regeneration of acids or bases  
 R 7 Recovery of components used for pollution abatement  
 R 8 Recovery of components from catalysts  
 R 9 Oil re-refining or other reuses of oil  
 R 10 Land treatment resulting in benefit to agriculture or ecological improvement  
 R 11 Use of waste obtained from any of the operations numbered R 1 to R 10  
 R 12 Exchange of waste for submission to any of the operations numbered R1 to R11  
 R 13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)

Reuse and recycling

Re-use is defined as any operation by which products or components that are not waste are used again for the same purpose for which they were conceived. Recycling is defined as any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

The re-use of products should be encouraged. High quality re-cycling is to be promoted. Separate collections of waste should be set up where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.

The following recycling targets must be met:

- by 2015 separate collections must be set up for at least; paper, metal, plastic and glass;
- by 2020 the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50% by weight;

- by 2020 the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the European Waste Catalogue (EWC) shall be increased to a minimum of 70% by weight.

### Waste disposal

Where waste recovery has not taken place, then waste must undergo safe disposal operations. This waste disposal must be carried out without endangering human health and without harming the environment. Disposal is defined as any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations.

#### **Non-exhaustive list of disposal operations**

D 1 Deposit into or on to land (e.g. landfill, etc.)  
 D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)  
 D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)  
 D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)  
 D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)  
 D 6 Release into a water body except seas/oceans  
 D 7 Release to seas/oceans including sea-bed insertion  
 D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12  
 D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)  
 D 10 Incineration on land  
 D 11 Incineration at sea  
 D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)  
 D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12  
 D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13  
 D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)

### Waste management

The costs of waste management must be borne by the original waste producer or by the current or previous waste holder – in accordance with the polluter pays principle. Waste management means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker.

Member States must establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households. This should take into account best available techniques (BAT). These measures may be taken in co-operation with other Member States where this is necessary or advisable.

This network must enable the EU as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste; and to enable each member State to move towards that aim individually.

Waste must be disposed of or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

#### Hazardous waste

Subject to certain exemptions, hazardous waste (HW) must not be mixed either with other categories of HW or with other waste, substances or materials. This ban on mixing also includes the dilution of hazardous substances.

For the purposes of collection, transport and temporary storage of HW, the HW must be packaged and labelled in accordance with international and Community standards. It should also be accompanied by the appropriate documentation.

#### Waste oils

"Waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils. Waste oils must be collected separately where this is technically feasible, and must be treated in accordance with the Directive. Where it is technically feasible and economically viable, waste oils of different characteristics must not be mixed and waste oils must not be mixed with other kinds of waste or substances, if such mixing impedes their treatment.

#### Bio-waste

"Bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants.

Member States must take appropriate measures and must encourage:

- the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
- the treatment of bio-waste in a way that fulfils a high level of environmental protection;
- the use of environmentally safe materials produced from bio-waste.

#### Permits and registration

All waste treatment establishments or undertakings must obtain a permit from the Competent Authority. This permit, at a minimum, must specify:

- the types and quantities of waste that may be treated;
- for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- the safety and precautionary measures to be taken;

- the method to be used for each type of operation;
- such monitoring and control operations as may be necessary;
- such closure and after-care provisions as may be necessary.

Subject to certain conditions, Member States may exempt from the permit requirements establishments or undertakings that dispose of their own non-HW at the place of production or for recovery of waste.

#### Waste management plans

Competent Authorities must establish one or more waste management plans. This plan or plans must cover the whole of the Member State and set out an analysis of the current waste management situation, and an evaluation for how the plan will support implementation of the Directive.

The waste management plans shall include, at a minimum:

- the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
- existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;
- an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure required, and, if necessary, the investments related thereto;
- sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

Waste prevention programmes must also be established, which may be integrated into the waste management plans. These plans and programmes must be evaluated at least every six years, and revised if appropriate.

Relevant stakeholders, authorities and the public must have the right to participate in the elaboration of these plans and programmes; which must be made publicly available on a relevant website.

### **1.3 Indirect Requirements / Implications**

This new Waste Framework Directive is largely an over-arching framework for a number of other directives and, thus, the indirect requirements of implementing the Directive refer to implementation of other EU legislation

such as those on specific waste streams and those on aspects of waste management (such as landfill, incineration and waste shipments).

The main indirect implications of the Directive include:

- Possible changes in the competencies of relevant institutions in the waste sector;
- Improvements in waste collections, including separate collections for specific waste streams;
- Closure of existing (non-compliant) dumps, and construction of new landfill sites;
- Development of economic instruments to promote and encourage the implementation of relevant waste directives;
- Changes in registration and permitting procedures.

## 1.4 Links with Other Legislation

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives is linked to a number of other acts, including, as given below:

### Waste Management

- Landfill Directive (99/31/EC), as amended;
- Waste Incineration Directive (2000/76/EC)
- Management of Waste from the Extractive Industries Directive (2006/21/EC)
- Waste Shipments Regulation (EC 1013/2006), as amended;

### Specific Waste Streams

- Disposal of Waste Oils Directive (75/439/EEC), as amended;
- Batteries and Accumulators Directive (2006/66/EC) as amended;
- Packaging and Packaging Waste Directive (94/62/EC), as amended;
- Disposal of PCB/PCT Directive (96/59/EC);
- End-of-Life Vehicles Directive (2000/53/EC), as amended;
- Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC), as amended;

### Links with legislation in other sectors

- Directive on Environmental Impact Assessment (85/337/EEC) as amended;
- Strategic Environmental Assessment Directive on assessment of certain plans and programs (2001/42/EC);
- Directive on Access to Environmental Information (2003/4/EC);
- Water Framework Directive (2000/60/EC) as amended;
- Sewage Sludge Directive (86/278/EEC) as amended;
- Urban Waste Water Treatment Directive (91/271/EEC) as amended;
- Nitrates Directive (91/676/EEC);
- Groundwater Directive (2006/118/EC);
- Air Quality Framework Directive (2008/50/EC);

- National Emission Ceilings for Certain Atmospheric Pollutants Directive (2001/81/EC);
- Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (EC 1907/2006) as amended;
- Directive on the Classification, Packaging and Labelling of Dangerous Substances (67/548/EEC) as amended;
- Asbestos Directive (87/217/EEC);
- Restriction of Hazardous Substances (RoHS) Directive (2002/95/EC), as amended;
- Integrated Pollution Prevention and Control (IPPC) Directive (96/61/EEC) as amended;
- Seveso II Directive (96/82/EC) as amended;
- Environmental Management Audit Schemes (EMAS) Regulation (EEC, 761/2001).

## 2 Present Situation

### 2.1 Government Policy

The new Constitution of Albania, approved by referendum in 1998, inspired by principles of Agenda 21 and by international environmental conventions, has sanctioned the aim of the state “for a healthy and ecologically suitable environment for present and future generations” and “for the rational utilisation of ...natural resources, based on the principle of sustainable development” (Article 59.1/d,dh). It also has sanctioned the right of each individual “to be informed of the state of the environment and its protection” (Article 56).

Albania’s current waste policy is based on European policy. The main objective of the government is to fulfil the obligations agreed to in the SAA (Article 108) stating that “The Parties shall develop and strengthen their co-operation in the vital task of combating environmental degradation, with the view of promoting environmental sustainability. Co-operation will mainly focus on priority areas related to the Community *Acquis* in the field of environment. The statement covers all issues under the Environmental *Acquis*, therefore waste management, too.

Waste management has been accepted as a high environmental priority issue in a number of policy documents such as the Environment Strategy Study (WB, 1993), NEAP (1994), NEAP (2002), EPR Albania 2002 (UNECE), etc.

The need for improvement in the waste management area has been also recalled in different reports of the European Commission for Albania. The EC Progress Reports of 2006, 2007 and 2008:

- encourage the “construction of infrastructure for urban waste handling; selective collection of waste, recycling and disposal;
- emphasize the fact that uncontrolled dumping and burning of waste continue to pose environmental and health risks;
- emphasize that no clear strategy for the safe disposal of hazardous waste is developed.

Although waste has been widely accepted as a high environmental priority issue, no specific National Waste (or Hazardous Waste) Management Strategy and no National Waste (or Hazardous Waste) Management Plan has been approved so far. **Lack of a Waste Strategy and Waste Management Plan in all these years has led to low efficiency of the funds used in this field. Though a number of projects (see table IV attached and the chapter on current implementation) have been implemented in the period 1996-2008, the situation has not improved accordingly.**

However, a draft National Environmental Strategy (NES) was prepared in 2006 under the CARDS 2002 ELPA project. It was not approved as such, but following that draft and on that basis, the “Inter-sectoral Environmental Strategy; National Strategy for Development and Integration” was approved by the Council of Ministers (Decision 847, dt.29.11.2007). A chapter of that document is dedicated to waste management.

It aims to achieve:

- By 2009: safe landfilling of 75% of hazardous waste; reliable data on hazardous waste; recycling of 10% of urban waste; improved conditions at the authorized landfill;
- By 2010: safe disposal of 50% of the waste to controlled landfills;
- By 2012: avoidance of waste disposal in illegal sites; construction of 5 sanitary landfills.

The “Inter-sectoral Environmental Strategy; National Strategy for Development and Integration” for the waste sector looks over - ambitious, given the low administrative capacities and the limited financial resources available as described below.

## 2.2 Roles & Responsibilities

**MoEFWA** is the main institution involved with waste management. Together with the regional agencies and the Environmental Inspectorate (EI) it is responsible for setting up a system of environmental management of waste and monitoring its implementation at all stages and levels (Article 5 of Law 9010). It:

- Drafts the rules/legislation of waste management at all levels (separation, reuse, recycling, composting, disposal, incineration (article 11 of Law 9010) including technical standards and guidelines for hazardous waste (articles 26 &27 of Law 9537);
- Issues waste permits (article 25 of Law 9010) and changes or suspends it, (article 17 of Law 9537); export and transit permits for shipments of waste (articles 27&28 of Law no.9010); HW export permit (article 21 of Law 9537); drafts the waste import permit (which is later to be approved by the CoM);

- Sets the rules for monitoring and inspection/control of implementation of the waste acts (article 30 of Law 9010);
- Organizes and manages the registers on different waste issues, such as on waste/permits (article 45/1 of Law 9890); on HW sites; on HW dealers and brokers (article 11 of Law 9537); on the transport means engaged in the transport of HW (article 10 of Law 9537); on HW permits (article 18 of Law 9537).

**Environmental Agencies' Network (EAN)** is part of the MoEFWA, specialized in environmental monitoring and protection. EAN is composed of the **Environment and Forest Agency** as the central body and the **REAs**, that work at the regional level. EAN is responsible to the minister.

**EFA**, that was established in 2006, has a sector on Heavy Metals and Waste. Its job description basically includes data collection and management.

**REAs** keep the register of permits for the territory under their jurisdiction (article 14 of Law 9890). They are also involved in the approval of the waste collection sites (article 34 of Law 8405) and issuing in cooperation with local government authorities) of an environmental permit for local waste facilities (article 25.2 of Law 9010).

**Environmental Inspectorate**, as part of the MoEFWA is a body specialized on control and enforcement of environmental legislation (article 20 of Law 8990); it sets penalties for the administrative violations (article 84 of Law 8934); suspends or permanently closes activities not complying with environmental legislation (article 86 of Law 8934); assists the physical and legal persons to realize the self-monitoring and the implementation of the integrated management systems; informs regularly the local authorities on the state of environment, on the approved activities, projects and installations; controls the pollutant's register, the inner technical and technological regulations and other documents related to the activity and the risks of pollution; publishes the results of every control (Article 71 of Law 8934).

Following a number of Memoranda of Understandings (MoUs), the Environmental Inspectorate cooperates with other inspectorates to perform their duties (State Sanitary Inspectorate, Construction Police, Municipal Police, etc.)

Other ministries, central institutions and local government bodies together with the MoEFWA have the following duties: design methodologies for the environmental treatment of waste in accordance with the type and nature of waste; make available and ensure efficient use of financial resources; continuously monitor and control waste generating activities; control agents engaged in transportation, recycling, processing and disposal of waste in the area under their jurisdiction (article 5 of Law 9010). Law no. 9010 makes responsible a number of stakeholders, to cooperate with the MoEFWA to draft and approve specific waste management regulations.

**MoPWTT** has the mission of formulation, implementation and monitoring of national policies, norms and standards on ... public services... aiming at the sustainable development and promotion of private investment and economic growth.

Together with the MoEFWA it is responsible to draft regulations on:

- Management of inert waste (article 12 of Law 9010). The inert waste regulation (no.1, dt.30.03.2007) was jointly approved by the Minister of EFWA and the Minister of PWTT. MoPWTT is, along with other authorities, responsible for its implementation.
- Regulation on management of bulky waste (article 17 of Law 9010). No specific legislation is yet drafted.
- Cross-border waste management (article 19 of Law 9010). Again no specific legislation is yet drafted.

Following its mission, MoPWTT is the contracting authority for the concessions of economic activities under its responsibility (including the field of public services, so waste management, too). Thus it has responsibilities for waste concession projects (article 5 of Law 9663). This is to be decided by the Council of Ministers (article 5 of Law 9663). MoPWTT, in cooperation with the Concession Unit, carries out the identification of potential concessions and estimates their cost-effectiveness and financial appropriateness so as to judge on the implementation or not of certain concessions.

MoPWTT organizes the tender for the identification of the appropriate bidders to implement the concession and negotiates the conditions of the concession and under certain circumstances may also terminate the agreement on the concession (article 11, 15, 16, 20, 21, 28 of Law 9663).

**Construction Police** (depending on MoPWTT) is responsible for controls and inspections of the implementation of this regulation on inert waste, together with other inspectorates such as the Environmental Inspectorate and Sanitary Inspectorate.

**National Council for Territorial Adjustment** approves the site permits and construction permit for any objects (therefore for landfills, too) with a surface bigger than 0.5 ha, to be built outside the administrative borders of city/village/inhabited areas (article 9 of Law 8405).

**Ministry of Health**, together with the MoEFWA is responsible to draft regulations on:

- different levels of waste management hierarchy (article 11 of Law 9010).
- healthcare waste management (Article 18 of Law 9010). The regulation "On the healthcare waste management" has been jointly approved (no.6, dt.30.11.2007). MoH is responsible for its implementation.

- cross-border waste management (article 19 of Law no.9010). No specific legislation is yet drafted.

**Hospitals and all healthcare waste generators** are responsible for drafting and updating their own Waste Management Plans, in conformity with the National Waste Management Plans and Hazardous Waste Management Plans.

State Sanitary Inspectorate cooperates with the Environmental Inspectorate, and occasionally with other inspectorates, to carry out inspections of waste related activities. It is also involved in the approval of the waste collection sites (article 34 of Law 8405).

**METE** (in cooperation with MoEFWA) is in charge of drafting the regulation on:

- industrial waste (article 13 of Law 9010). The regulation is not drafted yet.
- mineral waste (article 14 of Law 9010). The regulation is not drafted yet.
- rehabilitation of dump sites according to specifics of waste contained (article 22 of Law no.9010). The regulation is not drafted yet.

METE establishes a unit dealing with concessions, in charge of promoting and assisting the contracting authority for concession evaluation and negotiation (article 8 of Law 9663). This holds true for the concessions on collection, transport, processing and management of solid waste (article 4 of Law 9663).

**MoAFCP** (in cooperation with MoEFWA) is in charge of drafting the regulation for agricultural and animal waste (article 16 of Law no.9010). The regulation has not been drafted yet.

**MoD** (in cooperation with MoEFWA) is in charge of drafting the regulation for military waste (article 15 of Law 9010). The regulation has not been drafted yet.

**MoF** (in cooperation with MoEFWA) is in charge of drafting legislation for introduction of different environmental taxes (article 6 of Law 9010). So far, it drafted the Law no.8977, dt.12.12.2002 "On taxation in the RoA", where the two first environmental taxes have been introduced (the green tax and the packaging tax on the beverages).

The Ministry of Finance drafts the rules on financial guaranties on environment for the environmental permit for a HW site, which are later approved by the Council of Ministers (article 14 of Law 9537). No such rules have been drafted yet.

**The General Taxation Directory** (under the Ministry of Finance) collects the incomes from environmental taxes that actually go to the state budget.

**Local government** is in charge of organizing waste removal and contracting the companies doing the cleaning of the cities (article 20 of Law 8094); draft and approve territory specific regulations on each of the waste management methods following the prototypes approved by the Minister of Environment and the Minister of Health (article 11 of Law 9010).

Municipalities and communes set the tariffs for waste removal in the territory of their jurisdiction and authorize the persons collecting them (articles 31 & 34 of Law 8094);

Law no.8652, dt.31.07.2000 "On the organization and functioning of the local government" article 10 recognizes local waste management activities (collection, transport, treatment, and disposal) at local level as their own proper functions in the area of investments and public services.

Local government authorities are responsible for defining waste collection and processing sites, in accordance with the environmental criteria and development plans; for organizing the disposal sites for both waste and hazardous waste; for urban waste and waste water treatment plants. Municipalities have sectors on city cleaning and waste management.

**Council of Territory Adjustment of the Region/Municipality** defines the collection site (of a surface equal or less than 0.5 ha) for all kinds of waste (technological/ urban/ inert) in the territories of their jurisdiction (articles 9, 20 & 34 of Law 8405).

Each local government unit is the contracting authority for the concessions of economic activities under its jurisdiction. Therefore, also for waste concession projects (article 5 of Law 9663).

**Municipal Inspectorate** cooperates with Environmental Inspectorate, and occasionally with other inspectorates, to carry out inspections of waste related activities in the territories of their jurisdiction.

**Municipal Council** is involved in the process of permitting of a HW site (Article 13 of Law 9537).

**Economic agents involved in waste management/treatment activities:**

Their obligations include to:

- separate waste at the source of its generation; properly collect, store and treat waste according to type; establish facilities and plants for waste recycling and processing; design programmes of technical, technological and organizational steps for waste management (article 9 of Law 9010); They are obliged to carry their activities while posing no risk to human health, water, air, soil, plants and animals; no additional noise or smell; no irreversible damage to nature (article 21 of Law 8934);
- separate hazardous waste from other waste, package, label and transport in accordance with national and international rules;

- monitor their own waste generation, keep records (on types, quantities of waste they generate, re-use, recycle, recover, hold, transport, dispose, or incinerate) and publish the related information (articles 10, 11, 30 & 31 of Law 9010);
- inform periodically the REAs on HW they may have consigned to other persons and give them access to their HW registers (article 8 of Law 9537);
- report to /inform the MoEFWA (article 55 of Law 8934) every 3 months (article 58 of Law 8934);
- guarantee at their own expenses the safe disposal of exported waste when the transit countries refuse to allow it go through (article 27 of Law no.9010);
- pay the transport, recovery and disposal costs for their own waste (article 10 of Law no.9537, article 7 of Law 9537);
- design and implement their own programme for reduction of HW volume, quantity and toxicity (article 7 of Law 9537).

### **Current staffing and capacities at different stakeholders**

The Waste Framework Directive requires capacities at the competent authority/ies to carry out its waste management tasks: creating, implementing and enforcing waste management policy. This capacity comprises a quantitative and a qualitative aspect, i.e. there must be sufficient people of the required background, professionalism and motivation to carry out the necessary tasks and these people must have the knowledge, experience and tools they need to do the job.

Unfortunately, for many years the structure of MoEFWA has only had a single waste expert post, at the Directory of Pollution Prevention Policy, which has been vacant since 2006. Occasionally any of the three lawyers of the Ministry may be involved with waste issues. None of them in particular is specialized on waste legislation. Under these circumstances, it could be said that the Ministry has almost no capacities for waste management, a situation not corresponding to the importance and gravity of waste issues in Albania.

To properly perform its increasing and challenging duties related to this Directive and other related directives that will follow, the Ministry must increase the number of posts for experts and lawyers to deal with waste and establish a department on waste. It must also get the related staff trained properly with contemporary knowledge and ready to face the up-to-date needs of the country in the area of waste management.

The EFA has a sector on Heavy Metals and Waste, where four people are employed. They are basically involved in data collection and management.

Of the other ministries, MoPWTT is the only one that has a sector on waste management with two waste expert posts (under the Directory for Policy on Communal Services), supposed to deal with waste related infrastructure.

Currently, none of the other ministries has an identified structure/contact person dealing with waste or general environmental management issues, though establishment of environmental offices/contact persons in all the line ministries has been the continuous recommendation of different international experts/projects. Moreover, even the formerly existing environmental sector of METE, was abolished by the current METE structure (as of 2005).

The above picture of understaffed and low capacities in all the system/network dealing with waste management explains to a large extent the current poor situation with waste management in the country.

### 2.3 Current Legal Framework

Most of the progress in the waste management field has been made in the area of legislation. During the period 2002-2008 waste management legislation in Albania has been improved with new Laws, decisions and regulations/guidelines reflecting the EC directives/decisions and the Basel Convention requirements.

The main principles of the waste management are laid down in the:

- Law no.8934, dt. 05.09.2002 "On environment protection", amended by Law no.9890, date 20.3.2008 and Law no.9983, date 8.9.2008;
- "Law no.9010, dt.13.02.2003 "On the environmental administration of solid waste", and
- Law nr.9537, dt.18.5.2006 "On hazardous waste administration".

A number of other acts deal with waste either directly or indirectly. Below is the list of the main waste acts and an estimate of their level of transposition. They have been described in more detail in the ToC, where the new Waste Framework Directive 2008/98/EC has been compared against the existing Albanian waste legislation.

Issues covered by the new Directive 2008/98/EC are covered by more than one Albanian act, therefore reference is made not only to the Law no.9010, dt.13.02.2003 "On the environmental treatment of solid waste", but also to other Laws/ by-Laws and the current draft of the Law on Waste Management.

1. LAW NR.8934, DATE 05.09.2002. "ON ENVIRONMENT PROTECTION", AMENDED BY LAW NR.9890, DATE 20.3.2008"
2. Directive 75/442/EEC on waste, Directive 91/689/EEC on hazardous waste
3. Level of approximation: partial (25% for Directive 75/442/EEC)

The Law is also based on a number of other relevant directives including:

- Directive 85/337/EEC on the evaluation of effects caused by private and public activities on environment, amended by Council Directive 97/11/EEC.
- Directive 90/313/EEC on the right for environmental information
- Directive 91/692/EEC on standardization and rationalization of reports on implementation of environment related directives
- Directive 96/61/EC on integrated pollution prevention and control
- Directive 92/43/EEC on the protection of natural habitats and wild flora and fauna

1. LAW NR. 9010, DATE 13.02.2003 "ON THE ENVIRONMENTAL ADMINISTRATION OF SOLID WASTE",

2. Directive 75/442/EEC on waste, Directive 91/689/EEC on hazardous waste, Basel Convention.

3. Level of approximation: partial  
Directive 75/442/EEC -15%

1. DECISION NO. 99, DT.18.02.2005 "ON THE APPROVAL OF THE ALBANIAN CATALOGUE FOR CLASSIFICATION OF WASTE"

2. Appendix A, European catalogue on waste, consolidated, 2002

3. Level of approximation – complete

1. "LAW NR.9537, DATED 18.5.2006 "ON HAZARDOUS WASTE ADMINISTRATION"

2. Directive 91/689/EEC (on hazardous waste); Directive 75/442/EEC on waste; Council Directive of 1999/31/EC on the waste landfill; Directive 2000/76/EC (on incineration of waste); Decision 2000/532/EC (on a list of waste)

3. Level of approximation – partial  
Directive 91/689/EEC (on hazardous waste) – 62%  
Directive 75/442/EEC on waste - 46%

1. REGULATION NR.1, DATE 30/3/ 2007 "ON THE TREATMENT OF CONSTRUCTION AND DEMOLITION WASTE FROM CREATION AND TRANSPORTATION TO DISPOSAL"

2. Directive 75/442/EEC on waste; Commission Decision 2000/532/EC amended.

3. Level of approximation – partial

1. REGULATION NO.6, DT. 30.11.2007) "ON THE ADMINISTRATION OF HOSPITAL WASTE"

2. Directive 75/442/EEC on waste; Commission Decision 2000/532/EC amended; Directive 1999/31/EEC; Directive 91/689/EEC, Directive 2000/76/EC

3. Level of approximation – partial

1. GUIDELINE NR.6, DT.27.11.2007 "ON THE APPROVAL OF THE RULES, CONTENT AND DEADLINES FOR THE DRAFTING OF PLANS FOR SOLID WASTE ADMINISTRATION"

2. Directive 75/442/EEC on waste; Directive 1999/31/EEC.

3. Level of approximation – partial

1. DECISION NR. 803, DATE 04.12.2003 "ON THE APPROVAL OF RULES AND PROCEDURES FOR THE IMPORT OF WASTE FOR RECYCLING AND TREATMENT"

2. Directive 75/442/EEC on waste; Council regulation (EEC) Nr. <a href="#">259/93</a> ; Basel Convention.
3. Level of approximation – partial

1. REGULATION NR. 4 DATE 15.10.2003 “ON THE APPLICATION AND APPROVAL OF EXPORT AND TRANSIT OF WASTE”.
2. Directive 75/442/EEC on waste; Council regulation (EEC) Nr. <a href="#">259/93</a> ; Basel Convention.
3. Level of approximation – partial

1. Law nr.8990, dt.13.01.2003 “On environmental impact assessment”
2. Directive 85/337/EEC amended by Council Directive 97/11/EEC; Espoo Convention “On the evaluation of the environmental impact in a transboundary context”; Aarhus Convention.
3. Level of approximation – partial

1. Regulation nr. 1, date 17.08.2004, “On public participation in the process of EIA”
2. Directive 85/337/EEC amended by Council Directive 97/11/EEC; Directive 90/313/EEC on the right on environmental information; Aarhus Convention.
3. Level of approximation – partial

1. Decision no.994, dt.02.07.2008 “On the public opinion for environmental decision-making”.
2. Directiva 2003/35/EC
3. Level of approximation – partial

Other Albanian acts not specifically transposing European waste legislation include:

- Law No.8094, dt.21.03.1996 “On the public removal of waste”
- Law No.9663, dt.18.12.2006 “On concessions”. Among other issues, the Law covers public services and waste management, too, implying construction of waste treatment facilities, too.
- Law No.8652, dt.31.07.2000 “On the organization and functioning of the local government”.
- Decision No.103, dated 31.03.2002 “Concerning environmental monitoring in the RoA”

Following the monitoring of transposition, as made in the projects “Progress monitoring for potential Candidate Countries and the Former Yugoslav Republic of Macedonia 2006-2007 and 2007-2008” on behalf of the EC, it was estimated that the Directive 91/689/EEC on hazardous waste has been transposed by 62%, Directive 75/442/EEC on waste has been transposed by 46% (into the Hazardous waste Law), the same Directive 75/442/EEC on waste was estimated as transposed by only 15% into the Law 9010, dt.13.02.2003 “On the environmental treatment of solid waste”. Decision 2000/532/EC (the waste catalogue) has been fully transposed.

The transposition of new directives and further deepening of the transposition already made, has been planned for the short, medium and long term. This has been a continuous recommendation of different EC progress reports, EU Partnership Document, Joint Committee Meetings, etc.

An integral draft Law on Waste Management transposing the new Waste Framework Waste Directive 2008/98/EC (including both hazardous and non-hazardous waste) is under preparation (to be completed by first half of 2010) in the frame of the CARDS 2006 (INPAEL) project. It will further elaborate the draft Law prepared under SIDA project on Waste in Korca (2005-2008) that had partially transposed the 2006/12/EC Waste Framework Directive. Two draft Decisions will complete the new package of waste legislation: a draft Decision on landfill of waste (both hazardous and non-hazardous) and a draft Decision on Incineration (by first half of 2010).

As already mentioned, a number of waste related acts have been approved. Between them Law 9010 on solid (non-hazardous) waste and Law 9537 on hazardous waste are the most important. It is anticipated that the new draft Law on Waste Management will result in the repeal of these two laws. Below is a comparison of the main issues covered by the New Waste Framework Directive and the two current main waste laws of Albania.

#### Purpose

Directive 2008/98/EC lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

As stated in article 1 of Law 9010, the purpose of this Law is to ensure protection of environment and human health from pollution and damage resulting from solid waste through their treatment at every stage: generation, collection, separation, protection, transportation, recycling, processing and elimination leading to reduction of waste and its harmful impact.

Article 1 of Law 9537 states that its purpose is to establish a comprehensive legal framework that ensures the environmentally sound management of hazardous wastes, by regulating its collection, transport, temporary storage, recovery, treatment, disposal, import and export.

The purpose of both above Laws has some commonalities with the purpose of the directive, but prevention and efficiency of resource use are missing.

#### Definition of waste

Directive 2008/98/EC defines:

1. 'waste' means any substance or object which the holder discards or intends or is required to discard;

2. 'hazardous waste' means waste which displays one or more of the hazardous properties listed in Annex III.

Law 9010 defines solid waste as a substance, an object or part of it, for which the holder has no further use and intends to discard. Substances, objects or parts of them qualify as waste when the material resulting or energy created thereof cannot be involved any further in the production process. This definition is similar to the waste definition given by the directive.

Law 9537 defines as hazardous waste any substance or object, included in the list approved by the Decision of Council of Ministers ...which the holder discards or intends or is necessary to discard and which may cause a particular risk of danger or harm to health or the environment because of its chemical or other properties and which is included in the Annex 1 (qualities of HW, including categories I and II of such waste, components and properties that make them hazardous), attached to this Law. This definition is also similar to the one on hazardous waste given by the directive. On the other hand, the properties of waste, which render it hazardous, as given in the Annex 1 of the Law 9537 are identical with those listed in the Annex of directive 2008/98/EC.

#### Waste hierarchy

A certain waste hierarchy is established by Law 9010 (article 11) which states: Processing and elimination of urban waste must be carried out according to methods ranked below:

- a) separation of waste according to established classification;
- b) recycling and re-use;
- c) composting;
- d) burying;
- e) incineration in specially designed establishments.

Although it has to be noted that the wrong wording has been used (the levels of the hierarchy have been named as methods for waste treatment and disposal). Besides, prevention, preparation for re-use and recovery (energy recovery) are missing, while disposal appears under burying and incineration. Recovery and disposal are better defined under Law 9537, article 2.

#### List of wastes

Decision no.99, dt.18.02.2005 "On the approval of the Albanian catalogue for classification of waste" has established a list of waste covering all categories in line with Commission Decision 2000/532/EC. However, it needs to be updated in line with Decisions 2001/118/EC, 2001/119/EC and 2001/573/EC which amend Commission Decision 2000/532/EC.

Law 9537 (article 7) calls for the separation of hazardous waste from other waste. The separate treatment and holding is requested in many articles of the Law.

#### Extended producer responsibility

Article 10 of Law 9010 and articles 7&8 of Law 9537 obliges the waste handlers to properly store waste according to amount, origin, properties, etc; to separate hazardous waste from other waste; to keep waste records according to classification, amount, composition, the periodicity of collection and transportation, information on storage and disposal of waste to designated places; to separately collect and store hazardous waste, package, label and transport in accordance with international rules and standards adopted in the RoA; rehabilitate at their own expense the damage they cause to human health and environment; cover the expenses for collection, transportation, preservation, processing and disposal. Collection, transport, storage, recycling, processing and disposal can only be done by physical or legal entities duly licensed to carry out such activity.

Law 9537, article 8 defines the obligations of the HW surrenderers to record, retain and report to the REAs very detailed information. A consignment note is requested by article 9 of the same Law.

Nevertheless, none of the Laws includes any articles on the acceptance of the returned products and any waste, neither on public information on waste re-use and recyclability.

#### Waste recovery

Law 9537 defines “recovery” as any operation aimed at leading to the separation and further use of the material or energy of the hazardous waste and includes any of the operations described for in Annex III of this Law. The definition does not mention the replacement of other material by waste. However, the Annex III of the Law, listing the recovery operations is identical to the Annex II of the directive.

#### Reuse and recycling

Law 9010, article 2 defines recycling as the renewal or renovation of waste properties so that it may be used as primary or secondary material. No definition has been given for the re-use. Separation of waste, recycling and re-use are requested by article 11 of that Law, but no targets have been set for re-use or recycling as requested by the directive.

Article 9 of Law no.9010 calls for the separation of waste at the source, the proper collection, storage and treatment according to type, the establishment of facilities and plants for waste recycling and processing. Waste holders are obliged to carry their activities while posing no risk to human health, water, air, soil, plants and animals; no additional noise or smell; no irreversible damage to nature (article 21 of Law 8934 and article 4 of Law 9537); However, practice shows that very little is happening, since measures to assure the implementation of the hierarchy are still missing.

#### Waste disposal

Following Law 9010, article 11 and 20, disposal is the last option in the hierarchy of waste management. A number of regulations on proper management and disposal of different kind of waste (Inert/construction waste, industrial waste, mining waste, military waste, agricultural and livestock waste, bulky

waste, healthcare waste in articles 12, 13, 14, 15, 16, 17, 18 of Law 9010) are foreseen by the Law. So far, only the regulation on Healthcare Waste and the Regulation on Inert Waste have been approved.

Article 20 of Law 9010 indicates the types of waste that are not allowed to be disposed in a landfill. It includes: Liquid waste; Explosive and oxidizing waste; Inflammable waste; d) Hospital waste, infectious waste and needle waste; Used tyres.

Waste disposal facilities are subject to an EIA study (article 21 of Law 9010), on which bases an environmental permit may be issued. Selection of their sites is made upon the consideration of the: distance from dwelling places, national roads and zones of high traffic of humans and animals; location in geological formations that do not allow eventful infiltrations; distance from water and ground-water sources, water basins, wetlands, lagoons, marshlands, forests, pastures, ecologically vulnerable zones, protected tourist zones and zones of cultural heritage; distance from areas vulnerable to flooding, space to allow internal movement of vehicles and machines employed to transport and process waste.

Law 9010, article 22, defines measures for the rehabilitation of the existing dumps, such as coverage with earth and pressing of the ground; building of separate channels for rain, ground waters and collection of leakages into isolated basins; protection from fire; prohibition of entrance of unauthorized persons planting of trees in already closed sites.

Regardless of the above, none of the existing dumpsites satisfy any environmental standards.

Disposal operations are not dealt with as such by the Law 9010. They are introduced as annex II of Law 9537 which lists the waste disposal activities, without specifying whether it is a list of potential disposal activities or the list of disposal activities allowed in the RoA. They have fully transposed Annex of Directive 91/689/EEC that is repealed by this (2008/99/EC Directive) starting from 12 December 2010. It must be noted that although the list is the same, the listing numbers may be slightly different. Annex II of the Albanian Law does not indicate that activity D11 – incineration at sea is prohibited (it is indicated in this directive as an operation prohibited by EU legislation and international conventions). Besides, there are some translation mistakes of the wording of activity D6 – Release into a water body except seas/oceans. The word *except* has been translated *including*. Again the word *excluding* has been translated erroneously at Acitivity D15, through not giving the opposite meaning as in the D6.

#### Waste management

Article 10 of Law 9010 and articles 7&8 of Law 9537 recognize as a responsibility of the waste holder the coverage of expenses for collection, transportation, preservation, processing and disposal. They must also rehabilitate at their own expense the damage they cause to human health and environment.

Collection, transport, storage, recycling, processing and disposal can only be carried out by physical or legal entities duly licensed to carry out such activity. The Polluter Pays Principle has been defined in article 3 of the Law 8934 as “referring to the costs paid by the polluter for the improvement of the polluted environment and its restoration in an acceptable state. This is reflected in the costs of production, consumption of goods and services that cause pollution”. Article 4 of the same Law accepted it as one of the basic principles for environmental protection in the RoA.

#### Hazardous waste

The Law 9537 (article 7) calls for the separation of hazardous waste from other waste. Article 8 calls for their proper packaging, labelling, recording and documenting through a consignment note at the moment of surrendering it to other agents. The separate treatment and holding is requested in many articles of the Law. Law 9537 has transposed by 60% the directive 91/689/EEC, which is now abolished by the new framework directive starting from 12 December 2010. Therefore it is quite in line with most of requirements of directive 2008/98/EC on hazardous waste.

#### Waste oils

Decision 99, dt.18 February 2005 declaring the Albanian catalogue of waste, classifies waste oil as a hazardous waste under chapter 13. Therefore Law 9537 on hazardous waste management applies to waste oils as well. No specific act has been dedicated to waste oils management so far.

#### Bio-waste

A draft regulation with minimal technical standards on composting has been prepared by the SIDA waste project in Korca, but not approved yet.

#### Permits and registration

The MoEFWA issues: waste permits (article 25 of Law no.9010) and can amend or suspend the permit, (article 17 of Law 9537); export and transit permits for shipment of waste (article 27&28 of Law no.9010); HW export permit (article 21 of Law 9537); and drafts the waste import permit (which is later to be approved by the CoM).

A detailed EIA study is requested by Law no.8990, dt.13.01.2003 “On environmental impact assessment”, Annex 1, no.23-25 for landfill and other waste processing facilities (including facilities for HW incineration, recovery, chemical treatment or landfilling; facilities for waste incineration of a capacity bigger than 1 ton/hr; urban waste landfills of a capacity bigger than 30 tons/day). A less profound EIA study is requested under Annex 2 for waste disposal facilities not included in Annex 1; waste landfills not included in Annex 1; industrial waste landfills; as well as for the changes and reconstructions of projects of Annex 1. Site and construction permits for landfills are approved by the National Council of Territory Adjustment.

Conditions to be set in an environmental permit for a HW site are given at article 15 of Law 9537. They satisfy the requirements of directive 2008/98/EC to some extent. Safety and precautionary measures to be

taken are not stated clearly, although conditions ask for equipment maintenance and prohibition of mixtures of HW. It also gives no clear indication of the conditions set for the closure and after-care of such sites. Nevertheless, under article 16 it is stated that in the case of closure or transfer of the HW site permit, the minister can ask for the inspection of the site and oblige the current operator to rehabilitate the area upon its own costs.

A record format of hazardous waste generation to be filled by HW agents was drafted by ELPA project as per request of Law No. 9537 dated 18.05.2006 "On Hazardous Waste" Article 7(3)(d).

#### Registration

A number of responsibilities have been given to the MoEFWA regarding the organization and management of the registers on different waste issues, such as import and export of waste; on waste/permits (article 45/1 of Law 9890); on HW sites; on HW dealers and brokers (article 11 of Law 9537); on the transport means engaged in the transport of HW (article 10 of Law 9537); on HW permits (article 18 of Law 9537); the National Register on the Pollutants Release and Transfer (article 58 of Law 8934); etc. REAs are requested to keep the register of permits for the territory under their jurisdiction (article 14 of Law 9890). The General Customs Directory is requested to organize and maintain the register of imported waste, according to type, quantity, importer, destination (chapter III of Decision no.806, date 4.12.2003). No such register is organized yet.

#### Waste management plans

National and Regional/Local Waste Management Plans and National Hazardous Waste Management Plans have been requested by Law 9010 (article 5 & 24) and Law 9537 (article 6). No such plans exist yet.

Rules for drafting National, regional and local urban waste management plans have been approved by the Minister of EFWA under Guideline no.6 of 27.11.2007. The guideline states that the aim of the plan is to apply the waste management hierarchy in practice, but waste prevention or minimization are not specifically covered in the plan outline. Nevertheless, a general statement says that EC legislation and BAT are to be considered when preparing the plan.

Article 5 of Law 9537 gives the issues to be covered by a HW management plan. They are similar to such requests posed by the directive, but waste prevention programmes, waste collection schemes, closure of installations, location criteria for installations have not been mentioned.

## **2.4 Current Implementation Status**

As already explained above, the major concern in the waste management area in Albania is not the lack of legislation (although it needs to be improved and further completed), but lack of a management plan, of institutional/ technical/ human capacities, of financial resources and infrastructure/ investments; lack of experience/tradition with up-to-date management

of such sector at all; lack of/poor economic instruments used for waste management; poor cooperation between the central and local level on waste issues; poor cooperation between the public and private organizations on waste management issues; weak enforcement structures (inspectors); lack of awareness on economic value of waste as a resource; lack of waste monitoring, indicators and statistics, as well as of the necessary networks to collect and process them; etc.

Below, is a brief analysis of the current implementation of specific important issues of the New Waste Framework Directive in Albania:

*A waste hierarchy*

Has been accepted by the current legislation, but not yet put into practise.

*Extended producer responsibility*

No steps taken so far to include this concept into the current legislation, therefore no practical steps have been taken either.

*Waste recovery, reuse and recycling*

A recycling association has been established recently (under the IFC/PEPSE (“PEP-Southeast Europe”) Recycling Linkages Project). About 60 private companies are in the market, dealing with waste recycling. Not all of them have got an environmental permit by the MoEFWA. Business companies have been established for the recycling of the following waste groups:

1. paper recycling: 3 companies
2. plastic: 10 companies
3. textile: 1 companies
4. aluminium: 4 companies
5. steel: 15 companies
6. metal scrap: 21 companies
7. inert waste (demolition bricks): 1 company
8. wood: 1 company
9. waste oil: 1 company
10. used tyres: 1 company

With the support of SIDA waste project for Korca, a coordination network between various Roma associations of Albania, Macedonia and Serbia has been started. In February 2006, all relevant stakeholders of Korca formalized the sector of waste recycling named Eco-Service Korca, through a MoU and a management board of representatives of all Roma associations. They also got an environmental permit to be used at the regional level. The municipality of Korca offered 3 segregation sites (municipality property). The current goal for waste segregation at Korca regional level is 40%.

The system of waste collection for the recycling business is informally organized. It is mainly dominated (92%) by Roma people, which are registered as unemployed. Some 12,000 individual collectors for metal

scrap have been counted. They are basically un-equipped, un-trained and have no formal agreements with their scrap buyers.

The following barriers to waste recycling have been identified: high energy price and transport costs; low financial power of the collectors, both individuals and companies; lack of segregation at source; general lack of awareness at the public, administration and business levels; lack of appropriate practical arrangements and stimuli to promote re-use, recycling and recovering; lack of training on waste segregation/ re-use/recycling/recovering at the different levels of value chain; lack of expertise on the side of the recycling business itself; and difficulties to access financial sources to develop such businesses.

#### Waste disposal

Albania has quite a number of dump sites inherited from the past, which may have already exceeded their carrying capacities. Some have been established recently. There are also some new illegal ones. Most of them are not safe. For example, Sharra dumpsite was considered by a UNEP study (2000) as an environmental Hot Spot, because of the risk it posed to the environment and human health in the surrounding area and the city of Tirana itself. Therefore, at present it is under closure. MoPWTT has plans for feasibility studies and works for the closure of a number of other dump sites, as well as for the construction of some new ones.

#### Waste management

Waste collection fees, known as the Cleaning Fee, are set by the local government, following the Law on Local Taxes. These fees are actually different for each municipality. They are basically very low, with few exceptions. For example, Tirana municipality has annually increased the fee and has currently the highest fee between all other municipalities. These fees cover only the cleaning of the city, collection, transport and disposal of urban waste at the respective dump sites. They don't cover any recovery, supervision, or after-care of disposal sites.

No integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households. They do not take into account BAT. No co-operation with other Member States has taken place so far, with regard to waste management.

#### Hazardous waste

So far, although accepted by law, Hazardous Wastes are disposed at the same dump sites as non-hazardous ones. Packing and labelling is not yet the practise, although the legislation foresees it.

#### Waste oils

There is one private company in Durres that does waste oils collection for recycling purposes.

#### Bio-waste

This waste stream goes at the dump site together with other ones.

#### Permits and registration

Environmental permits have been issued by MoEFWA for a number of dump sites and a landfill in Shkoder. No standard format for any kind of register is being maintained so far.

#### Waste management plans

Legislation on Waste Management Plans exists, but only few such plans have been prepared so far: a regional plan for Korca and a number of such plans at the local level (communes) of Korca Region were prepared under the SIDA waste project for Korca.

No waste prevention programmes have been established yet.

## **2.5 Current Investment Status**

Waste legislation in Albania has not been supported by any proper infrastructure: no separate waste collection infrastructure; no sanitary landfills have been built; no recovery facilities, except for few private recycling enterprises. Only a number of old dump sites, of which many have exceeded their capacity or are located in the wrong places, or have been opened without having got any environmental permit. This situation has highly compromised the implementation and enforcement of waste legislation.

Details of the situation with the dump sites and investments made on them will follow up with the coming document on Implementation Planning for the Landfill Directive. Annex I "Table with the waste related projects" gives an overview of the investments for waste management in Albania during the last decade.

## 3 Approximation Plan

### 3.1 Overall Plan and Milestones

With the signing of the SAA with the European Communities in 12 June 2006, Albania has strongly reconfirmed the already clearly expressed political commitment to the EU membership.

The National Plan for the Implementation of the SAA (a dynamic plan updated annually to reflect both changes of the *Acquis* and progress in the country) also provides a strong confirmation of the ability and dedication of all relevant institutions and civil servants to respond to the requirements of the EU integration process.

One of the main conditions for EU membership is the approximation of EU legislation, a process consisting of three main components: a) legal transposition, b) practical implementation, and 3) enforcement.

Transposition is the formal incorporation of the European legislation into the country legislation. This phase calls for the approval of laws, decisions, regulations and guidelines or other regulatory instruments that pave the way to the implementation of the *Acquis communautaire*.

Implementation implies on one hand the establishment of governmental structures and administrative processes for the implementation of legislation. This phase includes measures for institutional building and budgetary expenses related to recruitment of staff, monitoring equipment, training, etc.

Another aspect of implementation is the practical measures, i.e. the physical changes necessary to implement legislation. This includes financing of activities that have an environmental impact, such as the collection and recycling systems for waste or the necessary investments to be made by the private sector to comply with the new standards.

Enforcement implies measures for monitoring, control and inspection of activities or plants that are subject to legislation. Through enforcement measures any transgression of the legislation is verified and sanctions are set for the non-compliance with the legislation.

Though these measures look like consecutive (as in fact they are to a certain degree), one has to consider that they are also inter-connected and inter-dependent. For the transposition to be effective one must assure that implementation, enforcement and existing capacities are taken into account and reflected while transposing the legislation.

According to the EC, "...Effective enforcement implies that Law transgressors be subject to a credible risk that they may be discovered and punished in a way that will at least deprive them from any economic benefit they obtain through the Law transgression".

While drafting the new legislation it has to be kept in mind that simple copying of the text of the directives without proper integration into the environmental legal package and without consideration of local institutions may lead to ineffective legislation.

Transposition implies increased cooperation with existing institutions that have experience in the areas covered by the respective directive. In case the new Law suggests changes/modifications of the existing structures, consultation with them must happen in the very planning process, otherwise the risk exists that discussions about competencies and procedures may open again later and the Law becomes un-implementable because of lack of information, staff, budgets, etc. necessary for carrying out the new duties. The new Law that establishes a system of responsibilities for the governmental structures must give a clear picture of how these responsibilities must be carried out in practice and how they will be enforced. Therefore the new Law must clearly show the new system/network of the institutions engaged, their procedures and responsibilities.

As for the above, even when the approximation plan is well thought out, effective implementation and enforcement must be necessarily supported by reliable systems of data collection, monitoring and reporting institutions, as well as reliable results of inspections.

While drafting the approximation plan for this directive, other issues must be taken into account, as well:

- Legal approximation activities must be integrated in other sectors, as well;
- All new investments must be done in conformity with the *Acquis*;
- Inter-sectorial/inter-ministerial groups must be established in order that they can work following a common and well coordinated methodology on this issue;
- Long-term programmes for staff recruiting and training of the public administration in the waste management area are needed;

- In order to facilitate and transfer the administrative and technical experience of the *Acquis* in the waste area «twinning» schemes may be established with member States with similar structures.

The Waste Framework Directive will be fully transposition into national legislation. For measures that are difficult to be introduced or implemented immediately in the conditions of Albania, transition periods will be set, so to give both government and operators the needed time for compliance.

The Directive gives the guiding principles for waste management, the duties of the competent authority, the intentions of the state for regulating the activities in this field in the future, and makes it clear to investors the expected changes. It lays the bases for further measures and actions to be taken in the medium and long term future, and paves the way for the approximation of specific daughter directives, which are even more costly from both administrative and finance point of view.

Several projects funded either by the EU or other donors have been carried out in the past or are presently ongoing or under way, aiming to advance the approximation process.

An overall plan to obtain full approximation, taking into account the past and on-going approximation projects titled NAPISAA (2008-2014) was approved in 2008. It consists of a legal transposition plan and an implementation plan (including enforcement). A special chapter is dedicated to waste management. The plan covers three phases: 2008-2009 (short-term); 2010-2011 (medium-term); 2012-2013 Long-term. Actions have been planned for the legislative initiatives and implementation measures.

### **3.2 Transposition Plan**

The current updated and approved NAPISAA (2008-2014), which was drafted and approved in the October 2008, has foreseen transposition of European waste legislation to happen during the 3 phases mentioned above, but the new Waste Framework Directive has not been included, since it was approved later, in December 2008.

Nevertheless, NAPISAA is a dynamic plan and INPAEL project has a chance to make recommendations to the MoEFWA for improvements/updating of NAPISAA (2008) during the first half of 2009 and 2010, during the annual revision of the NAPISAA (2009 and 2010).

Considering the current waste situation in the country, the ToRs of the INPAEL project and the fact that a new Waste Framework Directive was approved at the end of 2008, the recommendation of INPAEL is to include

the full transposition of the new Waste Framework Directive into the planning for the short-term period 2009-2010.

INPAEL will draft a new integral Law on Waste, building upon the draft already prepared under the SIDA waste project in Korca that transposed partially the previous Waste Framework Directive 2006/12/EC<sup>1</sup>. This new Law would repeal the various pieces of waste legislation referred to above, so that an integrated and coherent approach to waste management may be established. The new Law would then establish the legal basis for secondary legislation to transpose the various waste management and waste stream directives.

The legal gap analysis presented in Sub-Chapter 2.3 helps in identifying and deciding on the required future actions that will enable full transposition of these other waste directives. Those actions were prepared in close cooperation with the officials of the MoEFWA. The actions were presented to the members of the Waste Management Working Group to comment and give their validation. It should be noted that some of the proposed actions might already have been accomplished at the time of reporting.

It should be noted that the above transposition plan in this DSIP only relates to the transposition of the new Waste Framework Directive itself, and does not cover transposition of the specific waste management and waste stream directives. It is clear, however, that significant efforts will be required to complete transposition of the whole EU waste *acquis*.

### 3.3 Implementation Plan

Albania shares the EU waste management objectives (at least on paper). This has been demonstrated through article 108 of the SAA and also through the waste chapter of the current inter-sectorial environmental strategy and the current waste legislation. The progress made with the transposition of EU waste legislation described above indicates that there has been almost no progress has been made in implementing EU standards for waste management; in particular:

- there are not sufficient human resources or expertise available to carry out the tasks required by EU legislation
- there is no waste management planning carried out at national level
- waste collection is only partial in towns and almost non-existent in rural areas;
- waste is dumped on dumpsites which are uncontrolled, unsanitary and non-compliant, or is simply abandoned, thereby causing environmental pollution, hazard and unsightliness;

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<sup>1</sup> INPAEL will also draft a decision on landfills (for both municipal and hazardous waste) and a decision on incineration, both already in the current NAPISAA (2008).

- hazardous waste is disposed of in an uncontrolled way with other waste streams, and is rarely separated and treated safely, thus creating additional hazard;
- there is very little systematic recycling of suitable waste streams, except that carried out by the informal sector;
- there is very little (if any) implementation of any of the other requirements for specific waste streams.

The actions needed to secure full implementation of this Directive are presented in the table below together with a short description of each of the proposed actions, the responsible institution and a proposed implementation period. The implementation period is given in relative rather than absolute years, the year 00 representing the year in which implementation commences. The list of actions was drafted by the INPAEL staff and presented to the Waste Management Working Group for comments. The actions are grouped according to 9 main categories, i.e.:

1. Establish administrative structures, build capacity, assign resources
2. Waste management planning
3. Promote prevention, re-use, recycling and recovery,
4. Permits, exemption, registration
5. Hazardous waste management (other than streams mentioned below)
6. Healthcare waste
7. Establish systems of separate collection of waste oils
8. Financial analysis
9. Reporting

The table shows the various actions and sub-actions required for implementation of the Directive, together with the Article(s) which specifically creates the need for that action, the institution responsible in the first place for that action and the year or period of years when implementation is envisaged.

**Table 4: Implementation and enforcement actions**

Action no.	Description of action	Article(s) of WFD 2008/98/EC	Responsible Institution	Implementation period (year)
1	Establish administrative structures, build capacity, assign resources			
1.1	Appoint personnel at national level		MoEFWA	progressively Year 01 - 06
1.2	Appoint personnel at regional level		Municipalities and communes	Year 02 - 13
1.3	Appoint personnel at local (municipal) level		Municipalities and communes	Year 02 - 13
1.4	Appoint inspectors for waste management (other than IPPC installations)		Environmental Inspectorates	progressively Year 03 - 06
1.5	TA to support establishment of new waste management functions and		MoEFWA	Year 01-03

	build capacity			
1.6	Consultancy, training, travel and other miscellaneous activities needed to support waste management functions at MoEFWA		MoEFWA	progressively Year 02 - 06
1.7	Consultancy, training travel and other miscellaneous activities needed to support waste management functions at regional level		Councils of the Regions, municipalities	Year 02 – 13
1.8	Travel, training and miscellaneous activities needed to support waste management functions at local level		Municipalities and communes	Year 02 - 13
2	Waste management planning	28		
2.1	National waste management planning		MoEFWA	Year 00- 01
2.2	Public consultation, participation		MoEFWA	Year 01
2.3	Regional waste management planning		Regions	Year 01 - 03
2.4	Public consultation, participation	4(2)	Regions	Year 02 - 03
3	Promote re-use, recovery, recycling and prevention			
3.1	TA project to support development of a strategy for re-use, recovery, recycling and prevention	11(1), 11(2), 29	MoEFWA	Year 02 - 03
3.2	Establish systems for separate collection and upgrading of paper and board, glass, plastics, metals from households	15(1), 17	MoEFWA	Year 04-08
3.3	Establish systems to encourage home composting of kitchen and garden waste	15(1), 17, 22	MoEFWA	Year 05
3.4	Establish systems for composting of municipal park and garden waste in parks	22	MoEFWA	Year 06 - 08
3.5	Establish systems for separate collection and recycling of C&D waste	11(2), 15(1), 17	Construction industry	Year 04 - 09
4	Safe disposal	12		
4.1	Collection for safe disposal	12	Municipalities and communes	Year 02 - 13
5	Permits, exemption, registration	23, 24, 25, 26		
5.1	Appoint personnel for permits, exemption, registration	23, 24, 25, 26	MoEFWA	Year 05 - 06
5.2	Technical assistance project to build capacity, develop criteria, procedures, etc.	23, 24, 25, 26	MoEFWA	Year 05 - 06
6	Hazardous waste management (other than streams mentioned below)			
6.1	TA to build institutional capacity and support development of national hazardous industrial waste management plan, including feasibility study for disposal facility for hazardous waste plus other tasks	17, 28	MoEFWA	Year 02 – 03
6.2	Prohibition on and termination of mixing of HW with other HW or with non-hazardous waste	18	Industry	Year 05
6.3	Packaging and labelling of hazardous waste	19(1)	Industry	Year 05

6.4	Intermediate storage of HW waste before disposal	17	MoEFWA	Year 05
6.5	Preparation of transport documents	19(2)	Industry	Year 05
6.6	Disposal of HW which must be incinerated/exported	17	Industry	Year 05
6.7	Transport of HW to central facility	17	MoEFWA	Year 05
6.8	Record-keeping, producers and transporters of HW	35	Industry	Year 05
6.9	Establishment of an accredited sampling and analysis facility for identification of hazardous waste		MoEFWA	Year 05
7	Healthcare waste			
7.1	TA for preparation of national management plan for healthcare waste		MoEFWA, MoH	Year 03
7.2	Appoint healthcare waste manager in hospitals		Health establishments (HEs)	Year 04
7.3	Training of staff, production of handbooks		MoH	Year 04
7.4	Purchase and operation of healthcare waste disinfection installation		MoEFWA, MoH	Year 04
7.5	Purchase of colour-coded waste receptacles in HEs		HEs	Year 04
7.6	Transport of healthcare waste to the waste disinfection facilities		MoEFWA	Year 04
7.7	Packaging and labelling of healthcare waste		HEs	Year 04
7.8	Appointment of designated room/space for healthcare waste awaiting collection		HEs	Year 04
7.9	Preparation of transport documents		HEs	Year 04
7.10	Provision of staff training		HEs	Year 04
7.11	Record-keeping healthcare waste producers	35	HEs	Year 04
8	Establish systems of separate collection of waste oils			
8.1	TA project to produce plan for waste oil management	21(1)	MoEFWA	Year 05
8.2	Implement collection and reprocessing / disposal scheme	21(1)	Industry	Year 06
9	Financial analysis			
9.1	Technical assistance for project to develop sustainable financing for waste management based on PPP	14	MoEFWA	Year 03
10	Reporting			
10.	Preparing reports for the European Commission as required by the Waste Directive	6(3), 7(2), 7(3), 11(5), 16(1), 25(3), 33(1), 37	MoEFWA	Year 07

The above actions are considered in further detail below.

## **1 Establish administrative structures, build capacity, assign resources**

### *1.1 Appoint personnel at national level*

Persons will be required to carry out or supervise the various policy-related tasks necessary under the Waste Directive. These include developing policy and producing policy papers, waste management planning at national level, building public awareness, promotion of waste prevention/reduction, recycling, recover and re-use, data collection and reporting. It does not however include the persons needed for permitting and registration, who are included separately under action 4, or the persons required for enforcement, included separately under action 1.4.

It is assumed that the waste management department will need to build gradually up to a force of 6 full-time person equivalents (ftpe) as it progressively takes on the new tasks.

### *1.2 Appoint personnel at regional level*

The new generation of EU compliant sanitary landfills will need to be regional rather than local in scale in order to benefit from economies-of-scale and optimise costs. It is assumed that waste management will therefore be organised at the level of the region (prefecture), with each region having one sanitary landfill serving the entire region, at least as far as municipal waste is concerned. This means that there would also have to be waste management plans at the regional level (consistent with the national waste management level). The tasks of the regional waste management bodies would therefore include waste management planning for their region, including tendering and contracting for the new landfills, legal arrangements, engineering, negotiations with IFIs and member municipalities, transport companies, devising appropriate cost-sharing systems and tariffs, operating the landfill or supervising the operator, maintenance and onward transmission of data.

It is assumed that each of the 12 regional bodies will comprise an executive staff of 4 person (equivalents), i.e. 3 professionals plus 1 office manager/secretary.

### *1.3 Appoint personnel at local (municipal) level*

Additional administrative personnel will be required in municipalities to support the regional system, in particular to supervise the waste collection, administer billing and the financial system, maintain and transmit the necessary data and records and represent municipal interests at the regional level.

Assume 1 extra person in each municipality or commune.

### *1.4 Appoint additional inspectors for waste management*

The Environmental Inspectorate also needs to be completed with new inspectors with the proper background/training on waste issues.

Assume an additional 4 person (equivalents) within the inspectorates. It is assumed that these additional resources would operate mainly within the local inspectorates. Their tasks would include inspecting waste management facilities and operators (other than the new regional landfills, which will fall under IPPC), hazardous waste producers and transporters, etc.

#### *1.5 TA to support establishment of new waste management functions and build capacity*

Writing policy papers, strategic documents and action/management plans are among the main duties of the staff of a ministry. These are important tools for communicating the policy in specific areas to government, the public and other stakeholders. They are also essential for communication with EC and other international organisations

For the time being, the capacity and skills are lacking at the MoEFWA, since there no structure or person is dedicated to waste management. Though a couple of Institutional Strengthening projects have been carried out with the MoEFWA staff in the past 8 years with the support of DfID, more is needed.

An institutional strengthening project is therefore needed which focuses on waste management. This project would:

- develop a work plan and procedures for the new waste management department within MoEFWA;
- develop and agree job description, modus operandi and legal basis for regional waste management bodies, establish pilot regional body (dovetailed with activities to implement landfill directive);
- prepare manuals of operating procedures for waste management for municipalities;
- prepare and deliver training packages for staff at all levels (EU legislation, producer responsibility, PPP, waste prevention, accounting, billing, local waste management practice) pilot in selected municipalities, prepare training materials and train the trainers so that there will be national capacity to deliver ongoing training to waste management personnel;
- establish the system for data collection, storage, management and reporting needed for monitoring, planning and reporting obligations to the Commission and the EEA. Data collection and reporting responsibilities must be defined very clearly between the MoEFWA, EFA, the line ministries and local government, so that overlaps and gaps are avoided;
- support MoEFWA in preparation of policy papers on two waste management topics (for example hazardous waste, the role of the private sector in waste management, improving waste charge collection rates, financial securities etc.).

### *1.6 Consultancy, training, travel and other miscellaneous activities needed to support waste management functions at MoEFWA*

This includes the use of (local) consultants to support preparation of future waste management plans, policy papers and other technical tasks, ongoing training of personnel as required, for example for new staff, travel to conferences, etc.

### *1.7 Consultancy, training, travel and other miscellaneous activities needed to support waste management functions at regional level*

This includes the use of (local) consultants to support preparation of future regional waste management plans,

### *1.8 Travel, training and miscellaneous activities needed to support waste management functions at local level*

Ongoing training of staff as required, travel necessary within a regional waste management structure.

## **2 Waste management planning**

It is assumed that a two-tier system of waste management planning will be developed in Albania, i.e. at the national and regional levels.

### *2.1 National waste management planning*

A national waste management plan will be drafted by the present (INPAEL) project. However the MoEFWA will be responsible for evaluating this programme and adjusting it as necessary on a 6-year cycle (possibly making use of consultancy support).

### *2.2 Public consultation, participation*

Member States are required to ensure that their citizens and stakeholders are consulted and involved in waste management planning. This would include the publication and dissemination of draft plans, the arrangement of public meetings and the consideration and taking account, where appropriate, of suggestions made and the formulation and transmission of responses to those concerned.

### *2.3 Regional waste management planning*

A regional waste management plan will be drafted by the present (INPAEL) project for the Tirana-Durres agglomeration. This can be used by other regions as a model for their own regional waste management plans

### *2.4 Public consultation, participation*

Public consultation and participation are also necessary for regional waste management plans. Indeed this may be even more important than for national plans, since regional plans will be more specific as to location and as to the technical specifications of installations.

### **3 Promote prevention, re-use, recycling and recovery**

The new Waste Directive lays greater emphasis on re-use, recovery, recycling and prevention than its predecessor. Article 11 introduces requirements for concrete measures to promote re-use and recycling, and Article 29 requires that they establish waste prevention programmes.

#### *3.1 TA project to support development of a strategy for prevention, re-use, recycling and recovery*

This project would carry out at least the following tasks:

- identify a shortlist of the materials to be considered as potentially recyclable in the project, to include at least paper, metal, plastic and glass;
- estimate, for each such material, the total amount recyclable and available in municipal waste, and in other waste streams if appropriate;
- consider the most cost-effective way of collecting these materials;
- consider the 'markets' for these materials;
- ascertain the technical specifications (purity, separation of different components, colours, etc.) which these materials would have to meet to be marketable and therefore, identify what further upgrading will be necessary to make materials marketable, and how this upgrading could be provided;
- consider prices of these materials, and volatility of these prices;
- where adequate market is lacking, identify potential government actions to improve the market, create new applications;
- make recommendations on actions to promote re-use, recovery and recycling having regard to all the above factors, and to the targets specified in the Directive;
- consider cost-effective measures to prevent the occurrence of waste;
- Design and perhaps pilot in one municipality, a public awareness and information campaign to ensure people understand what is expected of them and why.

#### *3.2 Establish systems for separate collection and upgrading of paper and board, glass, plastics, metals from households*

This follows from above. It must be borne in mind that there is no point collecting materials separately which can then not be recycled. Therefore upgrading materials to a standard when they can be used by potential re-

cyclers is crucial (separation of green, brown and clear glass, washing, separation of different types of plastic, different grades of paper, etc.).

### *3.3 Establish systems to encourage home composting of kitchen and garden waste*

As far as household waste is concerned, separation at source is almost certainly best. Recovering bio-waste from mixed municipal waste is likely to result in compost or digestate which is contaminated and therefore difficult to use.

### *3.4 Establish systems for composting of park and garden waste in parks*

The green waste generated in parks and urban gardens could be composted directly in situ, if there is a possibility to do so. This has the advantage that the compost produced can be used directly in the park or garden from which it originated. This knowledge of its origin gives greater confidence in using it. But the amount which can be composted locally is restricted by local conditions.

### *3.5 Establish systems for recycling or other recovery from CDW*

The Waste Directive requires that by 2020 member states should be preparing for re-use, recycling and other material recovery at least 70% of their non-hazardous construction and demolition waste (CDW).

In order to establish the successful recycling of CDW a number of conditions have to be achieved, including:

- there need to be good financial incentives for the construction industry to recycle and to use recycled materials; this may call for direct prescriptive regulation, for invoking producer responsibility or for financial instruments such as an 'aggregates levy' (i.e. taxing virgin aggregates) or a (deterrent) landfill tax.
- potential users of recycled materials need to be assured of the quality of the materials;
- the requisite good practices have to be integrated into construction and demolition practice to ensure that efficient recycling can take place. This may mean a departure from traditional building site procedures which have long been practised and the introduction of selective demolition and good management of construction sites;
- the parties on whose behaviour success depends may need to be subjected to enforcement to reinforce the desirable behaviour;
- bureaucratic obstacles should be minimised; for example recyclable CDW, if classified as waste, may be subject to special rules covering waste which puts it at a disadvantage relative to its virgin competitors. These obstacles should be minimised.

A TA project will be needed to make a management plan for CDW. One of the first tasks this project will have to carry out will be to make an inventory of the arising of CDW in Albania. Such an inventory is missing at present, which gravely hampers any planning effort. The project will also have to design a reporting system to ensure that the inventory can be maintained in the future, and to make sure that the building industry is made aware of its obligations in this regard, and that inspectors are aware of the policing action which they have to take.

A network of sorting, screening and crushing plant will need to be established. This should be fairly decentralised, so that CDW does not have to be transported long distances (at least one installation per Prefecture). Furthermore these installations should be operated by private companies, not by the authorities, who charge an economic fee for the service. The role of the authorities should be limited to creating the right enabling environment which will induce the desired behaviour, including of course enforcement, particularly ensuring that CDW is not being fly tipped.

In order for this to be feasible it may be necessary for waste producers to pre-sort their waste into:

- coarse wood
- coarse metals
- WEEE, asbestos and other hazardous waste,

or some other pre-sorting consistent with the recycling treatment to which it is to be subjected.

There are various means of achieving this, e.g. by

### *3.6 Establish systems for recycling or other recovery from CDW*

Inert matter, masonry etc. can be crushed and screened to make it suitable for re-use in the construction industry. Other materials can be sold or disposed into the same channels as these materials from other sources (e.g. municipal waste). It will be necessary by 2020 to keep quantitative records of waste so that compliance with the target can be verified.

## **4 Safe disposal**

### *4.1 Collection for safe disposal*

Member States are required to ensure that waste not recovered undergoes safe disposal operations. It is assumed that non-hazardous waste will be collected and taken to a non-hazardous waste sanitary landfill for disposal. The costs of providing the necessary

## **5 Permits, exemption, registration**

### *5.1 Appoint personnel for permits, exemption, registration*

It is assumed that the MoEFWA will be the competent authority for permitting waste managers.

It is assumed that the waste management department will need a further two person (equivalents) to deal with permitting and registration.

#### *5.2 Technical assistance project to build capacity, develop criteria, procedures, etc..*

A technical assistance project will be needed to determine which recycling activities should be exempted from permitting, and to provide concrete criteria, model rules, etc. for the different sectors which will assist the permitting department in its work. It will also draft operating procedures, design a record-keeping system, etc.

### **6 Hazardous waste management (other than streams mentioned below)**

The provisions with regard to hazardous waste (HW) have been brought within the scope of the new Directive on Waste (2008/98/EC), and the former Hazardous Waste Directive repealed.

#### *6.1 TA to build institutional capacity and support development of national hazardous industrial waste plan*

This will include the following activities:

- Training for waste management unit staff
- Training for Inspectors
- Develop guidelines and check list for inspections
- Develop guidelines for HW generators and handlers
- Provide education (workshops, courses) for HW generators and handlers
- Assemble inventory of hazardous industrial waste
- Formulate a plan for dealing with the various hazardous waste streams.

The training referred to above will cover *inter alia* European law on HW, identifying HW, disposal options, specific requirements for different HW streams, transport of HW, duty of care, travel documents, etc.).

#### *6.2 Prohibition on and termination of mixing of hazardous waste with other hazardous waste or with non-hazardous waste*

In accordance with Article 18 of the Directive.

#### *6.3 Packaging and labelling of hazardous waste*

In accordance with Article 19(1) of the Directive.

#### *6.4 Intermediate storage of hazardous waste before disposal*

It is assumed that a simple hazardous waste disposal facility will be constructed at a central location in Albania, comprising a secure sanitary landfill for hazardous waste and an immobilisation facility. It is assumed that this facility would be operated by an organisation reporting to the MoEFWA.

#### *6.5 Preparation of transport documents*

Article 19(2) of the Directive provides that any consignment of hazardous waste being transported (also within the country) must be accompanied by an identification document containing the data specified in Annex IB to Regulation (EC) No 1013/2006.

#### *6.6 Disposal of HW which must be incinerated/exported*

It is assumed that those hazardous waste streams which have to be incinerated will initially be transported to another EU member state for incineration, since the volume of such waste arising in Albania will not be sufficient to justify the construction of an incinerator. An alternative would be to reach agreement with an Albanian cement kiln to burn the waste as fuel, although this would mean that the cement kiln would be classified as a waste incinerator, and would therefore be subject to the Waste Incinerator Directive.

#### *6.7 Transport of HW to central facility*

#### *6.8 Record-keeping, producers and transporters of HW*

#### *6.9 Establishment of an accredited sampling and analysis facility for identification of hazardous waste*

Having legislation and rules for the treatment of hazardous waste presupposes that there are facilities available for determining whether waste is hazardous or not, and what the hazardous components are. An existing government laboratory will be upgraded to provide this capacity.

## **7 Healthcare waste**

Although the Waste Directive does not mention healthcare waste specifically, a number of the waste streams from the healthcare sector are designated hazardous in the Waste Catalogue, namely:

- |          |   |
|----------|---|
| 18 01 03 | wastes whose collection and disposal is subject to special requirements in order to prevent infection |
| 18 01 06 | chemicals consisting of or containing dangerous substances  |

18 01 08	cytotoxic and cytostatic medicines
18 02 10	amalgam waste from dental care
18 02 02	wastes whose collection and disposal is subject to special requirements in order to prevent infection
18 02 05	chemicals consisting of or containing dangerous substances
18 02 07	toxic and cytostatic medicines

These hazardous waste streams arise in hospitals and other healthcare establishments, include infectious waste which presents different problems from other waste streams and require special treatment to protect healthcare workers. They are therefore considered separately.

The sound management of healthcare waste is important both within the institutions in which they arise and when waste products are transported, stored or disposed of outside the healthcare institutions. The Ministry of Health must be involved in regard to the former, as the issue is partly one of the health and safety of healthcare workers

#### *7.1 TA for preparation of national master plan for healthcare waste management*

A national master plan enables healthcare waste management options to be optimised on a national scale. A national survey of healthcare waste will provide the relevant agency with a basis for identifying actions on a district, regional, and national basis, taking into account conditions, needs, and possibilities at each level. The plan will consider treatment, recycling, transport, and disposal options.

The project will undertake the creation of an inventory of healthcare institutions and healthcare wastes, consider options and propose the treatment of the different waste streams, training of senior hospital staff and a template for a hospital-level waste management plan. It will also consider options for waste reduction and recycling, prepare training materials and train local trainers.

#### *7.2 Appoint healthcare waste manager in hospitals*

It is regarded as good practice to assign overall responsibility for the internal management of healthcare waste within a healthcare institution to a specific person, who ensures that the necessary systems are in place, are operating and that all personnel who come into contact with hazardous waste are trained.

#### *7.3 Training of staff, production of manuals*

Waste arises at many points in healthcare institutions, including different types of hazardous waste and non-hazardous waste. Training is required on the correct separation of the different types of healthcare waste.

#### *7.4 Purchase and operation of healthcare waste disinfection installation*

The traditional treatment for the infectious fraction of healthcare waste is to burn it in dedicated incinerators, usually located in larger hospitals. These normally operate 24 hours per day, to avoid emissions problems associated with start-up and shutdown. Such installations must comply with the Waste Incinerators Directive, and are expensive. Lower-cost solutions exist which are perfectly satisfactory, based on physical or chemical disinfection.

Actions 7.5 to 7.11 below are the main elements of the management system which healthcare establishments will normally have to implement.

*7.5 Purchase of colour-coded waste receptacles in HEs*

*7.6 Transport of healthcare waste to the waste disinfection facilities*

*7.7 Packaging and labelling of healthcare waste*

*7.8 Appointment of designated room/space for healthcare waste awaiting collection*

*7.9 Preparation of transport documents*

*7.10 Provision of staff training*

*7.11 Record-keeping healthcare waste producers*

## **8 Establish systems of separate collection of waste oils**

The provisions with regard to waste oils have been brought within the scope of the new Directive on Waste (2008/98/EC), and the former Waste Oils Directive repealed.

### *8.1 TA project to produce plan for waste oil management*

This will include:

- Make inventory of qualifying waste oils, including types, quantities, source
- Assess market in Albania: production, imports
- Identify current fates of waste oils, prices (if appropriate)
- Enumerate possibilities for dealing with different waste oils, estimate costs, other constraints
- Evaluate willingness and possibilities of cement industry to co-burn.
- Identify legal and financial instruments, incentives and sanctions necessary, e.g. producer/ importer responsibility
- Develop standard conditions for permits
- Produce informational material for public and other stakeholders

- Draw up national waste oils management plan, with recommendations
- Look at policy instruments, economic instruments for implementing.

### *8.2 Implement collection and reprocessing / disposal scheme*

Normally Albania will invoke extended producer responsibility to make the oil industry responsible for the collection and recovery of spent oils. This will normally include providing for a national network of depots to which waste oils can be taken (typically service garages and points of sale) and for the collection of these oils and their regeneration or burning as a fuel (typically in cement kilns).

## **3.4 Resources and Costs**

This sub-section assesses the costs of approximating the Directive on Waste in Albania.

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

Since full transposition of Directive 2008/98/EC will be achieved by the present project, there will be no further costs for transposition, and all the costs are implementation costs. The starting point for costing implementation was the list of interventions contained in Table 4.

The resource requirements of each action were estimated by the project experts. These resources comprised:

- human resources (the resources are generally assumed to be new resources which will be required on an ongoing basis), together with the normal resources needed to allow them to do their jobs (office space, desk, computer, stationery, administrative support, etc.),
- training,
- travel,
- technical and engineering measures including acquisition of the necessary waste management equipment,
- production of necessary documents,
- technical assistance projects/ experts (The resource allocated 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),
- expenses needed for any necessary consultation of the public and stakeholders, and of campaigns needed to inform these groups and raise their awareness,
- laboratory facilities and instrumentation,
- enforcement.

An estimate was made of the costs of these resources by the project experts. The unit costs used to estimate the costs of resources were based,

where possible, on local data, but where local data were not available costs applying in other countries in South-East Europe were used. For the detail of how these estimates were made see Annexes II and III. The results of this costing are summarised below. The approach taken in the costing and some overall assumptions made are described in the following sections.

All costs are estimated in constant 2008 prices.

### **3.4.2 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.

#### *Year of Albania's accession to the EU*

An assumption has to be made in this regard because:

- (a) in principle Albania has to be in compliance with the relevant EU legislation by its date of accession (although in practice it will be able to negotiate a deferment for some of its more onerous obligations);
- (b) the financing status of the country 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.

The year of accession is assumed to be 2015.

#### *Phasing of measures and investment*

Measures are phased at about the rate which is consistent with the assumed date of Albania's accession. In other words that plans will have been established and that implementation will be either complete or well advanced or, in the case of cost-heavy measures, are consistent with the kinds of transition periods which are likely to be negotiable with the EU.

#### *Costs of hazardous waste management*

The new Waste Framework Directive includes measures for the management of hazardous waste, and repeals the Hazardous Waste Directive with effect from December 2010. The costs of some hazardous waste management activities therefore have to be assigned to the Directive on Waste<sup>2</sup>. There is however a problem in estimating these costs because so little is known about the hazardous waste which arises in Albania, for example which are the main sources and what the quantities are. In the

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<sup>2</sup> The costs of packaging, labelling, collection and intermediate storage of waste are assigned to this Directive, while the cost of providing a hazardous waste treatment facility and secure hazardous waste landfill are assigned to the Landfill Directive.

circumstances rather than disregard these costs, however, the approach taken was to include an educated guess of the cost of the necessary measures. Of course one of the first measures proposed will be to make an inventory of hazardous waste arising in Albania, and then it will be possible to estimate costs more accurately.

### 3.4.3 Results of implementation costing

A distinction is made between, on the one hand capital costs or 'one-off' costs, and recurrent or operating costs on the other.

The total costs of implementing the Directive on Waste are estimated to be one-off costs of just over €150 million and recurrent costs which rise to just over €52 million per year by year 13.

The table below shows the total costs, subdivided between the actors who will be responsible in the first place for the actions concerned.

*Table 5: Overall implementation costs for the Directive on Waste, grouped by agency/ social partner primarily responsible*

<b>Agency/ social partner</b>	<b>One-off costs (€'000)</b>	<b>Recurrent costs (€'000/year)</b>
MoEFWA	11,940	226
MoH <sup>1</sup>	1,508	2,955
MoEFWA and MoH <sup>2</sup>	1,600	-
Regions <sup>3</sup>	87,320	41,596
LGUs <sup>4</sup>	33,596	3,678
Inspectorates <sup>5</sup>	-	58
Construction <sup>6</sup>	18,000	1,450
Oil industry <sup>7</sup>	500	960
Industry <sup>8</sup>	-	1,930
<b>Total</b>	<b>154,464</b>	<b>52,852</b>

#### Notes:

<sup>1</sup> MoH = Ministry of Health (operates hospitals, producers of hazardous healthcare waste)

<sup>2</sup> The cost of a TA project of which both ministries are beneficiaries

<sup>3</sup> Waste management will ultimately be organised on a regional basis, and it is therefore logical to regard some of the costs as arising at a regional level. At this stage the costs are therefore assigned to the 'Regions', without presupposing what this means in practice (see 3.5 *Financing Strategy* for more discussion of this matter).

<sup>4</sup> LGUs = Local government units (i.e. municipalities and communes)

<sup>5</sup> Includes both environmental and health inspectorates

<sup>6</sup> The construction industry (i.e. generators of construction & demolition waste)

<sup>7</sup> Oil industry refers to producers, importers and distributors of lubricants, and to garages and service stations

<sup>8</sup> In particular, generators of hazardous industrial waste

It can be seen that the lion's share of the costs relate to activities which are regional and local responsibilities. This reflects the fact that non-hazardous waste collection and disposal is a responsibility of local authorities.

MoEFWA is the agency with the lead responsibility in ensuring that the Directive is implemented. Its costs therefore relate mainly to the costs of taking on the additional staff necessary and providing them with the resources they need to do their job, to the TA which they need to build their capacity and to the cost of informing and building awareness of the public and other stakeholders. However it is assumed that the treatment of hazardous waste, including transport to the treatment site, will also be a responsibility of the MoEFWA.

Costs arise to the other parties listed in the table for the reasons given under *Notes*, below the table.

Table 6 below shows the same costs grouped by the nature of the actions involved.

*Table 6: Overall implementation costs for the Directive on Waste, grouped by type of implementation action*

Type of action	One-off costs (€'000)	Recurrent costs (€'000/year)
New personnel <sup>1</sup>	0	4,870
Technical assistance	12,400	0
Miscellaneous costs: travel, incidental training, etc.	240	842
Public awareness, information, involvement	8,310	0
Equipment and civil engineering	132,976	41,761
Transport <sup>2</sup>	0	1,119
Administrative measures <sup>3</sup>	0	2,780
Training	38	20
Waste management services <sup>4</sup>	0	1,360
Other	500	100
<b>Total</b>	<b>154,464</b>	<b>52,852</b>

**Notes:**

<sup>1</sup> These are persons additional to those already employed. The costs include not only direct costs – the salaries themselves – but also indirect costs: office space, heating, stationery, administrative support and overheads.

<sup>2</sup> Here transport involves the cost of using a third party to provide a transportation service. The previous entry *Equipment and civil engineering* also involves transport, since it includes vehicle capital and operating costs.

<sup>3</sup> Administrative measures here refers to a cost imposed on an economic participant as the result of the imposition of an administrative requirement (provision of transport documents, record-keeping, etc.).

<sup>4</sup> Waste management services means services provided by a third party which is not available in Albania, e.g. incineration of combustible hazardous waste.

Salary and indirect employment costs will rise to €4.9 million per year. This corresponds to 350 full-time person equivalents (fpe). This is made up as follows:

*Table 7: Additional human resources required to implement the Directive on Waste*

Organisation / level	fpe
MoEFWA: policy, planning	6
-----“----- permitting personnel	2
-----“----- reporting	1
Regional level (mainly regional waste management boards)	48
Municipalities and communes	220
Inspectorates	4
Hazardous waste truck drivers	7
Healthcare waste managers	62
<b>Total</b>	<b>350</b>

The costs are dominated by the equipment and engineering costs (86% of one-off costs, 80% of recurrent costs), for example:

- preparing platforms for pre-collection containers;
- preparing the collection points for recyclables;
- purchase of the containers for recyclables and residual waste;
- purchase and operation of compacting collection trucks;
- construction and operation of transfer stations;
- purchase and operation of truck-trailer sets for transporting the waste from the transfer stations to the landfills;
- purchase and operation of home composting containers for rural households which opt to take them;
- purchase and operation of trucks for the collection of healthcare waste and hazardous industrial waste;
- systems for the separation and appropriate treatment (including disinfection) of healthcare waste.

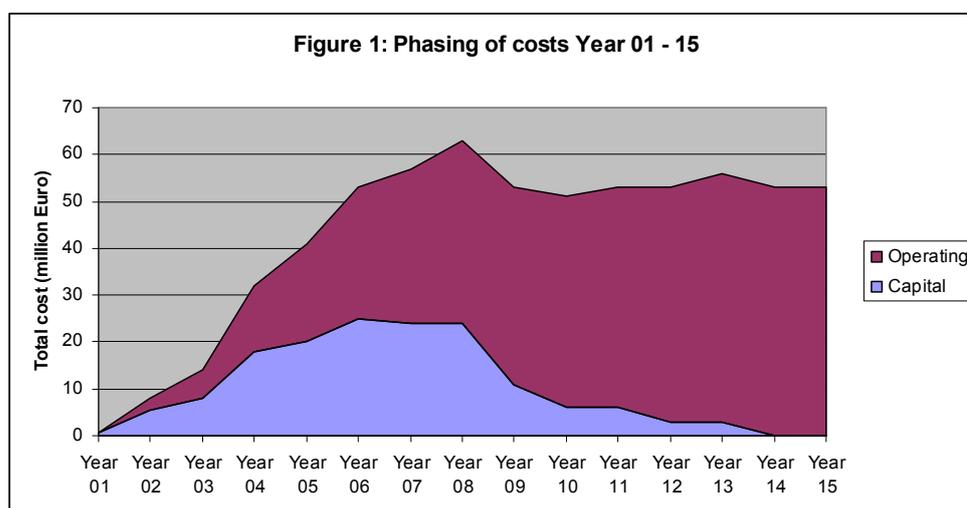
The main items of equipment and engineering are shown in the table below.

*Table 8: Main items of equipment /engineering required for implementation of Directive on Waste (capital costs only)*

Action ref.	Item	Who	€ mill.
4.1.5	Compacting collectors 24m3	Regions	26
3.2.4	Sorting plant	Regions	23
3.5.2	Sorting, screening, crushing plant	Construction	18
3.2.3	Vehicles 24m3 separate collection	Regions	14
3.2.2	Bins 1.1m3	LGUs	12
3.2.1	Collection points	LGUs	12
3.3.5	Composting units whole country	Regions	8
4.1.6	Transfer stations	Regions	4
4.1.8	Truck/trailer sets 49m3	Regions	3
4.1.1	Urban platforms	LGUs	3
3.4.1	Composting containers	LGUs	2
4.1.3	Rural platforms	LGUs	2
4.1.2	Urban containers 1.1m3	LGUs	1
4.1.7	Transport containers	Regions	1
7.4	Disinfection installations	MoH	1
4.1.4	Rural containers 1.1 m3	LGUs	1
8.2.1	Network of storage facilities	Oil industry	1
	Other		1
	<b>Total</b>		<b>133</b>

Other significant costs include technical assistance (over €12 million) and €8.3 million for public information, awareness-building and consultation.

The burden presented by a cost depends not only on its magnitude, but also on the period over which it is spread or builds up. Some of the actions necessary to implement the Directive on Waste are spread over many years. For example action 4.1 *Collection* is spread over the period Year 02 to Year 13. The graph below shows how cost builds up during the period Year 01 to Year 15. The amounts shown are the estimated cash expenditures during this period,



The numerical values are shown in the table below.

*Table 9: Phasing of costs Year 01 – 15 (€ millions)*

	Year 01	Year 02	Year 03	Year 04	Year 05
Capital	0.5	5.3	8	18	20
Recurrent/Operating	0.0	2.8	6	14	21
	Year 06	Year 07	Year 08	Year 09	Year 10
Capital	25	24	24	11	6
Recurrent/Operating	28	33	39	42	45
	Year 11	Year 12	Year 13	Year 14	Year 15
Capital	6	3	3	0	0
Recurrent/Operating	47	50	53	53	53

The capital expenditure reaches a peak of €25 million Year 06, and declines thereafter. The recurrent costs continue to mount year on year, reaching €53 million in Year 13. In the later years, the additional costs are dominated by the recurrent costs.

## 3.5 Financing Strategy

### 3.5.1 Introduction

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

The starting point in allocating the costs of waste management in the future is the polluter pays principle. Article 14 of the Directive provides for the costs of waste management to be borne by:

- the original waste producer,
- the current or previous waste holders, or
- the producer or distributor of the product from which the waste came.

Apart from being a legal requirement, this is a precondition for the long-term financial viability and sustainability of the waste management sector, and will also provide an increasing incentive for waste 'producers' (i.e. including the producer of the related products) to reduce and recover waste. This latter factor is particularly important for hazardous waste since hazardous waste producers have hitherto been paying waste charges similar to those for non-hazardous waste or in some cases no charges at all.

The polluter pays principle means that the waste producers should as far as possible pay the full cost of managing their waste. However while the ultimate costs of waste collection and disposal will be met by waste producers, there is still a financing issue, since capital expenditure will be required for the collection, transport and disposal facilities, and householders at least cannot be expected to finance capital expenditure. It is assumed the Albanian government will, at least in the first place, take the initiative to establish the facilities for the collection, and upgrading for recycling or disposal of waste. This will involve raising the finance, even

though the costs of this finance will ultimately be met by the waste producers.

### 3.5.2 Sources of funding - General

The main possible sources of funding are:

- waste producers (measures they take themselves);
- charges paid by waste producers to waste management service providers;
- fees for licences and other services;
- charges or taxes on new products intended to defray the eventual disposal costs;
- state, municipal or communal budgets;
- environment fund;
- grants from the European Union pre-accession instrument IPA;
- grants from the European Regional Development Fund (ERDF) and Cohesion Fund (CF) - Post-accession;
- grants from other international donors;
- loans from international funding institutions;
- loans from bilateral financing institutions;
- loans from commercial banks;
- bonds issued by central or local government authorities;
- private capital (through PPP arrangements).

These various sources are considered below.

#### Waste producers (measures they take themselves)

For example producers of some wastes will take measures either voluntarily, perhaps as a result of measures taken or information disseminated by government in its prevention strategy, or compulsorily as a result of conditions set in their IPPC permits, to reduce their generation of waste. This will be done at their own expense.

#### Charges paid by waste producers to waste management service providers

These will mainly be charges for waste collection and disposal. Waste producers are already paying such charges to local authorities and to transport contractors who transport their waste, but these charges are likely to rise to reflect the costs of complying with EU legislation. In addition, if or when waste producers ship the waste to the operators of an incinerator in another EU country, they will pay the costs involved directly to the operator of the incinerator and to the transport carrier.

#### Fees for licences and other services

If a fee is introduced for licensing or other administrative activities necessary in connection with waste management, the proceeds can be used to fund that activity.

#### Charges or taxes on new products intended to defray the eventual disposal costs

This may be an increase in price levied by the producer or importer of a product, or a tax levied by government. For example the government may invoke the principle of producer responsibility by regulating that producers/importers of lead-acid auto batteries are responsible for the collection and disposal of their product in the waste phase. The latter will increase the price of the product to make provision for this liability. Alternatively the government may levy a tax on batteries and use the proceeds of this tax to itself set up the infrastructure needed to collect and deal with the batteries.

#### State, municipal or communal budgets

This may be either part of the regular budget or a special allocation earmarked to deal with a one-off or special situation. In particular, all recurrent and operating costs will have to be met from state, municipal or communal budgets.

#### Environment fund

An environment fund is a fund made up of the proceeds of specified taxes or charges. These taxes or charges might, for example be levied on the production or import of specific products which create large and problematic waste streams. The fund could then be used for appropriate waste-related projects. This could be an appropriate source of funding for dealing with historical contamination where no-one can be held to account for the damage and revenues cannot be easily generated the measures taken, for example, contaminated land which once accommodated industrial installations. These kinds of Funds have proved quite useful in other Eastern European Countries.

There is no specific environment fund at present in Albania. The Ministry of Finance has been reluctant to the idea arguing that they distort the allocation of resources.

#### Instrument for Pre-accession Assistance (IPA)

The IPA was introduced in January 2007, and replaced various earlier EU programmes and financial instruments for candidate countries and potential candidate countries, such as PHARE, ISPA, SAPARD and CARDS.

The IPA is made up of five different components:

- I. Assistance for transition and institution building;
- II. Cross-border cooperation (with EU Member States and other countries eligible for IPA);
- III. Regional development (transport, environment and economic development);
- IV. Human resources (strengthening human capital and combating exclusion);
- V. Rural development.

Component I falls under the responsibility of the Commission's Directorate-General for Enlargement, which is also responsible for the overall coordination of pre-accession assistance. It involves institution building measures and associated investment, as well as transition and stabilisation measures where necessary. It is delivered through annual national and multi-beneficiary programmes.

Component II supports cross-border cooperation at borders between candidate/potential candidate countries and between them and the EU countries. DG Enlargement and the Commission's Directorate-General for Regional Development are jointly responsible for the implementation of component II. A joint application with the neighbouring country is required.

'Potential candidate countries' such as Albania are only entitled to components I and II above.

The EU makes multi-year indicative allocations according to the IPA Multi-annual Financial Framework MAFF. The figures for Albania are as follows:

*Table 10: Indicative IPA allocations to Albania*

Year	Component I (€ million)	Component II (€ million)	Total (€ million)
2007	54.3	6.7	61.0
2008	61.1	9.6	70.7
2009	70.9	10.3	81.2
2010	82.7	10.5	92.3
2011	?	?	98.7

The sums available in the future are likely to go on climbing slowly in real terms after 2011 until the date of accession. When Albania becomes a full candidate country there will also be an increase in the indicative allocations.

These amounts cover aid in all sectors, not just the environmental or waste sector. Projects are classified as political, economic and membership obligations. The division between these groups in the allocations for 2007 to 2009 was 30-35%, 20-25% and 40-50% respectively. Assistance in implementing the Directive on Waste would be classified as a membership obligation.

But it should be noted that the 2007 allocation is currently awaiting final EU approval, approval for the 2008 allocation is somewhat further off, and the allocation for 2009 is currently still being programmed. New projects will not be eligible before IPA 2010, which will not begin disbursement before 2011.

Starting with the 2008 IPA allocation, Albania is expected to provide co-funding – from 10% for TA projects up to 25% for investment projects. However in the former case this co-funding may be 'in kind' rather than necessarily as a monetary contribution. Since this may include the salaries of participating public service counterparts, and since such participation is

in any case desirable indeed necessary in a TA project, Albanian co-funding costs are assumed to be nil.

#### Grants from the European Regional Development Fund ERDF and CF

When Albania actually joins the EU it will be able to apply for funding under the Regional Development and Cohesion Funds. It is not known at present how much would be available, but on the basis of the experience of the 2004 accession countries and of Romania and Bulgaria, amounts substantially exceeding pre-accession funding are likely to be available to help bring Albania's infrastructure up to EU standards. Some Albanian co-funding would be required.

#### Grants from other international donors

According to the database of aid projects maintained by the foreign donor coordination unit within the Council of Ministers, non-EU donors have provided Albania with some €2600 million in aid over the last 9 years. Of this total, some €366 million was for projects in the environment sector. Only €22 million (all grant funding), or about 1% of the total, was for projects in the solid waste sector, while €280 million went to water and sanitation projects. Most of the projects in the solid waste sector were for the remediation of historical problems of contaminated land.

The main donor governments and institutions during this period were the EU, Germany, Italy, Austria, and the Netherlands. The government should try to ensure that as much foreign aid as possible is directed towards assisting Albania to meet its accession obligations.

#### Loans from international and bilateral funding institutions

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

A number of West European countries, the USA, Japan and Canada provide financial assistance to central and eastern European countries through bilateral financing institutions. These differ in their areas of interest and modus operandi but, in general, operate along similar lines and with similar constraints to the IFIs.

The largest bilateral financing institution operating in Europe is the German Bank for Reconstruction (Kreditanstalt für Wiederaufbau – KfW). This lends money at soft rates to EU candidate countries.

#### Loans from commercial banks

Local authorities may be able to obtain loans from commercial banks, but the terms are likely to be much less favourable than from international and bilateral funding institutions. Not only is the interest rate likely to be much

higher, but the term of the loan would probably be shorter and there would probably not be a grace period.

#### Bonds issued by local government authorities

Most local authorities are probably not yet at a stage where they can envisage issuing bonds as a means of raising finance. This is because of their small size, the lack of an independent audit of their accounts, low quality of financial data, the need for obtaining a credit rating from organisations such as Standard & Poor, Moody's, etc.

#### Private capital (through PPP arrangements).

At a later stage during the period under consideration it may be possible to attract private capital for some environmental infrastructure projects. At one end of the spectrum, municipalities could effect a service contract with a private company to collect waste and deliver it to a waste treatment centre, materials recovery facility or recycling plant in return for a fee. This avoids the financing problem for government, since it is the private company which raises the necessary finance, and in principle the fee can be recovered from the charges raised to the waste producers. On a more sophisticated level, private contractors could operate a sizeable portion of the entire waste management system in a prefecture as a concession or under a BOT (build - operate - transfer) contract. Such constructions will require a number of developments before they can be envisaged in Albania, including reform of accounting in municipalities and communal enterprises, clear evidence that the state is willing to enforce the new laws and that municipalities are willing to allow the real waste management costs to be charged to waste producers and the emergence of credible operators of the new facilities.

### 3.5.3 Sources of funding for Hazardous Waste

We now consider 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 the MoEFWA is responsible

The actions for which the MoEFWA is responsible are shown in the following table:

Table11 : Categories of cost for MoEFWA to implement Directive on Waste

	Capital / one-off costs (€'000)	Operating / recurrent costs (€'000/year)
<b>MOEFWA</b>		
Personnel, administrative		111
Budget for consultancy, training, travel		34

Technical assistance	11,600*	
Public information, awareness-building, involvement	250	
Transport vehicles (for hazardous waste)	650	45
Drivers (hazardous waste)		35
Equipment for home composting pilot	240	
<b>Total</b>	<b>12,740</b>	<b>225</b>

\* Note this includes ½ of the cost of a TA project of which MoEFWA and MoH are joint beneficiaries.

All the (additional) administrative operating/recurrent costs, i.e. €145,000/year, will have to be met in the first place from the *state budget*. However in fact these costs form part of the costs of waste management as much as the costs of the physical systems for collection, recovery and disposal of waste, and therefore should ultimately be borne by the *producer or holder of the waste*. However, realistically it will be some years before these costs can be recovered from producers.

The costs directly related to the management of hazardous waste, which is assumed to be a function taken on by MoEFWA (or an agency reporting to MoEFWA), i.e. the costs of purchasing and operating the collection vehicles and paying the drivers, should be met from the *charges levied on hazardous waste producers* for this service,

The costs of TA projects needed to build the capacity of Ministry personnel will amount to €11.6 million (this reflects the large scope of the new Directive on Waste). Grant funding should be sought for these projects from the *EU IPA (components I or IV) and/or from the international donor community*. The equipment for home composting included above will be distributed during the pilot exercise (see action 3.3), and this cost of €240,000 should be included in the TA budget of the associated project

The costs of campaigns to build awareness amongst the public and involve citizens in planning and decision-making will be a matter for the *state budget*.

#### Costs for which the MoH is responsible

The actions for which the MoH is responsible are shown in the following table:

Table 12: Categories of cost for the MoH to implement Directive on Waste

	Capital / one-off costs (€'000)	Operating / recurrent costs (€'000/year)
<b>MoH</b>		
Personnel		900
'Administrative' costs (packaging,		1,950

labelling, transport documents, record-keeping)		
Technical assistance	800*	
Training	38	20
Equipment (infectious waste treatment, colour-coded receptacles, vehicles, appointment of storage space in HEs)	1,470	85
<b>Total</b>	<b>2,308</b>	<b>2,955</b>

\* Note this refers to ½ of the cost of a TA project of which MoEFWA and MoH are joint beneficiaries.

The additional personnel (healthcare waste managers) and administrative costs will have to be met by the hospitals or medical centres themselves, and therefore ultimately by the *Ministry of Health*.

The MoH share of the costs of the TA project needed to build the capacity of MoH personnel and senior hospital managers will amount to €800,000. Grant funding should be sought for this from the *EU IPA (components I or IV) and/or from the international donor community*. The initial training and preparation of manuals (€38,000) should form an integral part of the TA project, and should therefore be funded in the same way.

Equipment costs amount to €1.5 million. The major part of these costs is for disinfection units, transport vehicles, and the appointment of storage rooms in healthcare establishments for waste awaiting pick-up and disposal.

The recurrent training costs will be met from the state budget.

#### Costs for which the regions and local government are responsible

The costs of the regions and local government are considered together because the boundary between these two categories will not be clear until the precise organisational arrangements have been spelled out (for example in the national waste management plan). Waste management systems will be regional, but typically the regional management bodies are associations of municipalities and other local government units.

The actions which will be a regional/local responsibility and their costs are shown in the following table:

*Table 13: Categories of cost for regional/local government to implement Directive on Waste*

	<b>Capital / one-off costs (€'000)</b>	<b>Operating / recurrent costs (€'000/year)</b>
<b>Regional/local government</b>		
Personnel		3,766
Budget for consultancy, training, travel, etc.		808

Equipment	112,616	40,700
Transport		69
Training		240
Public information, awareness-building, involvement	8,060	
<b>Total</b>	<b>120,676</b>	<b>45,583</b>

The salaries of additional personnel needed and the support budgets they require (€4.6 million per year) are an integral part of the costs of waste management, and should eventually be borne by waste producers. The same applies to the items transport and training.

The same applies to the cost of acquiring and operating the necessary equipment. However in the case of equipment there is, of course, a capital element (€113 million) which needs to be financed. There is no single answer to this. This capital expenditure will occur over an extended period (Year 02 – 13) on the assumptions made. Until the date of accession Albania should seek to cover as much as possible of this by grant funding (IPA, bilateral donors). This will help to ensure that waste management tariffs need not rise too sharply. It is likely that co-funding of at least 25% will be required. This co-funding, and other amounts which cannot be met by grants, will have to be financed by loans from IFIs. In the later years it may be possible to mobilise private funding through PPP constructions.

Public information, awareness-building and involvement are indispensable to the success of the new approach and an integral part of waste management. The transition to a regional and environmentally sound waste management will involve major changes, not only in the waste management systems, but also in the behaviour of citizens. The cost of these initiatives should also be recovered from waste producers through the waste charges made.

#### Costs for the oil industry

These are given in the following table.

*Table 14: Categories of cost for oil industry to implement Directive on Waste*

	<b>Capital / one-off costs (€'000)</b>	<b>Operating / recurrent costs (€'000/year)</b>
<b>Oil industry</b>		
Equipment	500	
Transport		600
Fees paid to cement kilns		360
<b>Total</b>	<b>500</b>	<b>960</b>

The Directive on Waste encourages (Article 8) member states to use extended producer responsibility in waste management. The requirement for the safe separate collection of waste oils provides a good opportunity for using this instrument. By requiring the 'oil industry'. i.e. the manufacturers,

importers, distributors, wholesalers and retailers of lubricating oils avoids the need for government to have to take measures, raise the necessary finance and recover costs from the waste oil producers. The manner in which the industry finances the necessary measures and distributes the costs is a matter for them. However in the long run it is to be expected that costs will be passed on to lubricant consumers through higher prices.

#### Costs for the construction industry

Similar remarks apply to the construction industry. It is assumed that the industry will find its own solution to the problem of construction and demolition waste. Machinery for processing inert rubble into a usable material (€18 million) will have to be fairly decentralised, at least down to county level, to avoid excessive transport of waste.

#### Costs for other industry

These are costs incurred directly the producers of hazardous waste, given in the following table.

*Table 15: Categories of cost for other industry to implement Directive on Waste*

	<b>Capital / one-off costs (€'000)</b>	<b>Operating / re-current costs (€'000/year)</b>
<b>Other industry</b>		
Export where necessary for incineration		1,000
Administrative costs – packaging, labelling, preparation of transport documents and record-keeping		830
Intermediate storage before collection		100
<b>Total</b>		<b>1,930</b>

It is emphasised that the above are the costs which accrue directly to industry. They do not include the costs of management of hazardous waste by third parties (the government), for which they will also be billed.

The costs are recurrent costs only. For industries which are price-givers rather than price-takers these costs can be passed on to their customers in the form of higher prices.

### **3.6 Benefits**

The likely benefits from compliance with this Directive are:

- The competent authority gains the institutional, administrative and technical capacity to regulate and control activities, facilities, and undertak-

- ings involved with the handling of waste throughout the country at national, regional and local level;
- The competent authority gains correct and sufficient resources to monitor waste generation, collect detailed information on all aspects of waste management and develop the related indicators (as requested by the directive and/or the European Environment Agency), and is able to provide this information to all required persons and organisations, both in country and at European or International level;
  - Collaboration and cooperation at inter-Ministerial level, and between national, regional and municipal authorities, and the public, are carried out in waste management in a practical, sustainable and cost-effective manner;
  - Effective implementation of a waste hierarchy reduces the generation of waste, ensures more efficient use of natural resources, ensures more sustainable consumption patterns at both household and business sectors, creates employment, promotes cost-recovery, and extends the lifetime of landfill sites;
  - Effective separation of waste at source, ensures improved and time efficient administration and functioning of the waste processing technologies and reduces costs for their management;
  - Best practice optimises the cost of waste services, provides for cost recovery from waste generators, and eliminates environmental and public health impacts from poor waste management;
  - In particular the segregation and proper packaging, labelling, transport and treatment of hazardous waste (including infectious waste) will reduce the risks to waste management workers, healthcare workers and the general public.

### 3.7 Key Issues and Uncertainties

A very critical action involves increases of the waste related posts and staff at MoEFWA (in both numbers and professional level), improving their organization scheme with well defined roles, functions and responsibilities, so that they can carry out at the needed quality the tasks required, and also be able to absorb the various capacity-building efforts from future expected projects. The same is needed at other important line ministries MoPPWT, METE, MoH, and local government.

However, there are uncertainties about the willingness of relevant decision-makers, particularly at the Ministry of Finance, to sanction the increases in staffing levels at the MoEFWA and other bodies necessary to implement the *Acquis*. If that does not happen, it could jeopardise the progress in implementing the environmental *Acquis* at the set deadline.

Implementation of the Directive's requirements means that both domestic (central and local) and international resources are available for waste issues. This means that state budget should dedicate increased funding to environment and to waste issues in particular. This may be a difficult thing to put in practice, since, when it comes to budgetary allocations, environment is competing with quite a number of other national priority fields and waste is competing with other environmental priority fields. Nevertheless, it

is a proven fact that the two operating green taxes generate funding to the state budget. Increased taxes (either number or value of taxes) on waste, at least at the local government level mean increased budget available. The rest may be secured through international donations.

As far as concerns the various capacity-building and waste management planning projects, these will need the technical assistance and grant aid of the EU and other bilateral and multilateral donors and aid organisations. This can be assumed that will happen in a timely manner when required. In order to ensure this a very careful coordination is required between the government and the donor community. It is necessary that the Ministry of European Integration in cooperation with the MoEFWA, monitor carefully and in detail the progress made with implementation and prepare a project pipeline for funding by the relevant bodies.

## **4 ANNEXES**

### **4.1 ANNEX I: Table with waste related projects**

### **4.2 ANNEX II: Action List with Costs**

### **4.3 ANNEX III: Implementation Costing Sheet**