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

Component B: Implementation Planning



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

DIRECTIVE SPECIFIC IMPLEMENTATION PLAN

Water Framework Directive 2000/60/EC as amended by Decision 2455/2001/EC and Directive 2008/32/EC

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List of Abbreviations

CA	Competent Authority
DCM	Decision of the Council of Ministers
DSIP	Directive-specific Implementation Plan
EC	European Community
EEA	European Environment Agency
EIA	Environmental Impact Assessment
ESCCS	Environment Sector and Cross-Cutting Strategy
EU	European Union
FYR	Former Yugoslav Republic (of Macedonia)
GIS	Geographical Information Systems
GPS	Global Positioning System
IPPC	Integrated Pollution Prevention and Control
LWR	Law on Water Resources (No. 8093 of 21.3.1996 as amended)
MoEFWA	Ministry of Environment, Forestry and Water Administration
MPWTT	Ministry of Public Works, Transport and Telecommunications
NES	National Environmental Strategy
NWC	National Water Council
OECD	Organisation for Economic Cooperation and Development
PPP	Polluter Pays Principle
RBA	River Basin Agencies
RBC	River Basin Council
RBD	River Basin District
RBMP	River Basin Management Plan
REA	Regional Environmental Agency
REC	Regional Environment Centre
SAA	Stabilisation and Association Agreement
SEA	Strategic Environmental Assessment
TA	Technical Assistance
TAT	Technical Assistance Team
ToR	Terms of Reference
TS	Technical Secretariat
UWW	Urban Waste Water (Directive)
WFD	Water Framework Directive
WSRE	Water Sector Regulatory Entity

INTRODUCTION

This report presents the results of the legal, administrative and institutional assessment of the current state of approximation to the “Directive Establishing a Framework for Community Action in the Field of Water Policy 2000/60/EC” (in short Water Framework Directive-WFD) as amended by Decision 2455/2001/EC and Directive 2008/32/EC, and the overall plan to obtain full approximation in preparation to the country’s accession to the EU. This report also takes into account Directive 2006/118/EC on the protection of groundwater against pollution and deterioration, which complements the provisions of the WFD as regards groundwater protection.

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 5 main sessions. Section 2 provides a short overview of the Directive, and section 3 summarises the existing situation in Albania regarding approximation of this Directive, including an analysis of legal gaps. Section 4 discusses implementation mechanisms and sets out some recommendations for completion of approximation of the Directive. An indicative assessment of the costs of implementation is presented in Section 5.

1 Executive summary

Purpose and intended effect of the implementation of the WFD

The principal objective of the WFD is to ensure that water bodies achieve good status by 2015.

This overall objective is to be met through actions at the level of each river basin district according to the process described in the WFD. In its simplest form this process involves:

- Identifying river basin districts and identifying water bodies at risk of not meeting good status by 2015. Undertaking an economic analysis of water use.
- Establishing a register of protected areas in each river basin district.
- Establishing a monitoring scheme.
- Developing a river basin management plan in consultation with interested parties and developing a programme of measures required to achieve the objectives for water bodies in the river basin district.
- Making measures operational.
- Achieving objectives and reviewing measures.

The implementation of the WFD will impact upon all those who have an interest in the management and use of water in Albania: the water industry, local authorities, all businesses that have discharge consents, trade effluent licenses or abstraction licenses, navigation authorities and industry, agriculture and fisheries more generally.

Implementation of the WFD will bring benefits in terms of the ecological quality of the water environment and the policy framework for maintaining and improving the water environment. The principal benefits can be summarised as follows:

- An improvement in the quality of raw water, and greater availability of water as a resource.
- Protection and enhancement of aquatic wildlife. The Directive aims to insure that native aquatic life such as plants and fish can survive and reproduce. This in turn will support animals and birds higher up the food chain.
- Physical improvements in certain water habitats may also be required where this is necessary for the native biology to survive and reproduce. Such improvements in conservation of habitats and species will also increase the amenity value of watercourses.
- It introduces a new definition of surface water status that is concerned with the ecological health of water bodies as well as chemical standards. It also reflects the interactions between

groundwater and surface water and the relationship between physical elements such as the structure and flows in the watercourse and the chemical and biological quality.

- It introduces a more coherent water legislation framework gathering together all of the measures that are necessary to manage river catchments and ground-waters.
- It introduces a more coherent management of river basin districts, enabling more cost effective strategies to be developed. The Directive requires putting in place a system of river basin management, with co-ordinated river basin management plans, recognising the links between all waters in a river basin district, including ground-waters and coastal waters.
- It allows a better targeting of water protection measures. The analyses of each river basin district will provide better information, allowing better planning and targeting of measures to areas where there are clear environmental benefits.
- It provides for more transparency and accountability. The Directive will require transparency in the river basin management planning process. This will benefit water users as well as Government and competent authorities.

Background

The Law on Water Resources (LWR) is the main legislation on water resource management in Albania; it provides for the protection, development, sustainable use and distribution of water resources, protection from pollution, etc. It also establishes the institutional framework, at the national and water-basin level, for implementing the water resources policy.

The LWR defines the legal status of water and water estate, the activities and organization of water management, conditions for water use, water protection, development, sustainable use and distribution of water resources, protection from pollution and other issues relevant for water management.

The LWR established the National Water Council (NWC), as the body in charge of determining the water policy and for taking the major related decisions, and its “executive agency”: the Technical Secretariat.

The LWR divides Albania, for water management purposes, into water basins, and establishes River Basin Councils (RBCs) as the “local authorities responsible for managing water resources in the relevant basins”. The RBCs are subordinate to the Technical Secretariat of the NWC. As regard their activities RBCs issue: a) water permits to use specified quantities for a specific purpose for a specific time, and b) concessions, mostly for gravel extraction, subsequent to researches undertaken by authorisation given by the NWC.

In accordance with the LWR the Water Supply and Waste Water Sector Strategies for Albania were prepared and adopted in September 2003.

Water administrative related tasks in Albania are traditionally divided between:

- *Ministry of Environment, Forestry and Water Administration*, which deals with water administration, including: permits for effluent discharges, maintenance of water quality, and, through contracts with Scientific Institutes, water monitoring.
- *Ministry of Agriculture, Food and Consumer Protection*, which is responsible over water utilization for irrigation purposes.
- *Ministry of Public Works, Transport and Telecommunications*, which is in charge of water-supply canalization problems and sewerages.
- *Ministry of Health*, which is responsible for setting drinking water standards and monitoring the quality of drinking water and bathing water quality.
- *Local Authorities*, which have responsibility for the management of water supply and waste water collection, drainage and flood protection.

The problem

One of the main conditions for EU membership is the integration and implementation of the EU legislation, the so called approximation process. The transposition of the legal requirements of the WFD into national legislation is the first necessary step towards its successful implementation. This formal compliance has not yet been met in Albania, as several legal gaps exist in the LWR.

The general challenges in implementing the provisions of the WFD can be described as follows:

- Providing the *financing* for the measures to be taken under the directive;
- *Integrating the different aspects of water management*, identifying synergies and enabling the efficient management of water resources at the local level;
- Establishing an *effective horizontal co-operation* between local authorities in order to account for the integrative river basin management approach, as well as vertical co-operation among the different levels of administration;
- Setting up efficient *monitoring systems* to facilitate effective enforcement of the directives;
- Ensuring *sufficient administrative capacity* at the regional and local level by providing sufficient financial resources, information and technical expertise;
- Enhancement of *public participation* and the transparency of policy processes.

The plan for approximation

The overall plan to achieve full approximation has been prepared. It consists of a legal transposition plan and an implementation plan (including enforcement).

The legal transposition plan is composed of five actions that will firstly provide for some adjustments/amendments in the LWR (either introduction of missing obligations, or reformulation of existing provisions that are not fully in accordance with the respective Directive's provision and clear provisions of legal basis) as well as the preparation of secondary legislation.

The implementation plan is composed of a number of actions which have been compiled into four major groups of implementation actions.

The milestones of the overall plan for full approximation are given in the Table 1 below ((starting in year 0 – actual start year to be determined).

Table 1: Milestones of overall approximation plan

Overall Approximation Plan	Start (month/year)	End (month/year)
<i>Legal Transposition</i>	01/0000	06/0003
<i>Implementation and enforcement</i>	07/0000	12/0004
• Institutional strengthening	07/0000	12/0002
• Upgrading of river basin management	01/0001	12/0004
• Water status monitoring and analysis	01/0001	12/0004
• Economic analysis, river basin management planning programmes of measures, reporting	01/0001	12/0003

Implementation of the WFD will give rise to costs from both the RBMP process and from the programmes of measures identified through this process, although most of the costs of measures will be attributable to other specific directives, such as the Urban Waste Water Treatment Directive and the Nitrates Directive, rather than to the FWD.

The costs of transposing the Directive fully into the national legislation and implementing it were estimated. All costs are estimated in constant 2008 prices. As far as transposition is concerned, given the limited legal drafting resources within MoEFWA, it is recommended that further support be provided to the legal team in finalising this legislation (in addition to the support that will be provided under the present project). The estimated cost of the technical assistance needed for this purpose will be €800,000. The estimated costs of implementation are one-off costs of € 5.4 millions and ongoing recurrent costs of € 524,000 per year. Some 88% of the total one-off implementation costs is accounted for by technical assistance. The implementation costs will be sustained by the national Competent Authority and by the new river basin authorities. The total costs relate mainly to the establishment of the administrative infrastructure and building its capacity, and not to the costs of technical measures (assumed to arise under other Directives).

A total of 25 new persons are estimated to be needed at a cost of €290,400 per year (including employment-related costs). The total estimated cost for TA projects amounts to € 4.8 million. Other costs are for upgrading of the monitoring network and conducting the necessary monitoring programmes, acquiring and/or upgrading GIS/database hardware and software, public consultation of the river basin management plans, and reporting to the European Commission. The need for additional human resources to fulfil the new functions imposed by the WFD and other European law will have to be reconciled with Albania's macro-economic objectives which include reducing its total public sector employment and reducing its budget deficit. It is assumed that it will be able to offset the new employment costs at least partially by recruiting the new personnel from among existing civil servants (without replacement) or reductions in public jobs elsewhere.

2 Requirement of the EU Legislation

2.1 EU Legislation Covered

The EU legislation covered in this implementation plan is:

- *Directive 2000/60/EC of the European Parliament and the Council establishing a framework for Community action in the field of water policy, as amended by Decision 2455/2001/EC of the European Parliament and the Council establishing the list of priority substances in the field of water policy, and Directive 2008/32/EC of the European Parliament and of the Council amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, as regards the implementing powers conferred on the Commission*
- *Directive 2006/118/EC of the European Council and of the Council on the protection of groundwater against pollution and deterioration.*

The Directive 2006/60/EC provides a framework for the management of water quality within Member States – the Water Framework Directive (WFD). The WFD establishes the basic principles of sustainable water policy in the European Union through an integrated management structure for future European water policy, relying on close cooperation and coherent action at the Community, Member State and local levels. The WFD seeks close involvement of the public and close cooperation with non-Member States and assistance of relevant international water protection bodies.

The new Groundwater Directive (2006/118/EC) establishes specific measures, (as provided for in the WFD) in order to prevent and control groundwater pollution. The Directive also complements the provisions in the WFD for preventing or limiting the inputs of pollutants into groundwater and aims to prevent the deterioration of the status of all bodies of groundwater. Thus it can be seen as an integral part of the implementation of the Water Framework Directive.

2.2 Direct Requirements of Legislation

The WFD imposes the following main obligations on Member States:

- Establish Competent Authorities, using either existing structures or creating new ones, and establish administrative arrangements to

ensure that the directive is implemented effectively within River Basin Districts (Article 3(2)-(4));

- Identify, in accordance with the definitions in the Directive, and establish in respect of all relevant waters within the territory of the Member State all required categories of waters, and further identify which are part of an international river basin district (Articles 2 and 3, and Annex II);
- Identify river basins (and, as relevant, sub-basins) and assign them to individual river basin districts. Two or more river basins may be combined into one river basin district, where appropriate (Article 3(1)). River basins covering the territory of more than one Member State will be assigned to an international river basin district. By 22 December 2003 at the latest, a competent authority will be designated for each of the river basin districts;
- Assign all ground-waters to the nearest or otherwise most appropriate river basin district. Likewise with coastal waters, which should be assigned to the nearest or most appropriate river basin district or districts (Article 3(1));
- Establish a register or registers of all areas lying within each applicable river basin district which have been designated as requiring special protection under specific Community legislation for the protection of their surface water or ground-waters or for the conservation of habitats and species directly depending on water (Article 6(1)) which must include all bodies of water identified under Article 7(1) and all protected areas covered by Annex IV (Article 6(2)), and provide for them to be kept under review and up to date (Article 6(3));
- Establish programmes for monitoring water status in order to establish a coherent and comprehensive overview of water status in each river basin district (Article 8(1) and Annex V, and make these programmes operational at the latest six years after the Directive came into force (Article 8(2));
- Identify, based on the results from these monitoring programmes, applicable as relevant to each water body, its ecological status, its chemical status and applicable determinations of “surface water status” and “groundwater status” (Article 8 and Annex V);
- At the latest, four years after the date of entry into force of this directive, to complete an analysis of the characteristics of each river basin district, a review of the impact of human activity on the water, an economic analysis of water use and a register of areas requiring special protection. All bodies of water used for the abstraction of water intended for human consumption providing more than 10 m³ a day as an average or serving more than 50 persons must be identified;
- Nine years after the date of entry into force of the Directive, a management plan and programme of measures must be produced for each river basin district, taking into account the results of the analyses and studies;
- The measures provided for in the river basin management plan seek to:
 - Prevent deterioration, enhance and restore bodies of surface water, achieve good chemical and ecological status of such water and reduce pollution from discharges and emissions of hazardous substances;
 - Protect, enhance and restore all bodies of groundwater, prevent the pollution and deterioration of groundwater, and ensure a balance between abstraction and recharge of groundwater;

- Preserve protected areas.

The abovementioned objectives have to be achieved at the latest fifteen years after the date of entry into force of the Directive, but this deadline may be extended or relaxed, albeit under the conditions laid down by the Directive;

- Encourage the active involvement of all interested parties in the implementation of this Directive, in particular as regards the river basin management plans (public consultations);
- Allow for temporary deterioration of bodies of water if it is the result of circumstances which are exceptional or could not reasonably have been foreseen and which are due to an accident, natural cause or force majeure;
- By 2010, ensure that water pricing policies provide adequate incentives for users to use water resources efficiently and that the various economic sectors contribute to the recovery of the costs of water services including those relating to the environment and resources;
- Use the list of priority substances selected amongst those which present a significant risk to or via the aquatic environment. Measures to control such substances, as well as quality standards applicable to concentrations thereof, will also be proposed¹. The aim of such measures is to reduce, stop or eliminate discharges, emissions and losses of priority substances. This list forms Annex X to the present Directive;
- Determine penalties applicable to breaches of the provisions adopted which are effective, proportionate and dissuasive;
- Aim to have a monitoring system in place to allow it to demonstrate that it is capable of and is achieving the objectives of the Directive, including in particular those set out under Articles 4, 7, 16 and 17;
- Establish reporting systems to provide to the Commission a number of reports and information. For example, a map or maps (in a GIS format) of the geographical location of the types of surface water bodies consistent with the degree of differentiation required under system A (Annex II, 1.1(vi)) or the analyses required under Article 5 and the monitoring programmes designed under Article 8 undertaken for the first river basin management plan within three months of their completion (Article 15(2)).

Seven years after the entry into force of the Directive (2007), the following legislation will be repealed: Directive 75/440/EEC, Decision 77/795/EEC, and Directive 79/869/EEC. Thirteen years after the entry into force of the Directive (2013), the following legislation will be repealed: Directive 78/659/EEC, Directive 79/923/EEC, Directive 80/68/EEC, and Directive 76/464/EEC with the exception of Article 6, which is repealed on the date of entry into force of the Directive.

The above main direct requirements could be grouped in the following environmental management functions:

Water policy development

¹ See Common Position (EC) No 3/2008 adopted by the Council on 20 December 2007, with a view to the adopting Directive 2008/.../EC of the European Parliament and of the Council of ... on environmental quality standards in the field of water policy and amending Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 86/280/EEC and 2000/60/EC

Develop an integrated Community policy on, and for, the sustainable use of water, and its application in accordance with the principle of subsidiarity (Articles 1 and 4). Integrate protection and sustainable management of water into other Community policy areas such as energy, transport, agriculture, fisheries and tourism (Articles 1, 4, 5 and 9). Establish common definitions of the status of water in terms of quality, and where relevant for the purpose of environmental protection, of quantity (Articles 2, 4(1)(a) and 16(7), and Annexes V, VIII and IX).

Strengthening environmental legislation

Adopt a coherent, transparent and effective legislative framework (including by streamlining legislation) pursuing common principles and, as necessary, laying down technical specifications and minimum requirements for common environmental quality standards and emission limit values (Articles 16 and 17, Annexes II and III, V, VI, VIII, IX and X).

Trans-boundary cooperation

Contribute to enabling the Community and Member States to meet their obligations under various international agreements containing important obligations on the protection of marine waters from pollution and under other international agreements on water protection and management (Articles 1, 3, 4(1), 12, 16(3) and (5)). Contribute to other areas of cooperation between Member States, such as the European Spatial Development Perspective.

Natural resource protection

Expand the scope of water protection to all waters, surface waters, groundwater, coastal and where relevant territorial waters (Articles 1-5, 7-8, 11-12 and 16-17). Protect aquatic ecosystems, and terrestrial ecosystems and wetlands directly dependent on them (especially Article 6 and Annex IV). Maintain and improve the aquatic environment in the Community, primarily through the “combined approach” of controls on quality, but also through regulation on quantity, and through closer integration (Article 10 and Annex IX). Contribute to the progressive reduction of emissions of hazardous substances to water and, ultimately, the elimination of priority hazardous substances into water (Articles 4 and 16). Contribute to achieving near background values for naturally occurring substances in marine waters (Article 4). Achieve “good status” for all waters by a certain deadline and maintenance of “good status where it already exists (Article 4). Identify and reverse any significant and sustained upward trend in the concentration of any pollutant in groundwater (Article 4, and Directive 2006/118/EC).

Natural resource management

Safeguard and develop the potential uses of Community waters (especially Articles 1, 4, 9, 11, 13 and Annex VII). Establish a water management approach based on river basins, and provide for cooperation between Member States where river basins or their effects are trans-boundary, and provide for further cooperation with non-Member States where river basins are only partly within the Community (Article 3).

Flood defence

Contribute to mitigating the effects of floods² (Article 1 and 11(3) (I)).

Cost recovery

² See also Directive 2007/60/EC on the assessment and management of flood risks

Require account to be taken of the principle of recovery of costs of water services, including environmental and resource costs, and to establish water pricing policies setting adequate incentives to use water efficiently. Require an adequate contribution to the recovery of the costs of water services from different water users (Article 9 and Annex III).

Stakeholder and community participation

Encourage the active participation of all interested parties in the implementation of the Directive, especially as regards the production, review and updating of river basin management plans (Article 14).

2.3 Indirect Requirements / Implications

The Directive imposes the following indirect obligations:

- Changes in the competencies of relevant institutions in the water sector;
- Improvement of sanitation and wastewater collection and treatment;
- Changes in the registration and permitting procedures for the economic entities.

As the Directive is largely an over-arching framework for a number of other directives, the indirect requirements of implementing the Directive refer mainly to implementation of other directives, such as the Urban Waste Water Treatment Directive (91/271/EEC), IPPC Directive (2008/1/EC) and Nitrates Directive (91/676/EEC), and compliance with new standards and requirements concerning the priority list substances.

2.4 Links with Other Legislation

Links with other legislation within this sector:

Implementation of the Directive is closely related with some other water sector directives, namely

- Urban Wastewater Treatment Directive (91/271/EC);
- Nitrates Directive (91/676/EEC);
- Bathing Water Directive (2006/7/EC);
- Drinking Water Directive (98/83/EC)
- Groundwater Protection Directive (2006/118/EC);
- Flood Risks Directive (2007/60/EC).

Several pieces of legislation dating from about 1975 to 1980 are integrated into the Directive. These pieces of legislation are consequently being repealed in a phased approach, namely:

- Dangerous Substances Directive (76/464/EEC) and its daughter directives;
- Council Decision of Exchange of Information (77/795/EEC);
- Freshwater Fish Directive (78/659/EEC);
- Shellfish Water Directive (79/869/EEC);
- Directive of Measurement and Sampling of Surface Waters (79/869/EEC);
- Groundwater Directive (80/68/EEC).

Links with other legislation within other sectors:

- Environmental Impact Assessment Directive (85/337/EEC);

- Strategic Environmental Assessment Directive (2001/42/EC);
- Access to Environmental Information Directive (2003/4/EC);
- Reporting Directive (91/692/EEC) and Decision (94/741/EEC);
- Sewage Sludge Directive (86/278/EEC);
- Landfill Directive (99/31/EC);
- Waste Incineration Directive (2000/76/EC);
- Plant Protection Products Directive (91/414/EEC);
- Wild Birds Directive (79/409/EEC);
- Habitats Directive (92/43/EEC);
- Integrated Pollution Prevention and Control (IPPC) Directive (2008/1/EC);
- Seveso II Directive (96/82/EEC);
- Biocides Directive (98/8/EC).

The Directive also aims to complement a number of international conventions to which the Community and/or Member States are party. Those relevant to Albania are:

- Protocol to the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (1980);
- The United Nations Convention on the Protection and Use of Trans-boundary Water Courses and International Lakes (approved by the Council in 1995).

3 Present Situation

3.1 Government Policy

The Law on Water Resources (LWR), as amended, is the main legislation on water resource management; it provides for the protection, development, sustainable use and distribution of water resources, protection from pollution, etc. It also establishes the institutional framework, at the national and water-basin level, for implementing the water resources policy.

According to the Law, water is a public good, its free use is allowed in certain cases but in general, it is subject to control by the state. This applies to marine as well as to fresh waters. All ground waters are subject to control, even for individual domestic purposes.

The LWR also calls for the drawing-up of a water strategy. The Water Supply and Waste Water Sector Strategies for Albania was adopted in September 2003³. This Strategy includes a Short, Medium and Long term Action Plan.

Some actions included in the Medium-Term Action Plan for the Strategy implementation are:

- Management reform
- Monitoring and benchmarking and facilitate the information to the public
- Qualification of personnel
- Capacity building for the water and sanitation sector
- Legal and institutional reform
- Public awareness and communication campaign in environmental protection and water resources management.
- Private sector participation reform
- Financial reform
- Poverty mitigation reform
- Technical reform
- Investments
- Update the mid term capital investments programme for urban and rural areas

³ However, this Strategy has not been revised since its adoption so does not take account of the subsequent institutional arrangements

- Coordinate all foreign investment programmes for urban and rural areas
- Coordinate all foreign investment donors, NGOs, different organization in the sector
- Continue discussion with donors to start new water projects in rural and urban areas
- Standards update technical norms and design standards in accordance with affordability and long term strategy (EU accession).

Albania has included the Millennium Development Goals in the Water Supply and Sanitation Strategy. The Millennium Development Goal for the water sector is to improve the access to safe and reliable drinking water supply and improved sanitation.

The 2007 Environment Sector and Cross-Cutting Strategy (ESCCS) relevant to water management identifies the pollution of surface waters which arises from the discharge of untreated wastewater as the most critical issue, and sets the primary sector’s goals in respect of this issue.

The ESCCS objectives and corresponding indicators are given in the table below.

Table 2: ESCCS objectives & indicators

Area	Objective	Indicator	Target 2009 (%)	Target 2014 (%)
Urban sanitation	Improve urban sanitation	Population connected to sewerage network	75	95
Waste water treatment	Improve treatment of waste water	Population connected to treatment facility meeting basic UWWT Directive treatment standards	25	50
Rural sanitation	Improve urban sanitation	Population connected to sewerage network or septic systems	55	65

The objectives included in the ESCCS are:

- Efficient and sustainable water sector management systems
- Implement Priority Projects for wastewater collection and treatment
- Implement Priority Projects for wastewater management
- Reduction in point source pollution of surface water
- Reduction in diffuse source pollution of surface waters
- Improve protection of groundwater
- Improve monitoring of water.

3.2 Roles & Responsibilities

The LWR established the National Water Council (NWC), its Technical Secretariat and its River Basin Councils.

National Water Council

The NWC is the body in charge of determining the water policy and for taking the major related decisions.

The NWC is chaired by the Prime Minister. It includes the main stakeholder ministries: Environment, Forests and Water Administration; Economy, Trade and Energy; Public Works, Transport and Telecommunications; Agriculture, Food and Consumer Protection; Health; Interior; as well as the six prefects of the interested river basins. Each prefect is the chair of the Council of the respective basin.

As such, the NWC could offer a very high level forum within which water resources management issues can be discussed. However, since its establishment the meetings have been infrequent and, by including so many ministers, the NWC has been effectively no more than a sub-committee of the Council of Ministers.

The NWC and its structures are in charge with the management of surface, ground and coastal water resources. They draw up national and basin strategies and implement them partly through permissions for use. In conclusion the NWC and its structures combine a decision making role with a policy making one.

Technical Secretariat

The Technical Secretariat (TS) of the NWC is described in the LWR as the “executive agency” of the NWC. The TS should have management, including permit and inspection, responsibilities; however, as for many years since its establishment in 1996 it consisted of one person, its director, practical water management responsibilities remained fragmented with other bodies involved in various aspects of it.

Since summer 2005 the TS was transferred from the Ministry of Tourism and Territorial Adjustment, where its offices and former staff were located, to the MoEFWA where it has become part of the “Water Policy Sector” within the Nature Protection Directorate.

River Basin Councils

The LWR divides Albania, for water management purposes, into water basins, and establishes River Basin Councils (RBCs) as the “local authorities responsible for managing water resources in the relevant basins”.

As regard their activities RBCs issue: a) water permits to use specified quantities for a specific purpose for a specific time, and b) concessions, mostly for gravel extraction, subsequent to researches undertaken by authorisation given by the NWC.

Six RBCs were established in 2002 respectively for: Drini-Buna, Mati, Ishmi-Erzeni, Shkumbini, Semani and the Vjosa basin.

The current administrative arrangement presents a number of problems. In particular: a) the RBCs are not necessarily responsible for the whole river catchment area, but only for parts. In other words one of the main benefits of the river basin approach has, for the time being, been lost; b) the RBCs are composed of officials from central and local government, and one third

from business community representatives, each being chaired by the Prefect of the Qarq (region) in which the RBC is located. In other words users are largely un-represented; while such a considerable number of representatives from the business community may result in there being a potential risk for conflict of interests; especially as the RBCs issue water use permits and concessions.

River Basin Agencies (RBA) are also established as a form of executive arm of RBCs, although RBAs are not referred to in the LWR. RBAs are responsible for preparing the water resources plan, for drawing up the inventory of water resources, in terms of quantity and quality, Additionally the RBAs are involved in the issue of permissions, concessions and authorisations for water use and for discharges of wastewaters to water bodies. In addition to the lack of a clear legal status, the RBAs suffer from a lack of offices, staff and basic office equipment.

At *central level*, water administrative related tasks are traditionally divided between different administrative bodies of state administration:

Ministry of Environment, Forestry and Water Administration

Within the MoEFWA the Directorate of Nature Protection Policies - Sector for Water Policy, the Directorate of Pollution Prevention Policies, and the Directorate for Environmental Impact Assessment & Permitting deal with water administration issues (including permits for effluent discharges) and maintenance of water quality.

In addition a number of **Scientific Institutes** currently hold contract with the MoEFWA for water monitoring services. These are: *Hydrometeorology Institute* (surface water quality and quantity), *Geological Survey Institute* (groundwater quality), and the *Institute of the Environment* (wastewater discharges).

Ministry of Agriculture, Food and Consumer Protection

The Ministry is responsible for one of the main water use sectors, namely irrigation for agriculture. As such the Ministry has responsibility over water utilization for irrigation purposes.

Sixteen Drainage Boards⁴ have been established which are responsible for the operation and maintenance of land drainage and flood defence infrastructure.

Ministry of Public Works, Transport and Telecommunications

Within the Ministry the General Directorate of Water Supply and Sewerage has a special status. Its structure is approved by the Council of Ministers and while it reports to the MPWTT it is not formally part of the structure of that Ministry. The Directorate is in charge of water-supply canalization problems and sewerages.

⁴ Note that these Drainage Boards are established pursuant to Law No 8515 on Irrigation and Drainage. Some translations of the LWR (Article 8) which refers to the RBCs calls them Drainage Boards. To avoid confusion, the entity established by the LWR will be called the RBC in this report.

The Rural Water Supply and Sanitation Strategy calls for the creation of a Rural Water Supply and Sanitation Agency to support 'Community Water Associations'. Neither has yet been established.

Ministry of Health

The Ministry, through the Institute of Hygiene and Epidemiology and the State Health Inspectorate, is responsible for setting drinking water standards and monitoring the quality of drinking water and bathing water quality.

Water Sector Regulatory Entity

This "Entity" was established in 1998 pursuant to Law No. 8102 'On the Regulatory Framework for Water Supply and Waste Water Management' of 28 March 1996. The main activities of the Entity are: a) licensing legal or natural persons to operate in the water supply and sewerage sector and, b) tariff setting for the water supply and sewerage sectors.

As regards tariff setting the Entity has prepared and issued a methodology on which tariff setting is based. This methodology has been issued as a regulation by the Entity which is empowered to do this by Law No. 8102. However following the amendments the local government will have the final say and the Entity will have only a supervisory role.

At regional and local levels, according to the Law on the Organization and Functioning of Local Government (No. 8652/2000), local authorities assumed responsibility for the management of water supply and waste water collection, drainage and flood protection from the beginning of 2002.

3.3 Current Legal Framework

The Law No. 8093 dated 21.3.1996 'On Water Resources'⁵ (as amended by Law 8375 of 15.7.1998, Law 8605 of 20.4.2000, and Law 8736 of 01.2.2001) provides a comprehensive framework for water resources management in Albania.

The LWR defines the legal status of water and water estate, the activities and organization of water management, conditions for water use, water protection, development, sustainable use and distribution of water resources, protection from pollution and other issues relevant for water management.

Other primary legislation includes:

- Law No. 8102 dated 28.3.1996 'On the Regulatory Framework for Water Supply and Waste Water Management' (as amended);
- Law No. No. 8515 dated 30.7.1999 'On Irrigation and Drainage';
- Law No. 9115 dated 24.7.2003 'On the Environmental Treatment of Polluted Waters';
- Law No. 8905 dated 6.6.2002 'On Protection of the Marine Environment from Pollution and Damage';

⁵ Also variously called the Law on Water Sources and the Law on Water Reserves

- Law No. 9103 dated 10.7.2003 ‘On the Protection of Trans-boundary Lakes’;
- Law No. 8681 dated 2.11.2000 ‘On the Design, Construction and Maintenance of Dams and Tailings Dams’; and
- Law No 8934 dated 5.9.2002 ‘On Environmental Protection’ (as amended).

River basin districts

The LWR encompasses the river basin principle and seeks to implement it through the establishment of devolved structures: the River Basin Councils.

In 2006 the territory of Albania has been divided into six water basins⁶ and the corresponding management structures established.

The water basins comprise one or more catchment’s areas of major river watercourses, or parts thereof, constituting a natural hydrographical entity, whereas the catchment area comprises, within a water basin, one or more catchments of minor watercourses. However, the current administrative arrangement does not fully follow hydrographical and hydrological criteria, and a number of RBCs operates on historic water management and administrative boundary basis; which are not fully in accordance with the WFD criteria.

International RBDs

The three main international lakes on the borders of Albania (Prespa, Ohrid and Shkodra) are subject to international co-operation agreements established with FYR of Macedonia and Montenegro respectively. The Albanian parts of these lakes are additionally regulated by Law No 9103 dated 10.7.2003 ‘On the Protection of Transboundary Lakes’.

The Republic of Albania has adopted and ratified a number of International Environmental Agreements. The table below provides an overview of the present status in the relevant sector.

Table 3: Status of adoption and ratification of Multilateral Environmental Agreements

Convention	Signed	Ratified
The Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes (Water Convention)	Y	Y
Protocol on Water and Health	Y	Y
The Aarhus Convention	Y	Y
RAMSAR Convention	Y	Y
Law of Non-Navigational Uses of International Watercourses (Water Convention)		Y
The Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo)	Y	Y
Protocol on Strategic Environmental Assessment (SEA Protocol)	Y	Y

⁶ The Drini-Buna, the Mati, the Ishmi-Erzeni, the Shrubmini, the Semani and the Vjosa.

Water Strategy

The LWR contains provisions on the preparation of a national water strategy (NWS) and requires the preparation of national and river basin water resources plans (articles 9 and 10).

The goals and objectives of the national water strategy have been laid down in the LWR as follows:

- The NWS is the definition of national objectives in the field of water resources and institutional structures for implementation of the strategy;
- It indicates the way how to fulfil the requirements of the different water uses;
- It identifies programmes and priority projects;
- It promotes water resources conservation and sustainable use of water resources.

River Basin District Management Plans

According to Article 10 of the LWR, a river basin water resources plan must be prepared for each drainage basin. However, the procedures for drafting, reviewing and approving plans, which should have been defined through a special regulation, have not been adopted yet and no river basin water resources plans have been prepared so far.

Water Protection

Chapter 6 of the LWR should set out the provisions for the control and preservation of water resources quality. However, by Article 26 these are only provided for the setting of standards for drinking water quality, while a regime for the regulation of sewerage works and the discharge of wastes to water on the basis of consents is included (articles 27 to 36).

Articles 40 through 49 of the LWR provide the designation of protected areas and the coast, and contain provisions on the protection of banks.

The issue of water quality is further addressed in Law No. 9115, dated 24.7.2003 "On the environmental treatment of polluted waters" ('the Water Pollution Law'). However, the focus is only on the discharge of pollutants to surface water bodies, and not on water quality overall. Chapter 1 of this Law indeed states that its purpose is to protect the environment and human health from the negative impact of polluted waters by specifying binding rules for their treatment.

By article 8 the Water Pollution Law requires the treatment of polluted industrial waters depending on the type of industry involved and outlines in general terms the process of treatment. Once they have been treated, used waters may be discharged provided they comply with purification norms and the issue of treatment must be considered from the design stage.

DCM No. 177 on Permitted Rates of Discharge and Zoning Criteria of Receiving Water Environments was issued pursuant to the Water Pollution Law on 31 March 2005. The second chapter of the DCM addresses the emission or discharge standards from industrial activities by reference to three attached annexes, while Chapter 3 is concerned with 'permitted rates of urban discharges' and the treatment of urban waste water.

The Law No. 8905 'On Protection of the Marine Environment from Pollution and Damage' adopted on 6 June 2002 has the purpose to protect the

marine environment from pollution and damage through the prevention of damaging human activity in the sea and coastal zone.

Water Permits

A permission to use water is required (Article 14 of the LWR) for the following purposes:

- Use of water by means of permanent installations;
- Irrigation;
- Livestock;
- Aquaculture;
- Industrial use of water;
- Use of underground water for different purposes, including the domestic use;
- Planting of trees and crops on the banks of rivers and creeks, when they hinder the natural use of water;
- Removal of solid material from banks and bed of rivers, streams and reservoirs, with or without water;

The LWR by Article 16 provides that uses of water for public purposes, including potable water supply, hydro-power generation as well as for the bottling of water are to take place on the basis of a concession issued by the NWC.

Water use permits are issued by the RBCs and are issued for a period not exceeding 5 years, except for permits for water use for users in a water users association which are issued for not longer than 10 years.

A permission, authorisation or concession issued by the RBCs is required by Article 27 of the LWR to discharge into “water, ground, underground or into holes”.

Monitoring

The DCM No. 103 Concerning Environmental Monitoring in the Republic of Albania, 2002 establishes the legal basis under which existing environmental monitoring activities are undertaken in Albania, including water monitoring.

It sets out a list of ‘environmental indicators of condition’ and ‘environmental indicators of ‘environmental impact’. The Decision lists a number of indicators under both headings for *inter alia* surface to heavy industrial or agricultural activities.

Overall responsibility for designing the National Program of Environmental Monitoring lies with MEFWA which is also responsible for coordinating the monitoring programmes. Various institutions operate the water monitoring programme on the basis of contracts held with MEFWA.

Enforcement

Chapter XVI of the LWR sets out penalties for violations of the law and subordinate legislation. Articles 60 to 68 describe violations and specifies sanctions for these.

Economic aspects

Chapter XV of the LWR regulates revenues in water management; Articles 57 to 59 makes provision for the payment of fees for water use, at rates to be set by the Council of Ministers, for the payment of administrative costs and for the provision of financial incentives.

3.4 Current Implementation Status

3.4.1 Legislation

Within the frame of the Environmental Legislation and Planning – Albania (ELPA) project a number of amendments to the Law on Water Resources were proposed⁷. These draft amendments made by the ELPA project had two main purposes: first to make substantive improvements to the LWR as a basic water law; and second to provide a legal basis for the entire body of the EU water *acquis* through the use of subordinate legislation.

A detailed legal gap analysis was carried out by the present project using a Table of Concordance (ToC) to identify any short-comings in the status of legal transposition of the Water Framework Directive. This detailed legal gap analysis took the draft amendments to the LWR as the starting point.

The gap analysis indicates that the Water Framework Directive has not yet been fully transposed into Albanian legislation – even taking into account the draft amendments to the LWR. The main gaps include:

- A number of definitions are still lacking or are not fully transposed, including “river”, “lake”, “body of surface water”, “aquifer”, “body of groundwater”, “sub-basin”, “good surface water status”, “good groundwater status”, “good ecological status”, “good groundwater chemical status”, “available groundwater resource”, “good quantitative status”, “direct discharge to groundwater”, “environmental objectives”, “combined approach”, “emission controls”
- There is not the legal obligation to identify and assign ground-waters and coastal waters to the nearest or most appropriate RBD.
- The Article 4 environmental objectives, including all details, are lacking.
- The Article 5 obligation to carry out an analysis of characteristics of the RBD, a review of the environmental impacts of human activity and an economic analysis of water use is lacking.
- The Article 6 obligation to establish and maintain a register of protected areas is lacking.
- The Article 7 obligation to identify and monitor water bodies used for the abstraction of drinking water are not fully transposed – the legal basis is provided in the LWR but the details are lacking.
- The Article 8 obligation to establish programmes to monitor surface water status, groundwater status and status of protected areas is not fully transposed- the legal basis is provided in the draft LWR but the details are lacking.
- The legal basis for taking account of the principle of recovery of water costs (Article 9) is lacking.

⁷ Although the changes are called amendments, more than a third of the articles of the LWR are amended, and therefore in accordance with Albanian practice, a new LWR should be prepared.

- There is no mention of controlling discharges by way of the combined approach (Article 10).
- The details of the programme of measures to be established for each RBD (Article 11) are lacking.
- Not all the requirements that need to be included in RBMPs (Article 13) are transposed.
- Most of the details for public consultation (Article 14) are lacking).
- The substance of all the Annexes is yet to be transposed.
- None of the details set out in Directive 2006/118/EC on protection of groundwater have been transposed.
- None of the substantive provisions on flood risk management (Directive 2007/60/EC) have been transposed.

In addition it can be concluded that the existing water legislation in Albania contains a high level of duplications (and therefore confusions) as regards both the scope and content of that legislation. For example, the LWR applies to all inland waters and to marine waters; but there is also the Law on Marine Pollution and the Law on Transboundary Lakes which applies to Albanian parts of those inland waters. Discharges to water are regulated by the LWR and the Water Pollution Law.

3.4.2 Institutional Arrangements

With regards to the implementation and enforcement of the WFD, the principal stakeholders and their roles in the process have been identified as described in paragraph 3.2. A summary in table format of principal stakeholders and their roles in the process of developing and implementing the WFD requirements is presented in Table 1.

The implementation of the Directive implies the implementation of a sustainable water policy which is established on an integrated basis. This implies:

- Stronger integration and co-ordination between the water management policy and other policies, such as agriculture, urban development etc
- Stronger co-ordination and co-operation between the MoEFWA and other ministries, especially Ministry of Agriculture, Food and Consumer Protection and Ministry of Public Works, Transport and Telecommunications
- Improved co-ordination between MoEFWA and RBCs. In particular, the division of responsibilities and duties needs to be more clearly defined so that there is a clear dividing line between the two entities.

Furthermore the implementation of WFD will impact upon all those who have an interest in the management and use of water in Albania – the water industry, local authorities, all businesses that have discharge consents, trade effluent licenses or abstraction licenses, navigation authorities and industry, agriculture and fisheries more generally.

Key areas where the planning for better integration should be given priority are:

- *Water and agriculture.* This will mainly concern diffuse pollution – nitrate and pesticides in particular – but will also include policies

encouraging more economical use of water resources by agriculture.

- *Water and land use planning.* Physical development can affect water resources and water quality. It should be ensured that land use planning guidance adequately reflects the pressures this can put on water, including over the long term to reflect the influence of climate change (e.g. from hotter and drier summers).
- *Water and biodiversity.* Water has a powerful effect on biodiversity both in and around water. Improvements in the quality of water via the Water Framework Directive will greatly help. But the Directive is not the only tool. Changes in agricultural practice are likely to be a key part of this.
- *Water and tourism, leisure and recreation.* Water is a powerful focus for leisure activities. Sometimes there can be conflicts with conservation objectives. But for the most part these activities work in harmony, as tourism needs attractive and good quality water. This means the financial and economic benefits of tourism to local areas, including rural areas, help to stimulate wider local incentives to improving water.
- *Water and flooding.* The use of soft engineering solutions to manage flooding problems will also benefit water quality and biodiversity - though soft engineering will not solve all flooding problems. Again changes in farm practice and avoiding unsustainable physical development can benefit both flood management and water quality and resources.
- *Water and health.* It will be necessary to continually ensure that there is harmony between the objectives here. A good example is the EU Commission's revised Directive on bathing water.

It can be concluded that the administrative arrangements for water management in Albania can be summarised as confusing, complex, fragmented, and duplicated. For example:

- The six Water Basins are created along old administrative lines and not on the basis of catchment area;
- It is unclear how or where the 16 Drainage Boards fit in with these six Water Basins;
- The NWC combines a policy making role with a decision making role; i.e. it appears to do some of the tasks that are probably better dealt with by its Technical Secretariat or by the RBCs;
- A large range of authorities issue 'permissions'⁸ for water use (abstractions) and for discharges to water, including NWC, TS, RBC, MoEFWA, with little or any co-ordination between these various bodies.

⁸ For these purposes, 'permissions' include the concessions, authorisations, permits etc

Table 4: Key Stakeholders

Responsible authorities and institutions	Implementation Tasks															
	Identification of river basins and RBDs.	Trans-boundary River Basin Districts (RBDs). Giving legal effect to administrative arrangements for international rivers, lakes or coastal waters.	Designating competent authority/ies. Basic information for river basin management.	Identification of relevant waters (river basins, water bodies)	Meeting environmental objectives for surface waters/ground water/protected areas	Analysis of the characteristics of the RBD	Review of the environmental impact of human activity.	Register of protected areas	Waters used for the abstraction of drinking water	Economic analysis of water use.	Monitoring programmes	Recovery of costs	Combined approach	Programmes of measures	Public participation - Public consultation and access to information	Reporting to the Commission
National Water Council	●	●	●													
Technical Secretariat	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
River Basin Councils				●	●	●	●					x				
Ministry of Environment, Forestry and Water Administration	✓	✓	x	✓				●	●	●	●	x	●		●	●
Ministry of Agriculture, Food and Consumer Protection	x	✓	x	✓								x				
Ministry of Public Works, Transport and Telecommunications	x	✓	x	x								x				
Ministry of Health	x	x	x						✓		✓					
Water Sector Regulatory Entity			x							✓		✓				
Scientific Institutes			x								✓					
Local Government			x									●				

Legenda: ● Responsible body; ✓ Consulted body; x Informed body

3.4.3 Administrative Procedures

Resource problems in relation to equipment by operating institutions at national level (monitoring, inspection, Information Technology) have been observed. At local level lack of human resources is a major weakness as the number of staff is well below what is required for the effective implementation of the Directive. Furthermore, staff lacks basic equipment, vehicles as well as adequate office spaces. It is strongly recommended that additional investments for equipment at local level be made available. The information system is required not only with the reporting mechanisms in mind. It is recommended that the permitting and inspection functions are supported by a comprehensive electronic and, where necessary, hardcopy database and information handling system, as a quality assurance system covering the whole of the regulatory process.

Problems of the availability of data (storage of capacities for data collection, processing storage, exchange and use) have been indicated as one of the issues limiting the ability of reporting to all interested users, including the Commission. It is recommended that a programme for systematic reporting be established within the framework of a single water information system, including a programme for the management of water management information system.

3.5 Current Investment Status

The Directive provides a legal framework for a wide range of actions, aiming to achieve good status for all waters (rivers, lakes and groundwater) in the European Union by 2015 in Member States. It provides inter alia for:

- the establishment of the basic principles of sustainable water policy in the European Union,
- the establishment of a managerial framework for the whole range of water protection policy and legislation,
- the introduction to a river basin approach to water management,
- the achievement of good status of all surface waters by 2015, and
- monitor the status of surface water and groundwater status;

Specific measures to control discharges of pollutants into surface waters and groundwater are included in other directives, particularly the IPPC Directive (2008/1/EC), the Urban Wastewater Directive (91/271/EEC) and the Nitrates Directive 91/676/EEC), and the costs of these measures are assigned to these other directives. Investment in abating discharges to water, in particular through the regulation of discharges from industrial establishments and through the construction of sewage collection and treatment systems are therefore considered under other directives. In the present section is only considered present investment status under three headings i.e. investment in people and the facilities they need for implementing this Directive, investment in monitoring equipment, and investment in the technical assistance needed for implementation.

Investment in people and equipment

The implementation of the Directive will be a challenge because the new obligations that it will require will therefore require staff to have the necessary expertise. To ensure that staff have this necessary expertise, it is recommended that support projects, training measures and twinning projects be implemented so as to provide opportunities to build a shared understanding of the Directive, and to share the wealth of experience and expertise that Member States have at their disposal and the burden of preparing for implementation over the coming years.

No tangible steps have yet been taken to make the six RBCs (and their technical structures – the River Basin Agency) in the position to operate as the Competent Authority for the implementation of the Directive, and the impression gained is that the RBCs are at the early stages looking for their true function.

Investment in software and hardware needed for GIS

Many of the Directive actions require the handling of spatially distributed data and as such can potentially benefit from the use of Geographical Information System (GIS) technologies. In addition, the Directive explicitly calls for the reporting of most of the (spatial) information in a GIS-compatible format.

It has been considered what GIS facilities are partially existing within the relevant department at the MoEFWM. Basic Digital Information is available. However some hardware (plotters, scanners) and software improvements are needed. In particular an integrated water resources database should be established and linked to a GIS system for presentation purposes.

GIS facilities are not available at the RBCs level, nor is digital information. Databases should be established at each of the RBCs. These should contain all pertinent data related to the water resources (hydrogeology, soil type, land use, water bodies, water quantity, water quality, water use, permits, concessions, etc.).

Investment in monitoring equipment

The water quality monitoring programmes in Albania are relatively extensive and include most of the polluted areas and environmental “hot spots”. The physic-chemical characteristics measured at selected monitoring stations by responsible authorities are confined to basic water quality and nutrient parameters with limited measurements of heavy metals, organics, priority substances and hazardous substances.

Albania’s environmental monitoring data are not acceptable to international bodies such as the EEA and form a poor basis for Albanian policy, decision-making and public awareness-raising. Problems include the lack of proper quality assurance in the monitoring and analysis process, lack of integrated design, inadequate budget for monitoring, poor infrastructure and unreliable power supplies⁹. In addition biological quality elements and hydro-morphological characteristics need to be measured to enable

⁹ PM Consultants: The Albanian integrated environmental monitoring system network regarding selected sampling areas, stations, parameters and frequencies. Report produced by the StEMA project funded by the European Commission. 3 October 2008.

assessment of water bodies to be made in accordance with WFD requirements.

Some of these problems are currently being addressed by the ongoing StEMA project referred to in the footnote below. An integrated monitoring system is being designed which among other things will generate the data required to comply with the WFD. The project also includes measures to train staff in proper monitoring procedures.

The WFD monitoring requirements are costly and time consuming. These require highly trained staff and specialised equipment. The capital, operational and maintenance expenditure for equipment as well as costs of consumables, spare parts and chemicals for sophisticated analytical instruments are substantial.

Investment in capacity-building

Water is a relatively popular sector for investment in Albania by foreign donors. Over €180 million has been made available for projects in this sector by bilateral and multilateral funding over the last 8 years¹⁰. However most of this money was/is being spent on upgrading of water and sanitation infrastructure. There have been few Technical Assistance (TA) projects in recent years which have helped to build capacity and prepare for the implementation of the WFD in Albania.

¹⁰ Source: Republic of Albania Ministry of Integration - The National Plan for the Implementation of the Stabilisation and Association Agreement, 2007 - 2012

4 Approximation Plan

4.1 Introduction

With the signing on 12th of April 2006 of the Stabilisation and Association Agreement (SAA) with the European Communities and their Member States, Albania has strongly confirmed the already clearly expressed political commitment to the EU membership.

The National Plan for the Implementation of the SAA 2007 - 2012, approved by the Council of Ministry on 5th July 2006, to a certain extent provides a confirmation of the 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 integration and implementation of the EU legislation, the so called approximation process, which consists of three main components: legal transposition, practical implementation, and enforcement.

The overall plan to obtain full approximation is presented in the following paragraphs. It consists of a legal transposition plan and an implementation plan (including enforcement).

The legal transposition plan is composed of five actions that will firstly provide for some adjustments/amendments in the LWR (either introduction of missing obligations, or reformulation of existing provisions that are not fully in accordance with the respective Directive's provision and clear provisions of legal basis) as well as the preparation of secondary legislation.

The implementation plan is composed of a number of actions which have been consolidated into four major groups of implementation actions (refer below in Table 2). A detailed description of the implementation plan is presented in paragraph 4.3.

4.2 Approach regarding timetable for actions

Preparing plans for approximating EU legislation such as the Water Framework Directive involves drafting a proposed timetable for the activities. Setting such timetables is not a simple matter, and depends on the following considerations and criteria (among others):

1. At very least the legislation should have been transposed into national law by the date of accession to the EU. In principle it should also have been largely implemented. While it is possible to negotiate some transitional periods, i.e. deferment periods beyond the date of accession for achieving compliance, these transitional periods are normally only granted for a limited number of the 'cost-heavy' directives, and then only for specific named obligations under these directives. The WFD is not regarded as a cost-heavy directive in this sense. Albania's accession date has not yet been set, but it is widely accepted that this is unlikely to be before 2015.
2. Approximation involves heavy costs (perhaps several billions of euros for the environmental acquis alone). The longer the period over which approximation is programmed (subject to point (1) above), the more the cost burden, and the charge on certain limited resources (e.g. the time of lawyers within central government available for legal drafting), is spread. Quite apart from spreading costs by setting a longer timetable, total costs are actually sometimes reduced (this applies particularly in the case of investments by companies, when deferring an investment obligation can allow it to harmonise with other investment plans, for greater efficiency).
3. The 'priority' of the measure. For example the transposition of framework legislation such as the Water Framework Directive is regarded by the European Commission as being a high priority.
4. The timing of a particular implementation action or activity is often dependent on other actions, relating either to the same directive or sometimes to other legislation. For example it makes little sense to develop river basin management plans until the monitoring system is producing useable results. But similarly a programme of measures needed to achieve the water objectives set out in the WFD is premature before it is known what measures will be applied under the UWW, IPPC and Nitrates Directives.

Setting a timetable therefore involves finding the right balance between phasing the actions so that costs and scarce resources will not be overextended while nevertheless demonstrating sufficient progress to the EU and meeting the deadlines necessary compatible with Albania's timely accession to the Union.

In specifying the phasing over time of approximation actions, the approach taken has been to specify relative years (starting with year 0), based on a minimum comfortable timetable, but disregarding resource constraints. In practice the pace at which these directives/regulations can be transposed and implemented will depend on the availability of scarce manpower resources and budgets that have to be shared with other environmental sectors¹¹. Resource constraints cannot be applied to individual DSIPs in

¹¹ A realistic (absolute) timetable for the legal transposition and related implementation and enforcement of these directives/regulations, taking into account the limited available resources and budgets, should be determinate as a part

isolation. When DSIPs have been drafted for all the directives to be tackled in this project, the overall cost picture can be assessed and adjustments made to the provisional (relative) timetables to reflect the considerations described above, thus ensuring affordable and practical proposals.

The milestones of the overall plan for full approximation are given in Table 5 below (starting in year 0).

Table 5: Milestones of overall approximation plan

Overall Approximation Plan	Start (month/year)	End (month/year)
<i>Legal Transposition</i>	01/0000	06/0003
<i>Implementation and enforcement</i>	07/0000	12/0004
• Institutional strengthening	07/0000	12/0002
• Upgrading of river basin management	01/0001	12/0004
• Water status monitoring and analysis	01/0001	12/0004
• Economic analysis, river basin management planning programmes of measures, reporting	01/0001	12/0003

4.3 Transposition Plan

The transposition plan is based upon the findings of the legal gap analysis which, themselves, formed the basis for identifying and deciding upon the future actions required to complete transposition of the Water Framework Directive – and the new Groundwater Directive and Flood Risks Directive.

These actions take as their starting point the draft LWR prepared by the ELPA project and are based on amendment to this draft and preparation of subsidiary legislation under this new draft LWR. These actions are prepared and discussed with the Ministry and other stakeholders.

As noted by the ELPA project there are a number of duplications in different pieces of water legislation which need to be eliminated, both because of the jurisdictional overlaps and as regards permitting with the same activity theoretically requiring a permit on the basis of three separate pieces of legislation – and this is before one considers the ‘environmental permit’ and the ‘integrated permit’ under the Law on Environmental Protection.

The main actions of the transposition plan include:

- Amend LWR to transpose the basic requirements of the WFD and to give the correct legal basis for subsidiary legislation to complete this transposition;
- Repeal the Law No. 9115 dated 24.7.2003 ‘On the Environmental Treatment of Polluted Waters’ and transfer relevant provisions on water pollution to the amended LWR;

of a National Strategy for Environmental Approximation (which is not part of the present study), where the resource requirements of all the sectors are placed side-by-side and compared with the estimated available total resources.

- Repeal the Law No. 9103 dated 10.7.2003 'On the Protection of Trans-boundary Lakes', which only applies to those parts of such lakes that are national waters – and should be already covered by the LWR – and if necessary transfer relevant provisions to the amended LWR;
- Transfer those relevant provisions of the Law No. 8905 dated 6.6.2002 'On Protection of the Marine Environment from Pollution and Damage' to the amended LWR so that a fully integrated and river basin district approach may be taken to pollution control of all waters;
- Prepare DCM on River Basin Management Plans under the LWR which will transpose the substantive provisions of the 3 directives as regards the content, preparation and implementation of such plans.

As far as the last element above, i.e. the Decision of Council of Ministers on River Basin Management Plans, is concerned, this secondary legislation will be drafted by the present project in consultation with MoEFWA.

4.4 Implementation Plan

The main findings of the gap analysis presented in paragraph 3.4 have formed the basis for identifying and deciding on the required future implementation and enforcement actions. Those actions will enable for full implementation and enforcement of this Directive and is the core of the Implementation Plan.

The actions needed to secure full implementation and enforcement of this Directive are presented in the Table 6 below together with a short description of each of the proposed actions, responsible institution and a proposed implementation period. The actions were presented to the Ministry, who provided its comments and gave its validation.

Table 6: Implementation and enforcement actions

Covered EU Requirement (Articles)	Action	Responsible Institution	Implementation period (month/year)
Article 3(1)	Identify and assign ground-waters and coastal waters to the nearest or most appropriate river basin districts.	RBCs	01/0000 - 12/0001
Article 4	Establish environmental objectives to apply in the river basin.	RBCs	07/0000 - 06/0001
Annexes II & III Article 5(1), 5(2)	Review of the characteristics of the river basins	RBCs	01/0000 - 12/0002
-	Assess the impact of human activity in the individual river basins	RBCs	07/0000 - 12/0003
Article 6(1), 7(1) Annex IV - Article 6(2)&(3)	Set up a register of protected areas in each river basin district.	MoEFWM - RBCs	01/0002 - 12/0003
Article 7	Identify and monitor water bodies used for the abstraction of drinking water	MoEFWM RBCs	01/0001 - 12/0001
Article 8	Establish programmes to monitor surface water status, groundwater status and status of protected areas	RBCs	01/0001 - 12/0001
Article 11	Establish a programme of measures as part of river basin plans to achieve the set environmental objectives	RBCs	01/0002 - 12/0004
Article 14	Set-up procedures for public consultation	RBCs	01/0002 – 12/0002

Actions listed above refer to the period needed for setting-up the proper system of water management, protection and reporting. It does not cover the period needed for achievement of a good water quality. This period shall be determined upon completion of the comprehensive monitoring and analyses as foreseen in the implementation plan. The achievement of a good water quality also depends on the dynamics of implementation of other related directives (in the water sector, in particular the Urban Waste Water Directive (91/271/EEC) and the Nitrates Directives (91/676/EEC) as well as directives in other related sectors).

The actions, for the overall approximation of the WFD, have been translated into identified “interventions”. Therefore, “interventions” in the following text and tables refer to measures, activities and projects. These further interventions needed (beyond those ongoing or already planned) to obtain full approximation with the WFD are presented in the Table below. In specifying for the phasing over time of the actions required to implement and enforce the WFD, the approach taken has been to specify relative years (starting with year 0)¹².

¹² No assumption is made about when implementation would begin. The implicit assumption is therefore that once started, a directive would be implemented as soon as reasonably practicable, having regard to the interdependencies between actions and between directives. In practice the pace at which these directives can be implemented will depend on the availability of scarce resources such as manpower, expertise, capital, and operating budgets. Not everything can be done at once. It is not possible to plot a realistic implementation timetable until the resource requirements of all the environmental sectors are placed side-by-side and compared with the estimated total resources available for the environmental sector.

The criteria for selection of the interventions were based on the following simple model which expresses the logical order for implementation of the EU WFD:

- providing of the human resources,
- preparation of the policy and investment documents,
- set up of the support systems, and
- investments in the basic infrastructure¹³.

All the proposed interventions are divided into the following four main groups:

1. Institutional strengthening;
2. Upgrading of water basins;
3. Water quality monitoring and analysis;
4. Economic analysis, investment, planning and reporting.

¹³ As the WFD is largely a framework for a number of other directives, the investment requirements for implementing the Directive are assessed as part of the implementation of other directives, such as the Urban Waste Water Treatment Directive (91/271/EEC), IPPC Directive (08/1/EC) and Nitrates Directive (91/676/EEC), and are not presented here.

Table 7: Interventions needed to achieve implementation

Intervention	Activity(s) and Project(s)	Responsible Institution	Year of Implementation (relative)													
			0	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Institutional strengthening;																
Strengthening of Competent Authority at national level	Employ new staff. Training of the personnel of the MoEFWM. Procurement of hardware and software for MoEFWM.	MoEFWM	■													
Strengthening of River Basin Councils	Employ additional personnel: Water Resources Specialist, Water Quality Expert, Database & GIS Expert at each of the RBCs. Training of the personnel and procurement of hardware and software	RBCs		■	■											
TA project to support implementation of WFD	Provide initial training. Define and agree demarcation of responsibilities between agencies, coordination mechanisms, communication structures. Prepare manuals of procedures, guidance. Support WBCs with register of protected areas, review of characteristics, review of human impact,	CG, MoEFWM, RBCs		■	■											
International coordination for trans-boundary river basins	Drini, Vjosa and Semani river basins	CG, RBCs		■	■	■	■	■	■	■	■	■	■	■	■	■
2. Upgrading of river basin management;																
Review of the characteristics of the river basins	Arrangements to update the review of the river basin characteristics at 6 yearly intervals and other reviews.	RBCs		■												
Assess the impact of human activity in each river basin	Establishment of River Basin database(s) (water resources, water uses/users, polluters' inventory, data analysis, verification, completion). Data collection on individual River Basin level	RBCs		■	■											
Set up a register of protected areas in each river basin	As specified in the Directive, including those under EU nature protection legislation.	MoEFWM RBCs	■	■												
Establish environmental objectives for each river basin.	Characterization of all types of water bodies Establishment of environmental objectives to apply in the river basin for each water body type	RBCs		■	■											
3. Water quality monitoring and analysis;																
TA to support establishment of monitoring and analysis	Project to support the activities listed below															
Establish a monitoring programme to determine water status.	Establish a monitoring network based on the undertaken economic analysis and designation of monitoring sites. Elaborate guidelines promoting accredited methods, incl. level of confidence, and precision of results and introduce quality assurance schemes. Elaborate ToRs for institutional arrangements incl. financing. Establish monitoring database and reporting system. Establish more frequent monitoring for waters of less than "good" status. Capacity building & training of selected laboratories for WQ analyses.	MoEFWM			■	■	■									
Physical, chemical, biological analysis	Upgrade laboratories where necessary, introduce QA/QC procedures, preparing for accreditation.	MoEFWM				■	■	■	■	■	■	■	■	■	■	■
Establish and maintain database, report results	Design of database, reporting results to stakeholders.	MoEFWM				■	■	■	■	■	■	■	■	■	■	■
4. Economic analysis, investment, planning and reporting																
TA to support economic planning and RBM planning	Project to support the activities listed below.	MoEFWM RBCs					■									
Economic analysis of water use	The purpose of this activity is: (i) to assemble the data required to carry out the cost recovery activity, and (ii) to enable the most cost-effective measures to be chosen in the programme of measures. Subjects include abstraction for drinking water, wastewater discharges, forecasts of supply and demand and trends, assessment of infrastructure needs.	MoEFWM RBCs WSRE					■									
Prepare RBMPs	Prepare RBMPs. Public consultation. Devise supplementary measures where necessary. Prepare emergency plans for responding to incidents. Publication of the final river basin management plans.	RBCs				■	■									
Implement programmes	Implement additional measures needed to ensure that water bodies achieve objectives.	RBCs, CAs							■	■	■	■	■	■	■	■
Tariffs and cost recovery study	Develop water-pricing policies which incentivise efficient water use, take account of PPP.	MoEFWM, WSRE					■	■								
Report to the Commission	River basin districts including ground waters and coastal waters, competent authorities, river basin management plans, programmes and plans dealing with sub-basins, particular water issues or particular water classes or ecosystems, plans covering parts of international river basins.	MoEFWM	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Institutional Strengthening

The task of making the six River Basin Councils effectively operational for implementation of the requirements of the Directive is of utmost importance. All the institutional actors must agree and be clear about their division of responsibilities.

A sustainable institutional set-up for monitoring, enforcement and reporting shall be established. Setup and strengthening of the institutions for joint water management of trans-boundary water resources should also be included in the institutional strengthening.

Under institutional strengthening, four types of activity are envisaged:

- **Strengthening of the numbers of personnel (and provision of the necessary office facilities)**

This applies not only to the River Basin Councils, but also to the relevant department within the MoEFWA. It is envisaged that each of the six RBCs will be strengthened by the appointment of a further three persons (a water resources specialist, a water quality expert and a GIS/database expert). In addition, three new staff (1 water resources specialist and two water quality specialists) will be appointed at the MoEFWA.

- **Provision of the hardware and software tools necessary to carry out their job and report;**

This includes workstations/servers, local area networks, B&W and colour printers, scanners, plotters (all with A3 capability), database software, GIS software, GPS, etc., i.e. the tools needed to prepare and present digital maps of river basin districts.

- **Technical assistance project on institutional strengthening**

The purpose of this TA project will be to support the Albanian authorities in establishing a sound framework for the implementation of the WFD. The project beneficiaries will include the major actors concerned by the changes and involved in implementation, notably the MoEFWA and the six WBCs¹⁴. The main activities will be:

1. Provide initial training (e.g. in economics, pressures and impacts, heavily modified water bodies, inter-calibration, monitoring, public participation, GIS, reference conditions inland waters, planning process, wetlands, classification of ecological status, groundwater).
2. Define and agree precise demarcation of responsibilities and tasks between various agencies. Define and agree coordination mechanisms and communication structures between agencies.
3. Prepare manuals of procedures, guidance for officials.
4. Support WBCs in carrying out some of their early duties:
 - a. establish register of protected areas;
 - b. analysis of characteristics of water bodies;
 - c. review of impact of human activity;

¹⁴ No distinction here is made between the River Basin Committees and the River Basin Agencies. The latter are regarded as forming part of the former.

- d. criteria for assessing groundwater status;
- 5. On the job training.

- **Establish international coordination for transboundary river basins**

Three of the six designated river basin districts in Albania are transboundary, i.e. the Drini-Buna (with Kosovo, FYR of Macedonia and Montenegro), the Semani (Greece) and the Vjosa (Greece). At present Greece is the only member state amongst these, but FYR Macedonia is a candidate country and Montenegro and Kosovo (under Security Council Resolution 1244) are potential candidate countries. Article 3 (paragraphs 3 to 5) provides for coordination with other EU member states and third party states for transboundary river basins. Coordination will take the form of discussions with these countries on modalities of cooperation, and participation in meetings of any international platform established.

Upgrading of river basins management

The upgrading of the river basin management includes four main components:

- **Review of the characteristics of the river basins.**
Each RBC will draw up an inventory of existing data – collect further necessary data, create an integrated water resources database and link to GIS database. This will include monitoring data, maps, permits, land use, soil, geology, hydrogeology, water bodies, existing and historical data on water quality and quantity, water use, concessions, mineral water, hydropower plants, irrigation etc. The database will be completely geo-referenced and input to the GIS.
- **Assessment of the impact from human activities within the river basins.**
- **Set up a register of protected areas within the river basins.**
- **Establish and implement environmental objectives to apply within the river basin.**

An integrated groundwater database on all collected data should be established and linked to a GIS system for presentation purposes. An assessment of the quantitative as well as the qualitative status of the groundwater should be carried out, and it should be determined if the use of the groundwater resources is sustainable and if there is any exiting contamination or threats of contamination caused by anthropogenic activities. Regular monitoring of the groundwater resources shall be established to be able to follow the future development quantitatively and qualitatively.

The characteristics of each river basin have to be reviewed using recognised methods within the EU. An inventory of water resources, water users, water uses, potential polluters, discharges and dangerous substances within each river basin has to be established and entered into a

river basin database. The impact of human activity on the surface water as well as the groundwater has to be evaluated.

Based on the present status of the river basin, a characterization of all water bodies will be carried out (physical, chemical, biological, hydro-morphological, etc.) and environmental objectives to be applied within each river basin established with the purpose to achieve good water quality.

Support for some of these activities will be provided by the TA project referred to under 'Institutional Strengthening' above.

Water quality monitoring and analysis

For determination of the water quality of water within the river basins a monitoring scheme (including monitoring locations, monitoring parameters and sampling frequencies) should be established using accredited monitoring methods and quality assurance schemes. The necessary monitoring personnel will also need to be recruited. The monitoring will include selected chemical and biological parameters for surface water, whilst monitoring of groundwater in addition shall include water levels for determination of the quantitative status. Selected laboratories shall obtain accreditation to carry out water quality analyses. A database shall be established to handle all the monitoring and data analysis including presentation of data in the required formats.

Analysis based on the monitoring data will be carried out to determine the ecological status of water bodies, and whether the set environmental quality objectives of the river basins are fulfilled. Waters that due to their natural condition will not achieve good water quality although all measures to improve them have been taken will be identified, and specific water bodies where less stringent environmental objectives must be set will likewise be identified.

This work should make full use of the results of the inter-calibration exercise to ensure consistency with other member states.

It is proposed that Albania should seek funding for a TA project which would support the implementation of the monitoring activity. This TA project would include the following activities:

1. design surveillance monitoring network: number and locations of monitoring stations, sampling frequencies (with rationale, confidence level, expected precision);
2. arrange for procurement and installation of necessary additional equipment (existing equipment to be used where this is possible);
3. produce guidelines, procedures for sampling, analysis, according to standards defined in WFD;
4. selection and training of appropriate laboratories, introduction of QA/QC procedures, preparation for accreditation;
5. training of monitoring staff (formal and on-the-job);
6. develop criteria for evaluating the status of surface water and groundwater bodies (taking account of inter-calibration exercise);
7. support surveillance monitoring programmes (1 year) in the six designated river basin districts;
8. support design of operational monitoring programme in the six designated river basin districts
9. Support design and realisation of database and reporting systems.

Economic analysis, investment, planning and reporting

The purpose of the economic study is (i) to assemble the data required to carry out the cost recovery activity referred to in Article 9 of the WFD and (ii) to enable choices to be made of the most cost-effective measures in the programme of measures referred to in Article 11. The economic analysis of water use is a key for the establishment of a sustainable system capable of implementation of an efficient pricing and tariff system based on the 'polluter-' and 'user pays principle', as well as the principle of full services cost recovery.

Economic analyses/feasibility studies of the water supply and disposal will be required to assess the needs for infrastructure. The economic analysis should include a forecast of water demand, the cost of abstracting and supplying water, discharging waste water, etc. Collaboration between economists, planners (regional, municipal, etc.), water suppliers, industrial organisations and other stakeholders might be necessary to obtain a proper analysis.

A programme of all mandatory measures shall be established, based on all information collected, to achieve the set environmental objectives for the water basins. The programme shall include River Basin Management Plans, including water protection measures, efficient and sustainable water use, a financial plan, a tariff system, permitting procedures, supplementary measures, etc. A suitable consultation mechanism shall be established in order to facilitate public consultation on the river basin management plans, and a format for publication of the final plans shall be established. Specific supplementary plans shall be produced as required and emergency plans in case of incidents should be prepared. The programme should also include strengthening of the inspection services including implementation of penalties for non-compliance with the law.

An Investment and prioritization plan for the water sector should be prepared. The criteria for prioritization of the investments in water protection shall be determined and a system of governmental loans for investment in the water sector (water supply, urban wastewater networks, wastewater treatment plans, protection measures, etc.) should be introduced. Considering the limited national funding capacity, and based on the economic analyses, financial mechanisms have to be developed for speeding-up the investment in environmental (water) protection. This also refers to the development of mechanisms for implementation of full cost recovery system in the sector.

It is proposed that funding should be sought for a TA project, the purpose of which will be to support the competent Albanian authorities, and in particular the river basin management commissions, with their economic planning and river basin management planning activities. The project will therefore include:

- collecting and compiling the economic data required under Article 5(1), third point and Annex III, particularly cost and investment data for the provision of water and sanitation services, data on discharges of various point and diffuse pollution sources, approaches to abating them and their cost and effectiveness, data on the cost of damage caused by a deterioration in the status of surface- and groundwaters;
- identifying the "significant water management issues" in the river basins as part of the RBM planning process;

- supporting the RBMCs in drafting and reviewing river basin management plans and proposing programmes of measures;
- supporting the RBMCs in drawing up plans to raise the awareness of the public and ensure public participation in the RBM planning process; It is important that all actors - other relevant government departments, local communities, water utilities, industry and commerce, consumers, NGOs and environmental groups - play a full part in the discussions on river basin plans as these are likely to affect all of these organisations, and rely upon actions by such organizations in the achievement of their objectives. In particular the authorities must have the resources to deal with all questions, opinions and representations made to them, as well as to arrange for the necessary publications, announcements and public meetings
- supporting the RBMCs in providing through tariffs, charges and penalties for the recovery of costs of water services, including environmental and resource costs, having regard to the economic analysis referred to above and in accordance in particular with the polluter pays principle.

All work on the river basin management plans should be coordinated with work on implementing the other relevant directives, particularly the Urban Waste Water Treatment Directive, the IPPC Directive and the Nitrates Directive, since these will have a major impact on water status in the river basins.

A system for reporting to the Commission must be set up using the established databases. The reporting must include assignment details of the Competent Authority, information on river basin districts, river basin plans, particular programmes/plans, and plans covering parts of international river basins.

Concrete steps and projects are expected to be identified in the strategic (Water Strategy) and planning documents (Water Master Plan and River Basin Management Plans).

A set-up for reporting to the Commission has to be set-up using the established databases. The reporting has to include assignment details of the Competent Authority, information on river basin districts, river basin plans, particular programmes/plans, and plans covering parts of international river basins.

Concrete steps and projects are expected to be identified in the strategic (Water Strategy) and planning documents (Water Master Plan and River Basin Management Plans).

5 Costs and Benefits

Implementation of the WFD will give rise to costs and benefits from both the RBMP process and from the programmes of measures identified through this process. It is quite impossible to estimate robustly the costs and benefits of the programmes of measures on current information as such costs will only be established following the iterative technical and economic work the Directive requires. In particular, it depends on the findings of the river basin characterisation analysis, on the extent of the risks of failures to achieve good status, and their causes, and hence, the identification of effective options for costs evaluation. It also depends on the inter-calibration exercise.

Hence for the purposes of this implementation plan the costs presented are given in indicative terms, reflecting the uncertainty over exactly what measures will be required and their costs.

5.1 Resources and Costs

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

Method of cost estimation and sources of cost data

The starting point was the list of interventions contained in Table 4. This list was further disaggregated into actions and sub-actions as set out in Annex III.

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),
- training requirements,
- devices and materials to be procured,
- production of necessary documents, and
- technical assistance projects / experts (The resource 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).

In making such a costing the following assumption has been made:

- the Directive provides for the preparation of river basin management plans containing programmes of measures needed to achieve the Directive objectives. The costs of these technical measures are assumed to arise under other Directives. The programmes of technical measures needed to comply with the IPPC Directive (2008/1/EC) (measures for water), the Urban Waste Water Directive (91/271/EEC) and other EU legislation will have a very major impact on the quality and status of national waters, and must be the top priority. It is assumed that no supplementary measures (as referred to in Annex VI.B of the Directive) will be needed to achieve the objectives of the Directive.

The costs of transposition and of implementation are dealt with separately below.

Transposition costs

The Water Framework Directive is a complex piece of legislation and a significant effort will be required to transpose it fully into EU legislation. Progress to date has been relatively modest. Each year, an assessment is made of the progress made by Albania towards transposing and implementing the main elements of EU legislation. In the most recent assessment carried out by REC¹⁵, which considered the position as at April 2008, it was estimated that the degree of transposition of the WFD was 6%, very little improved in relation to assessment in the preceding year (year ending April 2007), with the MoEFWA unable to propose an expected date for completion. Implementation is also at an early stage.

Given the limited legal drafting resources within MoEFWA, it is desirable that support be provided to the legal team in preparing this legislation. One of the tasks necessary for transposition listed in section 4.3, i.e. the last one - prepare DCM on River Basin Management Plans under the LWR which will transpose the substantive provisions of the 3 directives as regards the content, preparation and implementation of such plans – will be undertaken by this project, but there still remains a significant volume of primary and secondary legislation to be prepared. It is recommended that a ‘medium’-sized TA project be established (440 days international consultants, 440 days national consultants) would be desirable to permit full transposition. This could be integrated with another TA project in the water sector if this is convenient.

On this basis the additional costs of full transposition would be €800,000.

Implementation costs

The estimated costs of implementing the Directive are shown in the following table:

15 Regional Environmental Centre: Progress Monitoring Report Albania Year 2, in the framework of project Progress monitoring for potential Candidate Countries and the Former Yugoslav Republic of Macedonia 2007-2008. September 2008

Table8: Implementation costs broken down by expenditure category

Cost type	Capital / one-off costs ¹⁶ (€000)	Operating / recurrent costs (€000/y)	Remarks
Additional personnel: 25 persons		294	At MoEFWA and RBCs. Includes social costs and employment-related costs: office space, heating, normal equipment, reporting, overheads. Also includes per diems for monitoring personnel fieldwork
Technical assistance	4,800		Three separate TA projects allowed for
Software, hardware, (GIS) equipment	201	10	5% for O&M
Public consultation	120		With regard to river basin management plans
Monitoring equipment	312	15	Purchase and installation of necessary instrumentation.
Vehicles	30	10	1 4x4 vehicle for fieldwork, plus fuel, repairs and maintenance
Analysis (chemical, physical, biological)		135	Costed on basis of estimated laboratory charges, rather than costs of laboratories
Reporting to European Commission		30	Budget to cover additional costs of report production
International coordination		30	Travel and subsistence for attendance at international meetings
Total	5,433	524	

Total implementation costs amount to one-off costs of € 5.4 millions and recurrent costs of € 524,000 per year. These costs will be sustained in the first place by the national competent authority which is made responsible for implementing the Directive and by the new river basin authorities. The total costs relate mainly to the establishment of the necessary administrative infrastructure and building its capacity, as well as to establishing and operating the monitoring system, and not to the costs of technical measures. The latter are assumed to arise under other Directives.

A total of 25 new persons are estimated to be needed, at a cost of € 294,000 per year: 3 persons within the national competent authority

¹⁶ All costs are estimated in constant 2008 prices.

(MoEFWA), 3 full-time persons to support each of the six river basin authorities, and 4 persons for the monitoring activity.

The total estimated cost of technical assistance projects, over €4.8 millions, reflects the ambitious scope of the Directive.

Other costs relate to the costs of upgrading the monitoring network and conducting the necessary monitoring programmes, the costs of acquiring and/or upgrading the hardware and software necessary to create GIS systems and databases, the costs of public consultation of the river basin management plans, the costs of reporting to the European Commission and the costs of international consultations.

*Actual **additional costs***

The above costing involved identifying all the new functions required to transpose and implement the WFD. However new functions do not necessarily mean additional costs. Take staffing for example. At the urging of the IMF, Albania is trying to reduce the size of its civil service by about 10%. The government of Albania and the MoEFWA is unlikely to view sympathetically a proposal for large numbers of new civil servants to implement EU environmental legislation, even if a strong case can be made for the new functions or it is argued that the increase in effort required to implement the EU acquis is proportionately greater for the environment than for other sectors. This means that either the new employees will have to be recruited from the ranks of the existing civil service (without the latter being replaced), or that the new jobs will need to be offset by redundancies or natural wastage elsewhere in the civil service. If the government (or the MoEFWA) does succeed in establishing these new functions without increasing its overall payroll it could be argued that the additional salary-related costs are nil. But the difficulties of either recruiting suitable candidates from other (superfluous or dispensable) functions or achieving compensating reductions elsewhere should not be underestimated, and this means that the rate of implementation cannot be too rapid.

Similarly with environmental monitoring: it is estimated roughly above that the operating costs (i.e. excluding capital costs) of the monitoring required to comply with the WFD will be €182,000 per year. But the present allocation in the MoEFWA budget for monitoring (which also covers only operating costs) is €110,000 per year, of which an estimated one-third, i.e. €37,000 per year, is for water. On this basis the additional operating costs for water monitoring would be only €145,000 per year.

5.2 Financing Strategy

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

5.2.1 Capital and one-off costs

Given that a tight rein is likely to be maintained on government spending in the coming years, the government should seek to secure grant funding to

the maximum possible degree to defray the one-off and investment costs associated with transposing the Directive into national legislation and implementing it. This of course includes not only technical assistance projects and training, but also for example the further acquisition of monitoring, data processing and GIS equipment, software, models and data needed. These items may need to be bundled up into the TA projects to ensure that the desired grant finance is forthcoming. This is normally permissible so long as the TA cost element predominates, which will be the case, since the equipment and hardware content of the total is less than 15%.

On this basis, the total grant funding needed will be over €6.2 millions, most of it, on the assumptions made about timing, in the first three or four years.

EU grant funding for technical assistance projects in the water sector will be channelled through the 'Instrument for Pre-accession Assistance' (IPA) and funding will also be available from bilateral donors. This is described briefly below.

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 co-ordination 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:

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 of course cover aid in all sectors, not just the environmental or water 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 Water Framework Directive would be classified as a membership obligation. The grants allocated to date under the IPA include grant funding of €24 million to support the construction and rehabilitation of water supply and wastewater infrastructure in Shkodër, Velipojë, Shëngjin and Golem-Kavajë.

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. 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.

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.

Other bilateral and multilateral aid

According to the database of aid projects maintained by the foreign donor coordination unit within the Council of Ministers, non-EU donors committed to some €2600 million in aid during the years 2000 to 2008. This reached a peak of about €470 million in 2005, and has gradually declined thereafter. Of this total, some €280 million was specifically for water sector projects (mainly water supply and sanitation), of which €100 million in grants and €180 million in loans, and a further €86 million (allocated over the last 4 years, of which of which €65 million in grants) was for other

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

5.2.2 Operating and recurrent costs

The recurrent and operating costs amounting to nearly €524.000 per year will not qualify for grant aid, and will need to be covered by provisions in the state budget. However it was pointed out above that there is a tension between the apparent budgetary needs related to the provision for new functions arising out of the provisions of European legislation and the attempts to streamline the civil service and reduce its total size. For example the amount set aside for salaries in the medium-term national budget for the Ministry of Environment, Forestry and Water Administration just for the two directorates Planning, Management and Administration in the indicative budgets for 2009-2011 compared with the 2008 budget are as follows:

Allowances made in the medium-term national budget for growth in salaries for the coming three years in the two environmental directorates of MoEFWA¹⁷

	Budget	Provision in Mid-Term Budget 2009-2011 for salaries ('000 lek)		
		2009	2010	2011
Planning, Management and Administration	54,000	52,100	53,500	55,000
Water Administration	18,000	18,500	19,000	20,000
	72,000	70,600	72,500	75,000
Yearly increment (%)		-1.9%	2.7%	3.4%

Source: MoEFWA

As can be seen in the above table, the budget for salaries reduces from 2008/9, and the increases from 2009/10 and from 2010/11 barely keep pace with inflation.

The purpose of the present document is of course only to identify the resource requirements needed to implement the Water Framework Directive, not to explain how exactly these needs are squared with Albania's goal of streamlining its civil service.

5.3 Benefits

The benefits from implementing the WFD divide into two components:

1. The improvement and protection of the water environment against pollution, and

¹⁷ These two departments only were included as they are the departments which correspond most closely to the EU environmental chapter.

2. The informational and administrative benefit from increased monitoring and comprehensive planning.

Benefits from ecological improvement

An ecological improvement of the water environment will lead to cleaner and healthier rivers, lakes, estuaries and coastal waters, providing better living conditions for the aquatic life as well as for land animals and birds.

A wide range of benefits may follow from an ecological improvement:

- General recreational benefits (visiting and making use of the river banks and coasts) for walking, wildlife watching, picnicking etc. as well as those who live close to water bodies.
- Benefits to those engaged in contact water sports such as swimming, canoeing, surfing etc. and from angling and related activities.
- Benefits to other users of water bodies such as industry and agriculture who may see better quality and/or availability of supplies.
- Benefits not dependant on use, arising from values associated with good stewardship of the environment for future generations or from the intrinsic value of the supported environments.

Administration, monitoring and planning benefits

The broad coverage of the WFD should give a more integrated approach to river basin planning. A high level of co-ordination and communication will be facilitated which should ensure fully informed policy making. The consultation requirements are likely to generate new ideas and make available new information on the local environment, thus ensuring that the correct measures are implemented and advantage taken of synergies.

Benefits from administration, monitoring and planning may include:

- Benefits from the coherent management of river basins, which will enable more cost effective strategies to be developed through the production of co-ordinated RBMPs, and the recognition of the links between all waters in a river basin.
- The avoidance of costs through better targeting of water protection measures, resulting from the information provided by the analysis of each river basin.
- Advantages gained from setting environmental objectives and introducing of monitoring strategies appropriate to national and local circumstances. This means that resources can be targeted to problems of real concern.

ANNEX I: Table of Concordance

Directive 2000/60/EC Water Framework Directive including:

- Decision No 2455/2001/EC Establishing the list of priority substances
- Directive 2006/118/EC on the protection of groundwater against pollution and deterioration, and
- Directive 2007/60/EC on the assessment and management of flood risks

The main piece of Albanian legislation is the Law 8903 on Water Resources of 21-3-1996, as amended by Law 8375 of 15-7-1998, Law 8605 of 20-4-2000, and Law 8736 of 01-2-2001.

This ToC also takes into account the proposed changes to Law 8903 as prepared by the ELPA project.

Other relevant legislation includes:

- Law No. 8102 dated 28.3.1996 'On the Regulatory Framework for Water Supply and Waste Water Management' (as amended);
- Law No. No. 8515 dated 30.7.1999 'On Irrigation and Drainage';
- Law No. 9115 dated 24.7.2003 'On the Environmental Treatment of Polluted Waters';
- Law No. 8905 dated 6.6.2002 'On Protection of the Marine Environment from Pollution and Damage';
- Law No. 9103 dated 10.7.2003 'On the Protection of Transboundary Lakes';
- Law No. 8681 dated 2.11.2000 'On the Design, Construction and Maintenance of Dams and Tailings Dams'
- Law No 8934 dated 5.9.2002 On Environmental Protection, as amended by Law 9890 of 20.3.2008

None of the substantive provisions that are introduced by the WFD have been transposed. The detail that is required to be included in RBMPs is lacking, as are the Article 4 environmental objectives, Article 11 programme of measures, etc.

The substantive provisions of the Groundwater Directive and the Floods Risk Directive have likewise not been transposed.

Assuming that the Draft Law on Water Resources, as prepared by the ELPA project, is adopted, the substantive provisions of the Directives can be transposed (by this project) by way of DCM on River Basin Management Plans

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
Art. 1	[Purpose]					
Art. 2	Definitions:	Draft Law on Water Resources (Draft LWR) Art 2.1b	corresponds			Draft LWR be adopted
	1. "Surface water"					
	2. "Groundwater"	Draft LWR Art 2.1a	corresponds			Draft LWR be adopted
	3. "Inland water"	Draft LWR Art 2.1c	corresponds			Draft LWR be adopted
	4. "River"		lacking	Include definition in draft LWR		Draft LWR be adopted
	5. "Lake"		lacking	Include definition in draft LWR		Draft LWR be adopted
	6. "Transitional waters"	Draft LWR Art 2.1c	corresponds			Draft LWR be adopted
	7. "Coastal water"	Draft LWR Art 2.1d	corresponds			Draft LWR be adopted
	8. "Artificial water body"	Draft LWR Art 2.1dh	corresponds			Draft LWR be adopted
	9. "Heavily modified water body"	Draft LWR Art 2.1e	corresponds			Draft LWR be adopted
	10. "Body of surface water"		lacking	Include definition in draft LWR		Draft LWR be adopted
	11. "Aquifer"		lacking	Include definition in draft LWR		Draft LWR be adopted
	12. "Body of groundwater"		lacking	Include definition in draft LWR		Draft LWR be adopted
	13. "River basin"	LWR Art 2.6 – referred to as 'water drainage basin'	corresponds			
	14. "Sub-basin"		lacking	Include definition in draft LWR		Draft LWR be adopted
	15. "River Basin District"	Draft LWR Art 2.6a	corresponds			Draft LWR be adopted
	16. "Competent Authority"					
	17. "Surface water status"	Draft LWR Art 26B.2	corresponds			
	18. "Good surface water status"	Draft LWR Art 26B.2 & 3	Corresponds in part	Include in draft Decision on RBMPs		Draft Decision on RBMPs
	19. "Groundwater status"	Draft LWR Art 26B.2	corresponds			
	20. "Good groundwater status"	Draft LWR Art 26B.2 & 3	Corresponds in part	Include in draft Decision on RBMPs		Draft Decision on RBMPs
	21. "Ecological status"	Draft LWR Art 26B.2	corresponds			
	22. "Good ecological status"	Draft LWR Art 26B.2 & 3	Corresponds in part	Include in draft Decision on RBMPs		Draft Decision on RBMPs
	23. "Good ecological potential"					
	24. "Good surface water chemical status"	Draft LWR Art 26B.2 & 3	Corresponds in part	Include in draft Decision on RBMPs		Draft Decision on RBMPs
	25. "Good groundwater chemical status"	Draft LWR Art 26B.2 & 3	Corresponds in part	Include in draft Decision on RBMPs		Draft Decision on RBMPs
	26. "Quantitative status"	Draft LWR Art 26B.2	corresponds			
	27. "Available groundwater resource"					

¹⁸ If draft legislation, please specify the status of the draft legislation.

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	28. "Good quantitative status"					
	29. "Hazardous substances"					
	30. "Priority substances"					
	31. "Pollutant"	Draft LWR Art 2.9a	corresponds			Draft LWR be adopted
	32. "Direct discharge to groundwater"					
	33. "Pollution"	Draft LWR Art 2.9	corresponds			Draft LWR be adopted
	34. "Environmental objectives"					
	35. "Environmental quality standard"	Draft LWR Art 2.13b	corresponds			Draft LWR be adopted
	36. "Combined approach"					
	37. "Water intended for human consumption"					
	38. "Water services"					
	39. "Water use"					
	40. "Emission limit values"	Draft LWR Art 2.13c	corresponds			Draft LWR be adopted
	41. "Emission controls"					
Art. 3.1	Coordination of administrative arrangements within River Basin Districts (RBDs). MS shall identify individual river basins lying within their national territory &, for Dir.'s purposes, shall assign them to individual RBDs.	LWR Art 6.1d	corresponds			
	[Small river basins may be combined with larger river basins or joined with neighbouring small basins to form individual RBDs where appropriate.]		lacking			Draft LWR
	Where ground waters do not fully follow a particular river basin, they shall be identified & assigned to the nearest or most appropriate RBD.		Lacking			Draft LWR
	Coastal waters shall be identified & assigned to the nearest or most appropriate RBD(s).		Lacking			Draft LWR
Art. 3.2	MS shall ensure appropriate administrative arrangements, including identification of appropriate CA, for this Dir.'s application within each RBD within their territory.	LWR Art 6.1dh	corresponds			
Art. 3.3	MS shall ensure that a river basin covering territory of more than one MS is assigned to an international RBD.	LWR Art 5	Corresponds			
	[At MSs involved request, Comm'n shall act to facilitate the assigning to such international RBDs.]					
	Each MS shall ensure appropriate administrative arrangements, including identification of appropriate CA, for Dir. application within the portion of any international RBD lying within its territory.	LWR Art 5 & 8	Corresponds			
Art. 3.4	MS shall ensure that Dir. requirements for Art. 4 environmental objectives' achievement, & in particular all programmes of measures are coordinated for the whole of RBD.					
	For international RBDs MSs concerned shall together ensure this coordination.					
	[At MSs request, Comm'n shall act to facilitate the establishment of the programmes of measures.]					
Art. 3.5	Where a RBD extends beyond Community's territory, MS concerned shall endeavour to establish appropriate coordination with relevant non-MS, for achieving Dir. objectives throughout the RBD.	LWR Art 5	Corresponds			
	MS shall ensure Dir. application within their territory.					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/corresponds in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
Art. 3.6	[MS may identify an existing national or international body as CA for Dir. purposes]					
Art. 3.7	MS shall identify CA by 22.12.2003.					
Art. 3.8	[MS shall provide Comm'n with a list of their CAs & CAs of all international bodies in which they participate at latest by 22.6.2004. For each CA Annex I information shall be provided.]					
Art. 3.9	MS shall inform Comm'n of any changes to Art. 3.8 information within 3 months of the change coming into effect.					
Art. 4.1	<p>In making operational the programmes of measures specified in River Basin Management plans:</p> <p>(a) for surface waters</p> <p>(i) MS shall implement necessary measures to prevent deterioration of status of all bodies of surface water, subject to Arts. 4.6 & 4.7 application & without prejudice to Art. 4.8;</p> <p>(ii) MS shall protect, enhance & restore all bodies of surface water, subject to Art. 4.1</p> <p>(a) (iii) for artificial & heavily modified bodies of water, for achieving good surface water status at the latest by 22.12. 2018, in accordance with Annex V, subject to Art. 4.4 extensions & Arts. 4.5, 4.6, & 4.7 application & without prejudice to Art. 4.8;</p> <p>(iii) MS shall protect, enhance & restore all artificial & heavily modified bodies of water, for achieving good ecological potential & good surface water chemical status at the latest by 22.12. 2018, in accordance with Annex V, subject to Art. 4.4 applications of extensions & Arts. 4.5, 4.6, & 4.7 without prejudice to Art. 4.8;</p> <p>(iv) MS shall implement Arts. 16.1 & 16.8 necessary measures, for progressively reducing pollution from priority substances & ceasing or phasing out emissions, discharges & losses of priority of hazardous substances without prejudice to Art. 1 relevant international agreement of the parties concerned.</p>		Lacking			Draft Decision on RBMPs to transpose whole of Art 4 of WFD
	<p>(b) for groundwater</p> <p>(i) MS shall implement necessary measures to prevent or limit the input of pollutants into groundwater & prevent deterioration of status of all bodies of groundwater, subject to Arts. 4.6 & 4.7 application & without prejudice to Art. 4.8 & subject to Art. 11.3 (j) application;</p> <p>(ii) Ms shall protect, enhance & restore all bodies of groundwater, ensure a balance between abstraction & recharge of groundwater, for achieving good groundwater status at the latest by 22.12. 2018, in accordance with Annex V, subject to Art. 4.4 application of extensions & Arts. 4.5, 4.6 & 4.7, without prejudice to Art. 8 & subject to Art. 11.3 (j);</p> <p>(iii) MS shall implement Arts. 17.2, 17.4 & 17.5 necessary measures, taking into account EU applicable standards, subject to Arts. 4.6, 4.7 application & without prejudice to Art. 4.8, to reverse any significant & sustained upward trend in the concentration of any pollutant resulting from impact of human activity for reducing pollution of groundwater.</p>					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	(c) MS shall achieve compliance with any standards & objectives relating to Protected Areas, at latest by 22.12.2018, unless otherwise specified in EU legislation under which individual Protected Areas have been established.					
Art. 4.2	Where more than one of Art. 4.1 objectives relate to a given body of water, the most stringent shall apply.					
Art. 4.3	<p>MS may designate a body of surface water as artificial or heavily modified when:</p> <p>(a) changes to the hydromorphological characteristics of that body which would be necessary for achieving good ecological status would have significant adverse effects on :</p> <p>(i) wider environment;</p> <p>(ii) navigation, including port facilities, or recreation;</p> <p>(iii) activities for purposes of which water is stored, such as drinking water supply, power generation or irrigation;</p> <p>(iv) water regulation, flood protection, land drainage; or</p> <p>(v) other equally important sustainable human development activities.</p> <p>(b) Beneficial objectives served by the artificial or modified characteristics of the water body cannot, for reasons of technical feasibility or disproportionate costs, reasonably be achieved by other means, which are a significantly better environmental option.</p> <p>Such designation & the reasons for it shall be specifically mentioned in Art. 13 River Basin Management Plan & reviewed every 6 years.</p>					
Art. 4.4	<p>[Art. 4.1 deadlines may be extended for the purposes of phased achievement of objectives for bodies of water, provided no further deterioration occurs in status of affected body of water when all the following conditions are met:</p> <p>(a) MS determine that all necessary improvements in the status of bodies of water cannot reasonably be achieved within Art. 4.1 timescales for at least one of reasons:</p> <p>(i) scale of improvements required can only be achieved in phases exceeding the timescale, for reasons of technical feasibility;</p> <p>(ii) completing improvements within the timescale would be disproportionately expensive;</p>					
	(b) extension of deadline, & reasons for it, are specifically set out & explained in Art. 13 River Basin Management Plan;					
	(c) extensions are limited to periods which do not exceed the period covered by 2 further updates of the River Basin Management Plan except in cases where natural conditions natural conditions are such that objectives cannot be achieved within this period					
	(d) summary of Art. 11 measures which are envisaged as necessary to bring bodies of water progressively to required status by extended deadline, the reasons for any significant delay in making these measures operational & expected timetable for their implementation are set out in the River Basin Management Plan. Review of these measures implementation & summary of any additional measures					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/corresponds in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	shall be included in updates of the River Basin Management Plan.]					
Art. 4.5	<p>[MS may aim to achieve less stringent environmental objectives for specific bodies of water than those required under Art. 4.1 when they are so affected by human activity, as determined in Art. 5.1, or their natural condition is such that these objectives achievement would be infeasible or disproportionately expensive, & all following conditions are met:</p> <p>(a) environmental & socio-economic needs served by such human activity cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs;</p> <p>(b) MS ensure,</p> <ul style="list-style-type: none"> • for surface water, the highest ecological & chemical status possible is achieved, given impacts that could not reasonably have been avoided due to nature of the human activity or pollution; • for groundwater, the least possible changes to good groundwater status, given impacts that could not reasonably have been avoided due to nature of the human activity or pollution; <p>(c) no further deterioration occurs in the status of affected body of water;</p> <p>(d) establishment of less stringent environmental objectives, & reasons for it, are specifically mentioned in Art. 13 River Basin Management Plan & those objectives are reviewed every 6 years.]</p>					
Art. 4.6	<p>Temporary deterioration in the status of bodies of water shall not be in breach of Dir. if this is the result of circumstances of natural cause or <i>force majeure</i> which are exceptional or could not reasonably have been foreseen, in particular extreme floods & prolonged droughts, or due to accidents which could not reasonably have been foreseen, when all following conditions have been met:</p> <p>(a) all practicable steps are taken to prevent further deterioration in status & in order not to compromise this Dir. objectives in other bodies of water not affected by those circumstances;</p>					
	<p>(b) conditions under which circumstances that are exceptional or that could not reasonably have been foreseen may be declared, including adoption of appropriate indicators, are stated in the River Basin Management Plan;</p>					
	<p>(c) measures to be taken under such exceptional circumstances are included in programme of measures & will not compromise recovery of quality of the body of water once circumstances are over;</p>					
	<p>(d) effects of exceptional circumstances or that could not reasonably have been foreseen are reviewed annually &, subject to Art. 4.4(a) reasons, all practicable measures are taken for restoring the body of water to its status prior to the effects of those circumstances as soon as reasonably practicable;</p>					
	<p>(e) summary of effects of circumstances & of such measures taken or to be taken as per Art. 4.6 (a) & (d) are included in the next update of River Basin Management Plan.</p>					
Art. 4.7	<p>MS will not be in breach of Dir. when:</p> <ul style="list-style-type: none"> • Failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent 					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	deterioration in the status of a body of surface water or groundwater shall not be in breach of Dir. where this is result of new modifications to physical characteristics of a surface water body or alterations to level of bodies of groundwater, or <ul style="list-style-type: none"> failure to prevent deterioration from high status to good status of a body of surface waters is the result of new sustainable human development activities, & following conditions are met: <p>(a) all practicable steps are taken to mitigate the adverse impact on status of the body of water;</p> <p>(b) reasons for modifications or alterations are specifically set out & explained in Art. 13 River Basin Management Plan & objectives are reviewed every 6 years.</p> <p>(c) reasons for modifications or alterations are of overriding public interest &/or benefits to the environment & society of achieving Art. 4.1 objectives are outweighed by the benefits of new modifications or alterations to human health, maintenance of human safety or sustainable development; &</p> <p>(d) beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.</p> 					
Art. 4.8	When applying Arts. 4.3, 4.4, 4.5, 4.6 & 4.7, MS shall ensure that the application does not permanently exclude or compromise Dir's. objectives in other bodies of water within the same RBD & is consistent with other EU environmental legislation implementation.					
Art. 4.9	Steps must be taken to ensure that application of new provisions, including application of Arts. 4.3, 4.4, 4.5, 4.6 & 4.7, guarantees at least the same level of protection as existing EU legislation.					
Art. 5.1	Each MS shall ensure that for each RBD or for portion of an international RBD falling within its territory: <ul style="list-style-type: none"> - an analysis of its characteristics, - a review of impact of human activity on status of surface waters & on groundwater, & - an economic analysis of water use is undertaken according to Annexes II & III technical specifications & that it is completed at latest by 22.12.2007.	Draft LWR Art 10 gives legal basis for art 5. However it says that NWC should prepare Decisions on RBMPs	Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose whole of Art 5 WFD
Art. 5.2	Art. 5.1 analyses & reviews shall be reviewed, & if necessary updated at latest by 22.12.2016 & every 6 years thereafter.					
Art. 6.1	MS shall ensure establishment of a register or registers of all areas lying within each RBD which have been designated as requiring special protection under specific EU legislation for protection of their surface water & groundwater or for conservation of habitats & species directly depending on water. They shall ensure that register is completed at latest by 22.12.2007.		Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose whole of Art 6 WFD
Art. 6.2	Register or registers shall include all Art. 7.1 bodies of water & all Annex IV Protected Areas.					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
Art. 6.3	For each RBD, register or registers of Protected Areas shall be kept under review & up to date.					
Art. 7.1	MS shall identify, within each RBD: - all bodies of water used for abstraction of water intended for human consumption providing more than 10m ³ a day as an average or serving more than 50 persons, & - those bodies of water intended for such future use.		Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose whole of Art 7 WFD
	MS shall monitor, as per Annex V, those bodies of water which according to Annex V, provide more than 100m ³ a day as an average.					
Art. 7.2	For each Art. 7.1 body of water, in addition to meeting Art. 4 objectives, for surface water bodies including quality standards established at EU level under Art.16, MS shall ensure that under water treatment regime applied, & in accordance with EU legislation, resulting water will meet DW Dir. 80/778/EEC requirements, as amended by Dir. 98/83/EC.					
Art. 7.3	MS shall ensure necessary protection for the bodies of water identified to avoid deterioration in their quality to reduce level of purification treatment required in the production of drinking water [& may establish safeguard zones for those bodies of water.]	LWR Art 40	Corresponds in part	Art 40 gives legal basis for protection -- - Need Regulations for details		Regulations to be prepared by NWC and Health Institutions
Art. 8.1	MS shall ensure establishment of monitoring programmes of water status for establishing a coherent & comprehensive overview of water status within each RBD: - for surface waters such programmes shall cover: (i) volume & level or rate of flow to the extent relevant for ecological & chemical status & ecological potential; & (ii) ecological & chemical status & ecological potential;	Draft LWR Art 10A gives the legal basis for monitoring and data management	Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose whole of Art 8 WFD
	- for groundwater such programmes shall cover monitoring of chemical & quantitative status;					
	- for protected areas above programmes shall be supplemented by those specifications contained in EU legislation under which individual protected areas have been established.					
Art. 8.2	Art. 8.1 programmes shall be operational at latest by 22.12.2009 unless otherwise specified in concerned legislation. Such monitoring shall be in accordance with Annex V requirements.					
Art. 8.3	[procedures for adopting technical standards etc]					
Art. 9.1	MS shall take account of the recovery principle of costs of water services, including environmental & resource costs, having regard to Annex III economic analysis, & the polluter pays principle.					
	MS shall ensure by 2010 - that water pricing policies provide adequate incentives for users to use water resources efficiently, & thereby contribute to this Dir. environmental objectives; - an adequate contribution of different water uses, disaggregated into at least industry, households & agriculture, to the recovery of the costs of water services, based on Annex III economic analysis & taking into consideration the polluter pays principle.					
	[MS may in doing so have regard to social, environmental & economic effects of recovery as well as geographic & climatic conditions of					

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/does not correspond in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	region(s) affected.]					
Art. 9.2	MS shall report in the River Basin Management Plans on planned steps towards implementing Art. 9.1 which will contribute to achieving Dir.'s environmental objectives & on contribution made by various water uses to recovery of water services costs.					
Art. 9.3	Nothing in Art. 9 shall prevent funding of particular preventative or remedial measures in order to achieve this Dir's. objectives.					
Art. 9.4	MS shall not be in breach of this Dir. if they decide in accordance with established practices not to apply Art. 9.1, second sentence provisions, & for that purpose Art. 9.2 relevant provisions, for a given water-use activity, where this does not compromise this Dir. objectives. MS shall report the reasons for not fully applying Art. 9.1 second sentence, in the River Basin Management Plan.					
Art. 10.1	MS shall ensure those all Art. 10.2 discharges into surface waters are controlled according to Art. 10 combined approach.		Lacking	Draft LWR needs to make clear link between permitting and combined approach		Draft LWR to transpose Art 10 WFD
Art. 10.2	MS shall ensure the establishment &/or implementation of: (a) emission controls based on BAT; or (b) relevant emission limit values; or (c) in case of diffuse impacts controls including, as appropriate, Best Environmental Practices; set out in: - Dir. 96/61/EC concerning IPPC ¹⁹ , - Dir. 91/271/EEC concerning urban waste-water treatment ²⁰ , - Dir. 91/676/EEC concerning protection of waters against pollution caused by nitrates from agricultural sources ²¹ , - Dirs. adopted pursuant to Art. 16, - Dirs. listed in Annex IX, - any other relevant EU legislation. at latest by 22.12.2015., unless otherwise specified in the legislation concerned.					
Art. 10.3	Where a quality objective or quality standard, whether established pursuant to this Dir., or Annex IX list of Dirs., or pursuant to any other EU legislation, requires stricter conditions than those which would result from Art. 10.2 applications, more stringent emission controls shall be set accordingly.					
Art. 11.1	Each MS shall ensure the establishment for each RBD, or for part of an international RBD within its territory, of a programme of measures, taking account of Art. 5 analyses' results, to achieve Art. 4 objectives. [Such		Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose whole of Art 11 WFD

¹⁹ OJ L 257, 10.10.1996, p. 26.

²⁰ OJ L 135, 30.5.1991, p. 40. Directive as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29).

²¹ OJ L 375, 31.12.1991, p. 1.

Article	EU Obligation	National legislation (including draft legislation) (give text of relevant law or regulation & no. of article) ¹⁸	Corresponds/corresponds in part/is lacking/is in conflict	Identification of changes needed in Albanian law	Responsible institution(s)	Recommendation for transposition
	programmes of measures may make reference to measures following from national legislation & covering the whole of a MS territory.]					
	[Where appropriate, MS may adopt measures applicable to all RBDs &/or portions of International RBDs falling within its territory.]					
Art. 11.2	Each programme of measures shall include Art. 11.3 "basic" measures &, where necessary, "supplementary" measures.					
Art. 11.3	"Basic measures" are minimum requirements to be complied with & shall consist of:					
	(a) those measures required to implement EU legislation for protection of water, including Art. 10 & Part A of Annex VI measures;					
	(b) measures deemed appropriate for the purposes of Art. 9;					
	(c) measures to promote an efficient & sustainable water use to avoid compromising Art. 4 objectives;					
	(d) measures to meet Art. 7 requirements, including measures to safeguard water quality to reduce the level of purification treatment required for production of drinking water;					
	(e) controls over abstraction of fresh surface water & groundwater, & impoundment of fresh surface water, including a register or registers of water abstractions & a requirement of prior authorisation for abstraction & impoundment. These controls shall be periodically reviewed &, where necessary, updated. [MS can exempt from these controls, abstractions or impoundments which have no significant impact on water status;]					
	(f) controls including requirement for prior authorisation of artificial recharge or augmentation of groundwater bodies. Water use may be derived from any surface water or groundwater, provided that the use of source does not compromise the achievement of environmental objectives established for source or recharged or augmented body of groundwater. These controls shall be periodically reviewed &, where necessary, updated;					
	(g) for point source discharges liable to cause pollution, a requirement for prior regulation, such as a prohibition on the entry of pollutants into waters or for prior authorisation, or registration based on general binding rules, laying down emission controls for concerned pollutants, including Arts. 10 & 16 controls. These controls shall be periodically reviewed &, where necessary, updated;					
	(h) for diffuse sources liable to cause pollution, measures to prevent or control input of pollutants. Controls may take the form of requirement of prior regulation, such as prohibition on the entry of pollutants into water, prior authorisation or registration based on general binding rules where such requirement is not otherwise provided for under EU legislation. These controls shall be periodically reviewed & where necessary, updated;					
	(i) for any other significant adverse impacts on the status of water identified under Art. 5 & Annex II, in particular measures to ensure					

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	that hydro-morphological conditions of bodies of water are consistent with required ecological status or good ecological potential for bodies of water designated as artificial or heavily modified. Controls may take the form of a requirement for prior authorisation or registration based on general binding rules where such a requirement is not otherwise provided for under EU legislation. These controls shall be periodically reviewed &, where necessary, updated;					
(j)	prohibition of direct discharges of pollutants into groundwater subject to the following provisions.					
	[MS may authorise re-injection into the same aquifer of water used for geothermal purposes.]					
	<p>[They may also authorise, specifying the conditions for:²²</p> <ul style="list-style-type: none"> - injection of water containing substances resulting from operations for exploration & extraction of hydrocarbons or mining activities, & injection of water for technical reasons, into geological formations from which hydrocarbons or other substances have been extracted or into geological formations which for natural reasons are permanently unsuitable for other purposes. Such injections shall not contain substances other than those resulting from the above operations, - re-injection of pumped groundwater from mines & quarries or associated with construction or maintenance of civil engineering works, - injection of natural gas or liquefied petroleum gas (LPG) for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes, - injection of natural gas or liquefied petroleum gas (LPG) for storage purposes into other geological formations where there is an overriding need for security of gas supply, & where injection is such as to prevent any present or future danger of deterioration in the quality of any receiving groundwater, - construction, civil engineering & building works & similar activities on or in the ground which come into contact with groundwater. [For these purposes, MS may determine that such activities are to be treated as having been authorised provided that they are conducted in accordance with general binding rules developed by MS in respect of such activities.] - discharges of small quantities of substances for scientific purposes for characterisation, protection or remediation of water bodies limited to the amount strictly necessary for the purposes concerned, provided such discharges do not compromise the achievement of environmental objectives established for that body of groundwater.] 					

²² If MS decide to use this option provided in Art. 11.3(g), the rest of this provision becomes mandatory.

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	(k) in accordance with Art. 16 action, measures to eliminate pollution of surface waters by Art. 16.2 priority list of substances & to progressively reduce pollution by other substances which would otherwise prevent MS from achieving Art. 4 objectives for the bodies of surface waters;					
	(l) any measures required to prevent significant losses of pollutants from technical installations, & prevent &/or reduce the impact of accidental pollution incidents for example as a result of floods, including through systems to detect or give warning of such events including, in case of accidents which could not reasonably have been foreseen, all appropriate measures to reduce the risk to aquatic ecosystems.					
Art. 11.4	"Supplementary" measures are those measures designed & implemented in addition to basic measures, for achieving Art. 4 objectives. Part B of Annex VI contains a non-exclusive list of such measures.					
	[MS may also adopt further supplementary measures for providing additional protection or improvement of the waters covered by Dir., including in Art. 1 relevant international agreements implementation.]					
Art. 11.5	Where monitoring or other data indicate that Art. 4 objectives set for the body of water are unlikely to be achieved, MS shall ensure that: <ul style="list-style-type: none"> - causes of possible failure are investigated; - relevant permits & authorisations are examined & reviewed as appropriate; - monitoring programmes are reviewed & adjusted as appropriate; & - additional measures as may be necessary in order to achieve those objectives are established, including, as appropriate, establishment of stricter environmental quality standards as per Annex V. 					
	Where those causes are result of natural cause or <i>force majeure</i> which are exceptional & unforeseen, in particular extreme floods & prolonged droughts, MS may determine that additional measures are not practicable, subject to Art. 4.6.					
Art. 11.6	In implementing Art. 11.3 measures, MS shall take all appropriate steps not to increase pollution of marine waters. Without prejudice to existing legislation, Art. 11.3 measures may on no account lead, either directly or indirectly to increased pollution of surface waters. This requirement shall not apply where it would result in increased pollution of environment as a whole.					
Art. 11.7	Programmes of measures shall be established at latest by 22.12.2012 & all measures shall be made operational at latest by 22.12.2015.					
Art. 11.8	Programmes of measures shall be reviewed, & if necessary updated at latest by 22.12.2018 & every 6 years thereafter. Any new or revised measures established under an updated programme shall be made operational within 3 years of their establishment.					

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Arts. 12.1 & 2	[Where MS identifies an issue which has an impact on the management of its water but can not be resolved by that MS, it may report the issue to Comm'n & any other MS concerned & may make recommendations for its resolution.] [Commission to respond within 6 months]					
Art. 13.1	MS shall ensure that a River Basin Management Plan is produced for each RBD lying entirely within their territory.	Draft LWR Art 10 gives legal basis for art 13. However it says that NWC should prepare Decisions on RBMPs	Lacking	CoM Decree on RBMPs		Draft Decree on RBMP
Art. 13.2	In case of an international RBD falling entirely within the EU, MSs shall ensure coordination for producing a single international River Basin Management Plan. Where such an international River Basin Management Plan is not produced, MS shall produce River Basin Management Plans covering at least those parts of the international RBD falling within their territory to achieve Dir. objectives.					
Art. 13.3	In case of an international RBD extending beyond EU's boundaries, MS shall endeavour to produce a single River Basin Management Plan, & where this is not possible, the plan shall at least cover portion of the international RBD lying within MS concerned territory.					
Art. 13.4	River Basin Management Plan shall include Annex VII information.		Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose Art 13.4 WFD
Art. 13.5	[River Basin Management Plans may be supplemented by the production of more detailed programmes & management plans for sub-basin, sector, issue, or water type, to deal with particular aspects of water management. These measures' implementation shall not exempt MS from any of the Dir's obligations.]		Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose Art 13.5 WFD
Art. 13.6	River Basin Management Plans shall be published at latest by 22.12.2012.					
Art. 13.7	River Basin Management Plans shall be reviewed & updated at latest by 22.12.2018 & every 6 years thereafter.	Draft LWR Art 10.1a	Corresponds in part	Need reference to 6 year review cycle		Amend Draft LWR
Art. 14.1	MS shall encourage active involvement of all interested parties in Dir. implementation, in particular in the production, review & updating of River Basin Management Plans. MS shall ensure that, for each RBD, they publish & make available for comments to public including users: (a) a timetable & work programme for production of the plan, including statement of consultation measures to be taken, at least 3 years before beginning of the period to which the plan refers; (b) an interim overview of significant water management issues identified in the river basin, at least 2 years before beginning of the period to which the plan refers; (c) draft copies of River Basin Management Plan, at least 1 year before beginning of the period to which the plan refers.	Draft LWR Art 10 gives legal basis for art 14. However it says that NWC should prepare Decisions on RBMPs	Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose all Art 14
	Upon request access shall be given to background documents & information used for the development of draft River Basin Management Plan.					

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Art. 14.2	MS shall allow at least 6 months to comment in writing on those documents thus allowing active involvement & consultation.					
Art. 14.3	Arts. 14.1 & 14.2 shall apply equally to updated River Basin Management Plans.					
Art. 15.1	[MS shall send copies of River Basin Management Plans & all subsequent updates to Comm'n & to any other MS concerned within 3 months of their publication: (a) for RBDs falling entirely within a MS territory, all River Management Plans covering that national territory & published pursuant to Art. 13; (b) for international RBDs, at least the part of River Basin Management Plans covering MS territory.]	Draft LWR Art 10 gives legal basis for art 15. However it says that NWC should prepare Decisions on RBMPs	Lacking	CoM Decree on RBMPs		Draft Decree on RBMP to transpose Art 15 WFD
Art. 15.2	[MS shall submit summary reports of: • Art. 5 analyses ; & • Art. 8 monitoring programmes undertaken for the purposes of the first River Basin Management Plan within 3 months of their completion.]					
Art. 15.3	[MS shall, within 3 years of each River Basin Management Plan publication or update under Art. 13, submit an interim report describing progress in implementation of planned programme of measures.]					
Art. 16	[Community strategies against pollution of water]					
Art 17	[Community strategies to prevent and control pollution of groundwater] ²³					
Art 18	[Commission Report]					
Art 19	[Plans for future Community measures]					
Art 20	[Technical adaptations to the Directive]					
Art 21	[Regulatory committee]					
Art. 22.1	Following shall be repealed with effect from 22.12.2010: • Dir. 75/440/EEC concerning quality required of surface water intended for abstraction of drinking water in MSs, ²⁴ • Dec. 77/795/EEC establishing a common procedure for exchange of information on quality of surface freshwater in EU, ²⁵ • Dir. 79/869/EEC concerning methods of measurement & frequencies of sampling & analysis of surface water intended for abstraction of drinking waters in MSs. ²⁶					
Art. 22.2	Following shall be repealed with effect from 22.12. 2016: Dir. 78/659/EEC on quality of freshwaters needing protection or improvement in order to support fish life, ²⁷ Dir. 79/923/EEC on quality required of shellfish waters, ²⁸					

²³ See further Directive 2006/118/EC on the protection of groundwater against pollution and deterioration – See below

²⁴ OJ L 194, 25.7.1975, p. 26. Dir. as last amended by Dir. 91/692/EEC.

²⁵ OJ L 334, 24.12.1977, p. 29. Decision as last amended by 1994 Act of Accession.

²⁶ OJ L 271, 29.10.1979, p. 44. Dir. as last amended by 1994 Act of Accession.

²⁷ OJ L 222, 14.8.1978, p. 1. Directive as last amended by 1994 Act of Accession.

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	Dir. 80/68/EEC on protection of groundwater against pollution caused by certain dangerous substances, Dir. 76/464/EEC, with the exception of Art. 6, which shall be repealed in 22.12.2003.					
Art. 22.3	Following transitional provisions shall apply for Dir. 76/464/EEC: (a) list of priority substances adopted under Art. 16 of this Dir. shall replace the list of substances prioritised in Comm'n communication to Council of 22 June 1982; [(b) for Art. 7 purposes of Dir. 76/464/EEC, MSs may apply principles for identification of pollution problems & substances causing them, establishment of quality standards, & adoption of measures, laid down in this Dir.]					
Art. 22.4	Art. 4 environmental objectives & environmental quality standards established pursuant to Annex IX & Art. 16.7, & by MSs under Annex V for substances not on the list of priority substances & under Article 16.8 in respect of priority substances for which EU standards have not been set, shall be regarded as environmental quality standards for Art. 2 point 7 & Art. 10 of Dir. 96/61/EC.	Draft LWR Art 26A	Corresponds in part			Art 26A sets out the basis for NWC to adopt EQS Need draft Regulation on EQS
Art. 22.5	Where a substance on list of priority substances adopted under Art. 16 is not included in Annex VIII to this Dir. or in Annex III to Dir. 96/61/EC, it shall be added thereto.					
Art. 22.6	For bodies of surface water, environmental objectives established under the first RBMP required by this Dir. shall, as a minimum, give effect to quality standards at least as stringent as those required to implement Dir. 76/464/EEC.					
Art. 23	MS shall determine penalties applicable to breaches of national provisions adopted pursuant to Dir. Penalties shall be effective, proportionate & dissuasive.	LWR and Draft LWR Chapter XVI	corresponds			
Art. 24.1	[Member States shall bring into force laws, regulations & administrative provisions necessary to comply with Dir. at 22.12. 2003 & shall forthwith inform Comm'n thereof.]					
	[When MS adopt these measures, they shall contain reference to Dir. or shall be accompanied by such a reference on occasion of official publication. Methods of making such a reference shall be laid down by MS.]					
Art. 24.2	[MS shall communicate to Comm'n text of provisions of national law which they adopt in the field covered by Dir.]					
Annex I	Information required for the list of competent authorities					
Annex II	1. Surface Waters		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
	2. Groundwaters		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
Annex III	Economic analysis		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs

²⁸ OJ L 281, 10.11.1979, p. 47. Dir. as amended by Dir. 91/692/EEC.

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Annex IV	Protected areas		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
Annex V	1. Surface Water status		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
	2. Groundwater status		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
Annex VI	List of measures to be included within the programmes of measures- Part A		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
	List of measures to be included within the programmes of measures- Part B		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
Annex VII	River Basin Management Plans		Lacking	Draft Decision on RBMPs		Draft Decision on RBMPs
Annex VIII	Indicative list of the main pollutants		Lacking	Draft Decision on EQS		
Annex IX	Emission limit values and environmental quality standards ²⁹		Lacking	Draft Decision on EQS		
Annex X	Priority substances ³⁰ (See Decision 2455/2001/EC for list of priority substances)		Lacking	Draft Decision on EQS		
Annex XI	Map A – Ecoregions for rivers and lakes Map B – Ecoregions for transitional waters & coastal waters					
Directive 2006/118/EC on the protection of groundwater against pollution and deterioration						
Art 1	[Purpose]	<i>Generally lacking – the new Groundwater Directive supplements the WFD</i>	<i>lacking</i>	<i>Include in draft Decision on RBMPs</i>		<i>Draft Decision on RBMPs to complete transposition of this Directive</i>
Art 2	Definitions					
	1. “groundwater quality standard”					
	2. “threshold value”					
	3. “significant and sustained upward trend”					
	4. “inputs of pollutants into groundwater”					
	5. “background level”					
	6. “baseline level”					
Art 3.1	For the purposes of the assessment of the chemical status of a body or a group of bodies of groundwater pursuant to Section 2.3 of Annex V to Directive 2000/60/EC, MS shall use the following criteria: (a) groundwater quality standards as referred to in Annex I; (b) threshold values to be established by MS in accordance with the procedure set out in Part A of Annex II for the pollutants, groups of pollutants and indicators of pollution which, within the territory of a MS,					

²⁹ See Also draft Directive on environmental quality standards in the field of water policy

³⁰ Amended by Decision No. 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (OJ. L. 331/1, 15.12.2001)

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	have been identified as contributing to the characterisation of bodies or groups of bodies of groundwater as being at risk, taking into account at least the list contained in Part B of Annex II.					
	The threshold values applicable to good chemical status shall be based on the protection of the body of groundwater in accordance with Part A, points 1, 2 and 3 of Annex II, having particular regard to its impact on, and interrelationship with, associated surface waters and directly dependent terrestrial ecosystems and wetlands and shall inter alia take into account human toxicology and ecotoxicology knowledge.					
Art 3.2	Threshold values can be established at the national level, at the level of the river basin district or the part of the international RBD falling within the territory of a MS, or at the level of a body or a group of bodies of groundwater.					
Art 3.3	MS shall ensure that, for bodies of groundwater shared by two or more MSs and for bodies of groundwater within which groundwater flows across a MS's boundary, the establishment of threshold values is subject to coordination between the MSs concerned, in accordance with Article 3(4) of Dir 2000/60/EC					
Art 3.4	Where a body or a group of bodies of groundwater extends beyond the territory of the Community, the MS(s) concerned shall endeavour to establish threshold values in coordination with the non-MS(s) concerned, in accordance with Article 3(5) of Dir 2000/60/EC.					
Art 3.5	Member States shall establish threshold values pursuant to Art 3. 1(b) for the first time by 22 December 2008.					
	All threshold values established shall be published in the RBMPs to be submitted in accordance with Article 13 of Dir 2000/60/EC, and including a summary of the information set out in Part C of Annex II to this Directive.					
Art 3.6	MS shall amend the list of threshold values whenever new information on pollutants, groups of pollutants, or indicators of pollution indicates that a threshold value should be set for an additional substance, that an existing threshold value should be amended, or that a threshold value previously removed from the list should be re-inserted, in order to protect human health and the environment.					
	Threshold values can be removed from the list when the body of groundwater concerned is no longer at risk from the corresponding pollutants, groups of pollutants, or indicators of pollution.					
	Any such changes to the list of threshold values shall be reported in the context of the periodic review of the RBMPs.					
Art 3.7	[Commission reporting]					
Art 4.1	MS shall use the Art 4.2 procedure to assess the chemical status of a body of groundwater. Where appropriate, MS may group bodies of groundwater in accordance with Annex V to Dir 2000/60/EC when carrying out this procedure.					

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Art 4.2	<p>A body or a group of bodies of groundwater shall be considered to be of good chemical status when:</p> <p>(a) the relevant monitoring demonstrates that the conditions set out in Table 2.3.2 of Annex V to Dir 2000/60/EC are being met; or</p> <p>(b) the values for the groundwater quality standards listed in Annex I and the relevant threshold values established in accordance with Article 3 and Annex II are not exceeded at any monitoring point in that body or group of bodies of groundwater; or</p> <p>(c) the value for a groundwater quality standard or threshold value is exceeded at one or more monitoring points but an appropriate investigation in accordance with Annex III confirms that:</p> <p>(i) on the basis of the assessment referred to in para 3 of Annex III, the concentrations of pollutants exceeding the groundwater quality standards or threshold values are not considered to present a significant environmental risk, taking into account, where appropriate, the extent of the body of groundwater which is affected;</p> <p>(ii) the other conditions for good groundwater chemical status set out in Table 2.3.2 in Annex V to Dir 2000/60/EC are being met, in accordance with para 4 of Annex III to this Directive;</p> <p>(iii) for bodies of groundwater identified in accordance with Article 7(1) of Dir 2000/60/EC, the requirements of Article 7(3) of that Directive are being met, in accordance with paragraph 4 of Annex III to this Directive;</p> <p>(iv) the ability of the body of groundwater or of any of the bodies in the group of bodies of groundwater to support human uses has not been significantly impaired by pollution.</p>					
Art 4.3	Choice of the groundwater monitoring sites has to satisfy the requirements of Section 2.4 of Annex V to Dir 2000/60/EC on being designed so as to provide a coherent and comprehensive overview of groundwater chemical status and to provide representative monitoring data.					
Art 4.4	MS shall publish a summary of the assessment of groundwater chemical status in the RBMP in accordance with Article 13 of Dir 2000/60/EC.					
	This summary, established at the level of the RBD or the part of the international RBD falling within the territory of a MS, shall also include an explanation as to the manner in which exceedances of groundwater quality standards or threshold values at individual monitoring points have been taken into account in the final assessment.					
Art 4.5	If a body of groundwater is classified as being of good chemical status in accordance with paragraph 2(c), MS, in accordance with Art 11 of Dir 2000/60/EC, shall take such measures as may be necessary to protect aquatic ecosystems, terrestrial ecosystems and human uses of groundwater dependent on the part of the body of groundwater represented by the monitoring point or points at which the value for a groundwater quality standard or the threshold value has been exceeded.					
Art 5.1	MS shall identify any significant and sustained upward trend in concentrations of pollutants, groups of pollutants or indicators of pollution					

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	found in bodies or groups of bodies of groundwater identified as being at risk and define the starting point for reversing that trend, in accordance with Annex IV.					
Art 5.2	MS shall, in accordance with Part B of Annex IV, reverse trends which present a significant risk of harm to the quality of aquatic ecosystems or terrestrial ecosystems, to human health, or to actual or potential legitimate uses of the water environment, through the programme of measures referred to in Article 11 of Dir 2000/60/EC, in order progressively to reduce pollution and prevent deterioration of groundwater.					
Art 5.3	MS shall define the starting point for trend reversal as a percentage of the level of the groundwater quality standards set out in Annex I and of the threshold values established pursuant to Article 3, on the basis of the identified trend and the environmental risk associated therewith, in accordance with Part B, point 1 of Annex IV.					
Art 5.4	RBMP shall include a summary of : (a) the way in which the trend assessment from individual monitoring points within a body or a group of bodies of groundwater has contributed to identifying, in accordance with Section 2.5 of Annex V to that Directive, that those bodies are subject to a significant and sustained upward trend in concentration of any pollutant or a reversal of that trend; and (b) the reasons for the starting points defined pursuant to paragraph 3.					
Art 5.5	Where necessary to assess the impact of existing plumes of pollution in bodies of groundwater that may threaten the achievement of the objectives in Article 4 of Dir 2000/60/EC, and in particular, those plumes resulting from point sources and contaminated land, MS shall carry out additional trend assessments for identified pollutants in order to verify that plumes from contaminated sites do not expand, do not deteriorate the chemical status of the body or group of bodies of groundwater, and do not present a risk for human health and the environment.					
	The results of the assessments shall be summarised in the RBMP.					
Art 6.1	In order to achieve the objective of preventing or limiting inputs of pollutants into groundwater, established in accordance with Article 4(1)(b)(i) of Dir 2000/60/EC, MS shall ensure that the Art 11 programme of measures includes: (a) all measures necessary to prevent inputs into groundwater of any hazardous substances, without prejudice to paragraphs 2 and 3. In identifying such substances, MS shall in particular take account of hazardous substances belonging to the families or groups of pollutants referred to in points 1 to 6 of Annex VIII to Dir 2000/60/EC, as well as of substances belonging to the families or groups of pollutants referred to in points 7 to 9 of that Annex, where these are considered to be hazardous;					
	(b) for pollutants listed in Annex VIII to Dir 2000/60/EC which are not considered hazardous, and any other non-hazardous pollutants not listed in that Annex considered by MS to present an existing or potential risk of pollution, all measures necessary to limit inputs into groundwater so as to					

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	ensure that such inputs do not cause deterioration or significant and sustained upward trends in the concentrations of pollutants in groundwater. Such measures shall take account, at least, of established best practice, including the Best Environmental Practice and BAT specified in the relevant Community legislation					
	[For the purpose of establishing measures referred to in Art. 6.1 (a) or (b), MS may, as a first step, identify the circumstances under which the pollutants listed in Annex VIII to Directive 2000/60/EC, in particular essential metals and their compounds referred to in point 7 of that Annex, are to be considered hazardous or non-hazardous.]					
Art 6.2	Inputs of pollutants from diffuse sources of pollution having an impact on the groundwater chemical status shall be taken into account whenever technically possible.					
Art 6.3	Without prejudice to more stringent Community legislation, MS may exempt from the Art 6.1 measures inputs of pollutants that are: (a) the result of direct discharges authorised in accordance with Article 11(3)(j) of Dir 2000/60/EC;					
	(b) considered by the CA to be of a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater;					
	(c) the consequences of accidents or exceptional circumstances of natural cause that could not reasonably have been foreseen, avoided or mitigated;					
	(d) the result of artificial recharge or augmentation of bodies of groundwater authorised in accordance with Article 11(3)(f) of Dir 2000/60/EC;					
	(e) in the view of the CA incapable, for technical reasons, of being prevented or limited without using: (i) measures that would increase risks to human health or to the quality of the environment as a whole; or (ii) disproportionately costly measures to remove quantities of pollutants from, or otherwise control their percolation in, contaminated ground or subsoil; or					
	(f) the result of interventions in surface waters for the purposes, amongst others, of mitigating the effects of floods and droughts, and for the management of waters and waterways, including at international level. Such activities, including cutting, dredging, relocation and deposition of sediments in surface water, shall be conducted in accordance with general binding rules, and, where applicable, with permits and authorisations issued on the basis of such rules, developed by the MS for that purpose, provided that such inputs do not compromise the achievement of the environmental objectives established for the water bodies concerned in accordance with Article 4(1) (b) of Dir 2000/60/EC.					
	The exemptions provided for in points (a) to (f) may be used only where the MS' CA have established that efficient monitoring of the bodies of groundwater concerned, in accordance with point 2.4.2 of Annex V to Dir 2000/60/EC, or other appropriate monitoring, is being carried out.					

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Art 6.4	CA shall keep an inventory of the exemptions referred to in paragraph 3 for the purpose of [notification, upon request, to the Commission.]					
Art 7	In the period between 16 January 2009 and 22 December 2013, any new authorisation procedure pursuant to Articles 4 and 5 of Directive 80/68/EEC shall take into account the requirements set out in Articles 3, 4 and 5 of this Directive.					
Art 8	[technical adaptations]					
Art 9	[Committee procedure]					
Art 10	[Review]					
Art 11	[Evaluation]					
Art 12	MS shall bring necessary legislation into force by 16 January 2009 [and inform Commission] MS must make a reference to this Dir					
Annex I	Groundwater Quality Standards					
Annex II	Threshold Values for Groundwater Pollutants and Indicators of Pollution					
Annex III	Assessment of Groundwater Chemical Status					
Annex IV	Identification and Reversal of Significant and Sustained Upward Trends					
Directive 2007/60/EC on the assessment and management of flood risks						
Art 1	[purpose]	LWR Chapter IX Harmful effects of water . Arts 37-39. These (esp Art 37) give NCW power to develop plans	Lacking	No substantive legislation on flood risks		Include in Draft Decision on RBMPs to transpose this Directive
Art 2	Definitions 1. 'flood' 2. 'flood risk'					
Art 3.1	For the purposes of this Dir, MS shall make use of the arrangements made under Article 3(1), (2), (3), (5) and (6) of Directive 2000/60/EC.					
Art 3.2	[However, MS may: (a) appoint CAs different from those identified pursuant to Article 3(2) of Dir 2000/60/EC; (b) identify certain coastal areas or individual river basins and assign them to a unit of management different from those assigned pursuant to Article 3(1) of Dir 2000/60/EC. In these cases, MS shall, by 26 May 2010, communicate to the Commission the information referred to in Annex I to Directive 2000/60/EC. For this purpose, any reference to CAs and RBDs shall be taken as references to the CAs and unit of management referred to in this Article. MS shall inform the Commission of any changes in the information provided pursuant to this paragraph within three months of the change coming into effect.]					
Art 4.1	MS shall, for each RBD, or unit of management referred to in Article					

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	3(2)(b), or the portion of an international RBD lying within their territory, undertake a preliminary flood risk assessment in accordance with paragraph 2 of this Article.					
Art 4.2	Based on available or readily derivable information, such as records and studies on long term developments, in particular impacts of climate change on the occurrence of floods, a preliminary flood risk assessment shall be undertaken to provide an assessment of potential risks. The assessment shall include at least the following: (a) maps of the RBD at the appropriate scale including the borders of the river basins, sub-basins and, where existing, coastal areas, showing topography and land use;					
	(b) a description of the floods which have occurred in the past and which had significant adverse impacts on human health, the environment, cultural heritage and economic activity and for which the likelihood of similar future events is still relevant, including their flood extent and conveyance routes and an assessment of the adverse impacts they have entailed;					
	(c) a description of the significant floods which have occurred in the past, where significant adverse consequences of similar future events might be envisaged;					
	and, depending on the specific needs of MS, it shall include: (d) an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage and economic activity, taking into account as far as possible issues such as the topography, the position of watercourses and their general hydrological and geomorphological characteristics, including floodplains as natural retention areas, the effectiveness of existing manmade flood defence infrastructures, the position of populated areas, areas of economic activity and long-term developments including impacts of climate change on the occurrence of floods.					
Art 4.3	In the case of international RBDs, or units of management referred to in Article 3(2)(b) which are shared with other Member States, Member States shall ensure that exchange of relevant information takes place between the competent authorities concerned.					
Art 4.4	MS shall complete the preliminary flood risk assessment by 22 December 2011.					
Art 5.1	On the basis of an Art 4 preliminary flood risk assessment, MS shall, for each RBD, or unit of management referred to in Article 3(2)(b), or portion of an international river basin district lying within their territory, identify those areas for which they conclude that potential significant flood risks exist or might be considered likely to occur.					
Art 5.2	[The identification under Art 5.1 of areas belonging to an international RBD, or to a unit of management referred to in Article 3(2)(b) shared with another Member State, shall be coordinated between the Member States concerned.]					
Art 6.1	MS shall, at the level of the RBD, or unit of management referred to in Article 3(2)(b), prepare flood hazard maps and flood risk maps, at the					

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	most appropriate scale for the areas identified under Article 5(1).					
Art 6.2	[The preparation of flood hazard maps and flood risk maps for areas identified under Article 5 which are shared with other Member States shall be subject to prior exchange of information between the Member States concerned.]					
Art 6.3	Flood hazard maps shall cover the geographical areas which could be flooded according to the following scenarios: (a) floods with a low probability, or extreme event scenarios; (b) floods with a medium probability (likely return period \geq 100 years); (c) floods with a high probability, where appropriate.					
Art 6.4	For each scenario referred to in Art 6.3 the following elements shall be shown: (a) the flood extent; (b) water depths or water level, as appropriate; (c) where appropriate, the flow velocity or the relevant water flow.					
Art 6.5	Flood risk maps shall show the potential adverse consequences associated with flood scenarios referred to in Art 6.3 and expressed in terms of the following: (a) the indicative number of inhabitants potentially affected; (b) type of economic activity of the area potentially affected; (c) installations as referred to in Annex I to IPPC Directive 96/61/EC which might cause accidental pollution in case of flooding and potentially affected protected areas identified in Annex IV(1)(i), (iii) and (v) to Directive 2000/60/EC; (d) other information which the MS considers useful such as the indication of areas where floods with a high content of transported sediments and debris floods can occur and information on other significant sources of pollution.					
Art 6.6	[MS may decide that, for coastal areas where an adequate level of protection is in place, the preparation of flood hazard maps shall be limited to the scenario referred to in paragraph 3(a).]					
Art 6.7	[MS may decide that, for areas where flooding is from groundwater sources, the preparation of flood hazard maps shall be limited to the scenario referred to in paragraph 3(a).]					
Art 6.8	MS shall ensure that the flood hazard maps and flood risk maps are completed by 22 December 2013.					
Art 7.1	On the basis of the Art 6 maps MS shall establish flood risk management plans coordinated at the level of the RBD, or unit of management referred to in Article 3(2)(b), for the areas identified under Article 5(1) and the areas covered by Article 13(1)(b) in accordance with paragraphs 2 and 3 of this Article.					
Art 7.2	MS shall establish appropriate objectives for the management of flood risks for the areas identified under Article 5(1) and the areas covered by Article 13(1)(b), focusing on the reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity, and, if considered appropriate, on non-structural initiatives and/or on the reduction of the likelihood of flooding.					

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Art 7.3	Flood risk management plans shall include measures for achieving the objectives established in accordance with Art 7.2 and shall include the components set out in Part A of the Annex.					
	Flood risk management plans shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Article 4 of Directive 2000/60/EC, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure.					
	Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin. Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.					
Art 7.4	[In the interests of solidarity, flood risk management plans established in one MS shall not include measures which, by their extent and impact, significantly increase flood risks upstream or downstream of other countries in the same river basin or sub-basin, unless these measures have been coordinated and an agreed solution has been found among the MSs concerned in the framework of Article 8.]					
Art 7.5	MS shall ensure that flood risk management plans are completed and published by 22 December 2015.					
Art 8.1	For RBDs, or units of management referred to in Article 3(2)(b), which fall entirely within their territory, MS shall ensure that one single flood risk management plan, or a set of flood risk management plans coordinated at the level of the RBD, is produced.					
Art 8.2	[Where an international river basin district, or unit of management referred to in Article 3(2)(b), falls entirely within the Community, MSs shall ensure coordination with the aim of producing one single international flood risk management plan, or a set of flood risk management plans coordinated at the level of the international river basin district. Where such plans are not produced, Member States shall produce flood risk management plans covering at least the parts of the international river basin district falling within their territory, as far as possible coordinated at the level of the international river basin district.]					
Art 8.3	[Where an international river basin district, or unit of management referred to in Article 3(2)(b), extends beyond the boundaries of the Community, MS shall endeavour to produce one single international flood risk management plan or a set of flood risk management plans coordinated at the level of the international river basin district; where this is not possible, paragraph 2 shall apply for the parts of the international river basin falling within their territory.]					
Art 8.4	The flood risk management plans referred to in paragraphs 2 and 3 shall be supplemented, where considered appropriate by countries sharing a					

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	sub-basin, by more detailed flood risk management plans coordinated at the level of the international sub-basins.					
Art 8.5	[Where a MS identifies an issue which has an impact on the management of flood risks of its water and that issue cannot be resolved by that MS, it may report the issue to the Commission and any other Member State concerned and may make recommendations as to how the issue should be resolved.] [Commission to respond within 6 months]					
Art 9	MS shall take appropriate steps to coordinate the application of this Directive and that of Directive 2000/60/EC focusing on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits having regard to the environmental objectives laid down in Article 4 of Directive 2000/60/EC. In particular: 1. the development of the first flood hazard maps and flood risk maps and their subsequent reviews as referred to in Articles 6 and 14 of this Directive shall be carried out in such a way that the information they contain is consistent with relevant information presented according to Directive 2000/60/EC. They shall be coordinated with, and may be integrated into, the reviews provided for in Article 5(2) of Directive 2000/60/EC;					
	2. the development of the first flood risk management plans and their subsequent reviews as referred to in Articles 7 and 14 of this Directive shall be carried out in coordination with, and may be integrated into, the reviews of the RBMPs provided for in Article 13(7) of Directive 2000/60/EC;					
	3. the active involvement of all interested parties under Art 10 of this Directive shall be coordinated, as appropriate, with the active involvement of interested parties under Article 14 of Directive 2000/60/EC.					
Art 10.1	In accordance with applicable Community legislation, MS shall make available to the public the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the flood risk management plans.					
Art 10.2	MS shall encourage active involvement of interested parties in the production, review and updating of the flood risk management plans referred to in Chapter IV.					
Art 11	[Implementing measures and amendments]					
Art 12	[Committee]					
Art 13.1	[MS may decide not to undertake the preliminary flood risk assessment referred to in Article 4 for those river basins, sub-basins or coastal areas where they have either: (a) already undertaken a risk assessment to conclude, before 22 December 2010, that a potential significant flood risk exists or might be considered likely to occur leading to the identification of the area among those referred to in Article 5(1) or (b) decided, before 22 December 2010, to prepare flood hazard maps and flood risk maps and to establish flood risk management plans in accordance with the relevant provisions of this Directive.]					
Art	[MS may decide to make use of flood hazard maps and flood risk maps					

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13.2	finalised before 22 December 2010, if such maps provide a level of information equivalent to the requirements of Article 6.]					
Art 13.3	[MS may decide to make use of flood risk management plans finalised before 22 December 2010, provided the content of these plans is equivalent to the requirements set out in Article 7.]					
Art 13.4	Paragraphs 1, 2 and 3 shall apply without prejudice to Art 14.					
Art 14.1	The preliminary flood risk assessment, or the assessment and decisions referred to in Article 13(1), shall be reviewed, and if necessary updated, by 22 December 2018 and every six years thereafter.					
Art 14.2	The flood hazard maps and the flood risk maps shall be reviewed, and if necessary updated, by 22 December 2019 and every six years thereafter.					
Art 14.3	The flood risk management plan(s) shall be reviewed, and if necessary updated, including the components set out in part B of the Annex, by 22 December 2021 and every six years thereafter.					
Art 14.4	The likely impact of climate change on the occurrence of floods shall be taken into account in the reviews referred to in paragraphs 1 and 3.					
Art 15.1	[MS shall make available the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Articles 4, 6 and 7, as well as their review and, where applicable, their updates to the Commission within three months after the dates indicated respectively in Articles 4(4), 6(8), 7(5) and 14.]					
Art 15.2	[MS shall inform the Commission of the decisions taken in accordance with Article 13(1), (2) and (3) and make available the relevant information thereon by the dates indicated respectively in Articles 4(4), 6(8) and 7(5).]					
Art 16	[Commission reports]					
Art 17.1	MS to adopt Dir by 26 November 2009 [and inform Commission]					
	[Adopted measures must contain/accompany reference to the Dir]					
Art 17.2	[MS must communicate text to Commission]					
Annex	A. Flood risk management plans					
	B. Components of the subsequent update of flood risk management plans					

ANNEX II: Interventions List with Costs

Intervention	Responsible Institution	Capital costs and one-off expenditures			Sources of financing	Operating / annual costs	Year of Implementation (relative)					
		Equipment	TA projects	Total capital cost			0	1	2	3	4	5 or later
1. Institutional strengthening												
Appoint and equip additional personnel for Competent Authority at national level	MoEFWM	20,000		20,000	CG	37,000						
Appoint and equip additional personnel for River Basin Councils (RBCs)	RBCs	181,200		181,200	CG	225,060						
TA project to support implementation of WFD	CG, MoEFWM, RBCs		1,600,000	1,600,000	International donors	-						
International coordination and management activities for transboundary river basins	CG, RBCs				CG	30,000						
2. Upgrading of river basin management												
Review of the characteristics of the river basins	RBCs	No further costs for these activities			n/a	No further costs for these activities						
Assess the impact of human activity in the individual river basins	RBCs				n/a							
Set up a register of protected areas in each river basin district	MoEFWM				n/a							
3. Water status monitoring and analysis												
TA project to support establishment of monitoring and analysis	MoEFWM		1,600,000	1,600,000	International donors	-						
Establishment and operation of a monitoring programme to determine water status.	MoEFWM	312,000		312,000	International donors / CG	67,002						
Physical, chemical, biological analysis	MoEFWM				CG	134,464						
Establish and maintain database, report results	MoEFWM	No further costs for these activities			n/a	No further costs for these activities						
4. Economic analysis, river basin management planning, programmes of measures, reporting												
TA project to support economic planning and river basin management planning	MoEFWM RBCs		1,600,000	1,600,000	International donors	-						
Economic analysis of water use	MoEFWM WSRE RBCs	No further costs for these activities			n/a	No further costs for these activities						
Prepare river basin management plans and establish programmes of measures to achieve the objectives of the Directive	RBCs	120,000	-	120,000	International donors	-						
Implement programme of measures	RBCs, CAs for sectoral legislation	Not possible to estimate at present, but assume nil			Polluters, water users, etc.	-						
Tariffs and cost recovery study	MoEFWM	No further costs for these activities				No further costs for these activities						
Report to the Commission	MoEFWM				CG	30,000						
TOTAL		633,200	4,800,000	5,433,200		523,526						

ANNEX III: Implementation Costing Sheet

No.	Intervention / activity & project	Requirements		Unit costs		Capital cost (€)	Operating costs (€/year)	Remarks
		No. Units	Type/description	Unit	€/unit			
1	Institutional Strengthening							
1.1	Employ additional personnel at MoEFWA: - Water Resources Spec. (1) - Water Quality Expert (2)	2	Full-time person - Senior Expert (SE)	/month	1,200		36,000	Including social costs, office space, basic equipment, heating lighting, reporting and other overheads
		1	Full-time person - Junior Expert (JE)	/month	600			
1.2	Procurement of hardware and software for MoEFWM	1	Workstation (W)	/piece	4,000	20,000	1,000	Costs from standard costs database. O&M = 5% x capital cost.
		1	Plotter (P)	/piece	9,000			
		1	Scanner (S)	/piece	1,000			
		1	Software (certified):Database GIS (Sw-D&GIS)	/piece	6,000			
1.3	Employ additional personnel at each of the 6 RBC: - Water Resources Spec. (1) - Water Quality Expert (1) - GIS & Database Expert (1)	12	Full-time person - Senior Expert (SE)	/month	1,200		216,000	As 1.1
		6	Full-time person - Junior Expert (JE)	/month	600			
1.4	Procurement of hardware and software for each of RBCs	6	LAN (L)	/piece	1,000	181,200	9,060	Costs from standard costs database. O&M = 5% x capital cost.
		6	Workstation (W)	/piece	4,000			
		6	Servers (Se)	/piece	1,200			
		18	Computers (C)	/piece	800			
		6	BW Printer (BW Pr)	/piece	200			
		6	Colour Printer (C Pr)	/piece	400			
		6	Plotter (P)	/piece	9,000			
		6	Software - MS Office (Sw-O)	/piece	1,000			
		6	Software (certified):Office, Database, GIS (Sw-D&GIS)	/piece	6,000			
		6	Hydrological/River basin models (H/RBM)	/piece	5,000			
1.5	TA project to support implementation of water framework directive	1	Large TA project (LTA)	/piece	1,600,000	1,600,000	0	See standard cost database.
1.6	International coordination and management activities for transboundary river basins	3		/international RB	10,000		30,000	
2	Upgrading of river basin management							
2.1	<i>Review of the characteristics of the river basins (RBs)</i>							
2.1.1	At each of the RBC: Inventory of existing data - Data collection, Creation of a integrated water resources database, and Creation of GIS database						0	No additional costs, as necessary support already included in 1.5.
2.1.2	Put in place arrangements to update the review of the river basin characteristics at 6 yearly intervals and other reviews.						0	No cost for this action
2.2	<i>Assess the impact of human activity in the individual river basins</i>							
2.2.1	Establishment of a RBC database(s): Water Resources, Water Uses/Users, Polluters Inventory, Data analysis, verification, completion						0	Organise data and, in co-operation with national and EC statisticians, carry out data analysis to ensure that the results are consistent with the EU generally. No additional costs, as necessary

2.2.2	Review of the impact of human activity on the status of the surface waters and on groundwater,						0	support already included in 1.5. According to the technical specifications in Annexes II and III of the Directive, and provide for their necessary review and update. No additional costs, as necessary support already included in 1.5.
2.3	<i>Set up a register of protected areas in each river basin district, protected areas all being specified in the Directive, including those under EU nature protection legislation.</i>							
2.3.1	Establish register of protected areas						0	No additional costs, as necessary support already included in 1.5.
3	Water status monitoring and analysis							
3.1	<i>Establish a monitoring programme to determine water status</i>							
3.1.1	TA project to support establishment of monitoring and analysis	1	Large TA project	LTA	1,600,000	1,600,000	0	See standard cost database.
3.1.2	Employ personnel for sampling activity	2	FTPE - Intermediate expert (IE)	/month	1,000		38,400	
		2	FTPE - Junior non-technical (driver, secretary) (SS)	/month	600			
3.1.3	Cost per diems, including accommodation			LS			3,839	Cost estimated in STEMA project.
3.1.4	Procurement and operation of vehicles	1	4x4 vehicle	/vehicle	30,000	30,000	9,763	Operating costs = 10% capital (maintenance, repairs, insurance) + fuel (figures estimated in STEMA project)
3.1.5	Procurement and operation of monitoring equipment			LS		150,000	15,000	Equipment' includes sensors, observation platforms, vessels and laboratories (fixed or mobile). Estimate based on experience in other countries.
3.1.6	Installation of monitoring equipment	41	Surface water stations		2,000	132,000		Installation' includes infrastructure construction and associated labour. Unit costs are estimates.
		100	Groundwater wells		500			
3.2	<i>Analysis of water status parameters</i>							
3.2.1	Analysis - physico-chemical parameters: basic parameters	446	analyses	/year	5		114,464	The costing is based on figures estimated in the STEMA project for the expected per-analysis costs. The laboratories which carry out the analysis may well have to upgrade their equipment in order to carry out all the required analyses, but any such capital costs are not included in the costing sheet: this would be effectively double-counting, since these costs will be reflected in the charges raised by the laboratories.
	- heavy metals	346	analyses	/year	80			
	- organic parameters	282	analyses	/year	25			
	- inorganic parameters, chlorinated compounds and PCBs	346	analyses	/year	112			
	- inorganic parameters pesticides and PAHs	346	analyses	/year	112			
3.2.2	Evaluation of biological, hydromorphological parameters	20	analyses	/year	1,000		20,000	Assume biological and hydromorphological parameters will be evaluated at 60 locations every 3 years. Biological analysis assumed to cost €1000 per evaluation.
	3.1.4 Establishment of monitoring database and reporting system						0	No additional costs. Costs already included elsewhere (4.3)
3.3	<i>Database/ reporting</i>							
3.3.1	Establish and maintain database						0	No additional costs. Costs already included elsewhere (3.1.1)

3.3.2	Reporting system						0	No additional costs. Costs already included elsewhere (4.3)
4	Economic analysis, river basin management planning, programmes of measures, reporting							This includes the activities described below
4.1	TA project to support economic planning and river basin management planning	1	Large TA project	LTA	1,600,000	1,600,000	0	See standard cost database.
4.2	'Economic analysis of water use', as referred to in Article 5(1), third point and Annex III.						0	Costs already included elsewhere (4.1).
4.3.1	Elaboration and review of river basin management plans (RBMPs)						0	No additional costs. Costs already included elsewhere (4.1).
4.3.2	4.2.2 Public consultation on river basin management plans (RBMPs)	6	Plans	Plan	20,000	120,000	0	Unit costs of €20,000/plan are a rough estimate.
4.4	Implement measures in RBMPs						0	Most of the costs of improving the status of waters in the river basins will result from other directives (UWW, Nitrates, IPPC). It is assumed for the moment that no further measures will be required to meet WFD objectives
4.5	Tariffs, cost recovery						0	No additional costs. Costs already included elsewhere (4.1)
4.6	Improved enforcement . Ensure provision of penalties which are effective, proportionate and dissuasive.						0	Included <i>pro memoria</i> . Improved enforcement of water legislation is crucial to the implementation of community legislation. The WFD calls for penalties to be set for breaches of the national provisions. However the logical place to provide for front-line enforcement (i.e. aimed at dischargers and water users) is in the measures for the UWW, the IPPC and the Nitrates Directives. Only second-line enforcement (supervision of the RBCs by the MoEFWA) will fall directly under the WFD, and the costs of this activity are covered by the provision for MoEFWA personnel.
4.7	<i>Reporting to the European Commission</i>						30,000	The figure shown is a rough provision of the additional costs likely to fall on the competent authorities as a result of reporting requirements.

