

**Implementation of the National Plan for  
Approximation of Environmental Legislation**

*A project for Albania funded by the European Union*

**Draft**

**Ministerial Order on the Format of reports on the Class A  
Environmental permits responding to the Law “On Environmental  
Permitting”<sup>1</sup>**

**Draft Final**

**25.05.2011**

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<sup>1</sup> This Order gives effect to Commission Decision 2006/194/EC Establishing a questionnaire relating to Directive 96/61/EC concerning integrated pollution prevention and control



**REPUBLIC OF ALBANIA  
MINISTER OF ENVIRONMENT FORESTS AND WATER  
ADMINISTRATION**

**ORDER**

*(Draft 1 Version 1 of 9 August 2010)*

No. \_\_\_\_\_, date \_\_\_\_\_

**ON**

**the Format to be used in preparing reports on the implementation of  
the Law “On Environmental Permitting” as regards Class A  
Environmental Permits <sup>2</sup>**

Pursuant to Article 100 of the Constitution and to Article 56.3 of the Law no \_\_\_\_, dated \_\_\_\_\_ “On Environmental Permitting”, the Minister;

**ORDER:**

1. The Ministry, when preparing the reports on Class A Environmental permits, in response to the Law No \_\_\_\_, dated \_\_\_\_\_ “On Environmental Permitting”, shall use the questionnaire attached to Annex 1 of this Order .
2. This Order enters into force 15 days after its publication in the Official Gazette.

**MINISTER OF ENVIRONMENT FORESTS AND WATER ADMINISTRATION**

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<sup>2</sup> This Order gives effect to Commission Decision 2006/194/EC Establishing a questionnaire relating to Directive 96/61/EC concerning integrated pollution prevention and control

## **Annex I. Questionnaire on the implementation of the Law “On Environmental Permitting” as regards Class A Environmental Permits**

### **Part 1 Questionnaire**

1. General description
  - a. Describe the changes that have been made by the new Law “On Environmental Permitting” and in particular, describe and explain the new permitting regime for Class A Environmental Permits
  - b. Describe any difficulties in implementing the Law as regards Class A Environmental Permits associated with the availability and capacity of staff resources. Describe the plans to address these difficulties (such as by increasing staff numbers)
2. Numbers of installations and Class A environmental permits
  - a. Give details of the numbers of ‘new’ and ‘existing’ installations (as defined in the Law) and Class A Environmental Permits by activity type
  - b. Use the template and notes set out in Part 2
3. Existing installations
  - a. Describe any legislation or administrative plans established to ensure compliance with the requirements of the Law by the date of eight years after the Law came into force.
  - b. Are operators obliged to submit, or can the authorities request from operators the submission of permit applications for this purpose?
4. Permit applications for Class A environmental permit
  - a. Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 11 of the Law, either generally or in relation to specific issues (e.g. methodology for the assessment of significant emissions from installations).
5. Coordination of the Class A permitting procedure and conditions
  - a. Describe the organisational structure of the permitting procedures, especially any changes that have been introduced by the new Law (levels of authorities, distribution of competencies etc)
  - b. Are there any particular difficulties in ensuring full coordination of the permitting procedure and conditions, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue
  - c. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the

requirements of this Law? If available, give information on the numbers and circumstances in which permits have been refused.

6. Appropriateness and adequacy of permit conditions

- a. Describe any general binding rules or specific guidelines for competent authorities that have been issued on the following issues:
  - i. The procedures and criteria for setting emission limit values and other permit conditions.
  - ii. The general principles for the determination of best available techniques.
  - iii. The implementation of Article 10 (1)(d) and (e) of the Law.
- b. Issues related to the BAT Reference Documents (BREFs) published by the Commission:
  - i. How, in general terms, is the information published by the Commission pursuant to Article 16(2) of the IPPC Directive (2008/1/EC) taken into account generally or in specific cases when determining best available techniques?
  - ii. How are the BREFs concretely used for setting permit conditions?
  - iii. Are the BREFs (or part of them) translated?
  - iv. How useful, as a source of information for determining emission limit values, equivalent parameters and technical measures based on the best available techniques, is the information published by the Commission pursuant to Article 16(2) of the IPPC Directive? How could it be improved?
- c. Other issues relating to permit conditions:
  - i. Have environmental management systems been taken into account in setting permit conditions? If so, how?
  - ii. What types of permit conditions or other measures have typically been applied for the purposes of Article 9(1)(g) of the Law (site restoration upon definitive cessation of activities) and how have they been implemented in practice?
  - iii. What types of permit conditions relating to energy efficiency have typically been determined (Article 9(1)(d))? How has the possibility set in Article 10(3) to choose not to impose requirements relating to energy efficiency been used?

7. Available representative data

- a. Provide available representative data on the limit values and environmental performance laid down by specific category of activities in accordance with Annex I to the Law and, if

appropriate, the best available techniques from which those values are derived.

b. Describe how these data have been chosen and collected.

8. Environmental quality norms

a. Have cases arisen where Article 10(1)(g) applies and the use of best available techniques is insufficient to satisfy an environmental quality norm set out in other legislation?

b. If so, give examples of such cases and the additional measures taken.

9. Developments in best available techniques

a. Have any steps been taken to ensure that, in accordance with Article 7, competent authorities follow or are informed of developments in best available techniques?

b. If so, provide details.

c. If not, what plans are there to meet this requirement?

10. Changes to installations

a. How do competent authorities decide in practice, under Article 16 of the Law, whether a 'change in operation' may have consequences for the environment, and whether such a change is a 'substantial change' which may have significant negative effects on human beings or the environment (Article 17)? Give reference to relevant legal provisions, guidance or procedures.

11. Reconsideration and updating of permit conditions

a. Describe the frequency of reconsideration and, where necessary, updating of permit conditions (Article 18). Give reference to relevant legislation, guidance or procedures.

b. What is the representative frequency (or expected representative frequency) for the reconsideration of permit conditions? In cases of differences between installations or sectors, provide illustrative information if available.

c. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the best available techniques implemented? Give reference to relevant legislation, guidance or procedures.

12. Compliance with permit conditions

a. How is the requirement of Article 10(2)(k) and (l) that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to any specific regulations, procedures or guidelines for competent authorities on this subject.

b. Is a periodic monitoring report submitted by operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide information if available.

- c. To the extent available, provide representative information, as regards installations requiring Class A environmental permits, on the following issues:
  - i. the carrying-out of on-site inspections and the taking of samples (type, number, frequency),
  - ii. types and numbers of actions (e.g. sanctions or other measures) taken as a result of accidents, incidents and non-compliance with permit conditions.

13. Information and participation of the public

- a. Describe how the Law and other legislation provides for information and participation of the public in the Class A environmental permit procedure
- b. What has been the effect upon competent authorities, permit applicants and the public concerned of these requirements?

14. Transboundary cooperation

- a. Have there been instances of the use of Articles 43 and 44 requirements in respect of transboundary information and cooperation?
- b. Provide examples illustrative of the general procedures used.

15. Relationship with other legislation

- a. What is the effectiveness of this Law, as regards Class A environmental permits, in comparison with other legislation?
- b. Based on relevant studies and analysis, if available, what have been the estimated environmental benefits and costs (including administrative and compliance costs) of implementing the Law as regards Class A environmental permits? Give references to these studies and analyses.
- c. What is the practical experience regarding the interface between the Class A environmental permitting requirements under this Law and other legislation that can apply to the installations that are subject to the Class A environmental permitting regime? Describe the legislation or administrative arrangements to increase coherence between the implementation of this Law and other legislation. This may include:
  - i. Law "On Environmental Impact Assessment"
  - ii. Law "On the Control of Major-Accident Hazards"
  - iii. Legislation on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations
  - iv. Decision of the Council of Ministers "On Landfill of Waste"
  - v. Law "On Water Management"
  - vi. Decision of the Council of Ministers "On Incineration of Waste"
  - vii. Part 2 Chapter 4 of this Law on large combustion plants
  - viii. Legislation on a scheme for greenhouse gas emission allowance trading

- ix. Decision of the Council of Ministers “On the implementation of pollutant release and transfer register”.
- d. Describe the measures that have been introduced to streamline the reporting requested by competent authorities from operators of Class A installations and other instruments? If available, provide reference to such measures, and any possibilities that you see for improvement of the requirements in this area.

16. General observations

- a. Are there any particular implementation issues that give rise to concern? If so, please specify.

## Part 2. Template for response to question 2.b

**Table 1**

Class A Installation Type <sup>(1)</sup>	Permits for new installations		Permits for existing installations							
	1. No of new installations operating <sup>(2)</sup>	2. No of Class A environmental permits granted <sup>(3)</sup>	3. No of existing installations operating <sup>(2)</sup>	4. No of new Class A environmental permits granted <sup>(4a)</sup>	5. No of pre-Class A permits reconsidered but not updated <sup>(4b)</sup>	6. No of pre-Class A permits reconsidered and updated <sup>(4c)</sup>	7. No, if any, outstanding permits (in conflict with this Law) <sup>(5)</sup>	8. No of installations (1+3)	9. No of applications for 'substantial change' determined <sup>(6)</sup>	
<b>1. Energy</b>										
1.1. Combustion installations										
1.2. Mineral oil and gas refining										
1.3. Coke ovens										
1.4. Coal gasification and liquefaction										
1.5 Extraction of crude petroleum and natural gas										
<b>2. Metals</b>										
2.1. Metal ore roasting/ sintering										
2.2. Producing pig iron or steel										
2.3 (a) Hot-rolling mills										
2.3 (b) Smitheries										
2.3 (c) Applying										

fused metal coats										
2.4. Foundries										
2.5 (a) Producing non-ferrous crude metals										
2.5 (b)Smelting non-ferrous metals										
2.6. Surface treatment of metals and plastic										
<b>3. Minerals</b>										
3.1. Producing cement or lime										
3.2. Producing asbestos										
3.3. Manufacture of glass										
3.4. Melting minerals										
3.5.(a) Manufacture of ceramics										
<b>4. Chemicals <sup>(7)</sup></b>										
4.1. Producing organic chemicals										
4.2. Producing inorganic chemicals										
4.3. Producing fertilisers										
4.4. Producing plant health										

products/ biocides										
4.5. Producing pharmaceutical										
4.6. Producing explosives										
<b>5. Waste</b>										
5.1. Disposal or recovery of hazardous waste										
5.2. Incineration of municipal waste										
5.3. Disposal of non-hazardous waste										
5.4. Landfills										
<b>Other</b>										
7.1 (a) Producing pulp										
7.1 (b)Producing paper and board										
7.4. Pretreatment or dyeing of fibres or textiles										
7.6.a. Tanning hides and skins										
7.7 (a) Slaughter- houses										
7.7(c) Treatment and processing of food products										

7.7(e) Treatment and processing of milk										
7.7 (b) Disposal or recycling of animal carcasses										
7.8 (a) Intensive rearing of poultry										
7.8 (b) Intensive rearing of production pigs										
7.8 (c) Intensive rearing of sows										
7.9. Surface treatment using organic solvents										
7.2. Producing carbon or electrographite										
12.2 Capture of CO2 streams										
<b>Totals</b>										

**Table 2**

	<b>Totals</b> <sup>(8)</sup>
Total number of permits considered compliant (Table 1 columns 2+4+5+6)	
Total number, if any, of outstanding permits (in conflict with the Law) (Table 1 column 7)	

**Notes to the Tables:**

General note: This template is for collection of data on numbers of Class A 'installations' and 'Class A environmental permits' as defined by Article 3(1) of the Law. The numbers for installations and permits will not necessarily be identical because, according to Article 8(2), a permit may cover part of an installation, a whole installation, or more than one installation. Further guidance and explanation in relation to the data sought in Tables 1 and 2 are given in notes 1-9 below. The number of permits should include all the permits issued after the date of entry into force of the Law "On Environmental Permitting" for installations still in operation.

1. For all of the columns numbered 1-10, Table 1 provides a template for collection of data based on the main Annex I Class A activity of an installation. If possible, the information should be provided at the level of the Annex I subheadings (1.1, 2.3(a), 6.4(b), etc.). The left-hand column therefore sets out the relevant Annex I subheading numbers and a condensed summary of the corresponding activity descriptions (see Annex I to the Law for the full descriptions including thresholds). In completing Table 1, care should be taken not to count the same installation or permit more than once, even if it covers several activities. Where an installation or Class A environment permit comprises activities under two or more Annex I Class A categories, therefore, it should be listed against only one Annex I Class A category (e.g. the one that best describes the installation or permit).
2. Columns 1 and 3 request a simple count of the numbers of new and existing installations respectively, for each main Annex I Class A activity type, that were operating at the end of the reporting period. 'Existing installations' are those determined according to Article 3(1) of the Law, and 'new installations' are all others. Column 8 then simply represents the sum of the figures in columns 1 and 3.
3. Column 2 requests data on the number of Class A environmental permits granted to new installations in accordance by the end of the reporting period. As noted in the general note above, this will not necessarily be the same as the number of installations, even if all new installations have been fully permitted.
4. Columns 4-6 cover the various ways in which existing installations can be made subject to Class A environmental permits that are considered compliant with the Law. These are as follows:

- a. the granting of a new Class A environmental permit. Column 4 refers to such a permit as a new permit. The figures include any such new permits granted as a consequence of a proposed 'substantial change'.
  - b. as an alternative to applying the procedure set out in (a) above, Article 53 allows a competent authority to bring existing installations into compliance 'by reconsidering and, where necessary, by updating' the conditions to which the installations were already subject, e.g. under what might be termed a pre-IPPC permit (i.e. a permit issued under legislation preceding implementation of the Law "On Environmental Permitting"). Column 5 requests data on those cases where the conditions of such a pre-IPPC permit were reconsidered, but no updating was undertaken because the conditions were considered to already comply with the requirements of the Law.
  - c. column 6 similarly requests data on those cases where the conditions of a pre-IPPC permit were reconsidered, and the conditions were subsequently updated in order to comply with the Law. This includes any such permits where the reconsideration and updating was brought about as a consequence of a proposed 'substantial change'.
5. Column 7 requests data on any permits for existing installations which had yet to be issued, or reconsidered and updated if appropriate, at the end of the reporting period, in conflict with the requirements of the Law. Information should be provided to describe how the competent authorities are handling any such outstanding permit requirements.
6. Column 9 request data on the number of applications for permits (or permit updates) from operators of existing or new installations in respect of a proposed 'substantial change' that were determined during the reporting period. This includes substantial changes to installations that have already been made subject to compliance with the Law.
7. Although information is generally reported by the main activity types listed in Table 1 to the extent possible, it is recognised that the chemical sector is especially complex in this regard, and that many chemical installations carry out more than one activity as defined in the subheadings of Heading 4. Therefore the report should include information by the subheadings if the data are available, but otherwise to report only the overall figures for Heading 4 (i.e. no figures for individual subheadings).
8. Table 2 aims at providing the total number of permits considered compliant or outstanding at the end of the reporting period. The first row represents the sum of the totals of columns 2, 4, 5 and 6 of Table 1. The second row represents the total of column 7 of Table 1.