



Implementation of Water Framework Directive in Albania[#]

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Abstract: The Water Framework Directive is the framework legislation setting out the EU water policy. It requires an integrated and strategic approach to water management based on river basin districts, with the overall objective of ensuring that all water bodies achieve 'good status' by 2015. It gives the model to be followed by the national legislation of the Member States and those countries that so aspire to be. Approximation and compliance of EU legislation, and therefore of the WFD, in Albania is one of the main conditions for its intended EU accession. As this formal compliance to WFD has not yet been met by the country, efforts are needed to be made in the future. Approximation of WFD will affect the national legislation in the first place and its implementation will have considerable implications upon all those who have an interest in water management and use. This paper presents shortly the results of the work carried out at the end of 2008 by the CARDS project INPAEL: current gaps, weaknesses and challenges for the transposition and implementation in Albania, the recommendations for completing the approximation of the Directive: measures to be taken and costs to be afforded in order to achieve full approximation in the way of country's accession to the EU. Best estimates at present indicate that costs, in constant 2008 prices, are: full transposition would cost 0.8 ml EUR; capital/one off measures would cost 5.4 ml EUR, of which technical assistance projects over 4.8 ml EUR, equipment 0.543 ml EUR and public consultation 0.12 ml EUR; annual operating/ implementation would cost 0.524 ml EUR.

Key words: *Water, transposition, compliance, policy, monitoring.*

Introduction

This paper gives an extract of the work done in the frame of the INPAEL Project for the implementation planning of the "Directive Establishing a Framework for Community Action in the Field of Water Policy 2000/60/EC" as amended by Decision 2455/2001/EC and Directive 2008/32/EC (in short Water Framework Directive-WFD) in Albania. This implementation planning proposes a roadmap towards full approximation of WFD. Following the results of the legal, administrative and institutional assessment of the current state of approximation of WFD, this paper presents the overall plan of measures needed to obtain full approximation as part of the preparations of the country's EU accession. The paper also provides the best estimates of costs and benefits that can be made at the present time.

Material and Methods

Work has started with the examination of:

- Water legislation in Albania,
- Other existing relevant documentation,
- Legal gaps analysis of the current legislation vs. the Water Framework Directive, as well as
- Current structures and human capacities at the Ministry of Environment, Forests and Water Administration (MoEFWA) and other important stakeholders.
- Numerous contacts and detailed discussions held both within the Technical Assistance Team and between it and working group established for this project and a wide range of key officials of the MoEFWA.

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This work included the list of implementation measures/interventions needed for full approximation of the Directive. An estimate was then made for the costs of the various actions needed to approximate the Directive, including the three levels of approximation: transposition, implementation and enforcement. The starting point was the list of implementation measures/interventions and this list was further disaggregated into actions and sub-actions. The resource requirements of each action were estimated. These resources comprised:

- human resources (these 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 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), 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.

In considering 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). 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 this sector. Decisions on the starting date and the pace of approximation are to be decided by the Government of Albania.

Investigated area

As already explained earlier, the aspiration of Albania for EU accession makes it indispensable for the country to approximate its own legislation. This commitment was made through article 108 of the Stabilization and Association Agreement with the European Communities, where cooperation in all the fields of environmental *Acquis* has been agreed upon. This implies the water sector, and thus includes the WFD. As this formal compliance to the WFD has not yet been met by the country a list of measures are needed to be taken in the future.

The goal of this assessment was the comparison between the WFD vs. Albanian current water legislation and identification of the list of measures needed to be taken before the full approximation is obtained.

The framework for water management is provided by the Directive 2000/60/EC - the Water Framework Directive (WFD). This Directive 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. It also seeks close involvement of the public and close cooperation with non-Member States and assistance of relevant international water protection bodies.

The principal objective of the WFD is to ensure that water bodies achieve good status by 2015. It 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 the 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, and
- 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. In Albania the framework for the water management is provided mainly by the Law on Water Resources (LWR) and the Water Supply and Waste Water Sector Strategy. The main structures involved include the National Water Council (NWC) and River Basin Agencies (RBA).

Discussion

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 actions needed for the overall approximation of the WFD refer to additional measures, activities and projects needed beyond those ongoing or already planned. Measures for the approximation of the WFD encompass transposition, implementation and enforcement phases.

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.

Institutional Strengthening Needs

For the proper implementation of the Directive it is of utmost importance that the six RBAs be effectively operational. All the institutional actors must agree and be clear about the division of responsibilities. Therefore, a sustainable institutional set-up for monitoring, enforcement and reporting must be established. It should also include the joint water management of trans-boundary water resources. The overall implementation of the institutional strengthening measures below, if resources are available and willingness to take them exists, are estimated to take two and a half years. The main interventions under institutional strengthening comprise:

Increasing the number of personnel (and provision of the necessary office facilities). An additional 25 people are needed to implement this Directive: three (1 water resources, 1 water quality and 1 GIS/database) specialists for each of the six RBAs and three (1 water resources and 2 water quality) specialists for the MoEFWA and a further four persons for the monitoring activity.

Provision of the hardware/software necessary to carry out their job and to report (workstations/servers, local area networks, printers, scanners, plotters (all with A3 capability), database software, GIS software, GPS, etc., i.e. the tools to prepare and present digital maps for river basin districts.

Technical assistance project on institutional strengthening to support MoEFWA and the six RBAs in establishing a solid framework for the implementation of the WFD. The project is intended to:

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 guiding manuals of procedures for officials.

4. Support the RBAs in carrying out some of their early duties, such as establishing the register of protected areas; carrying out analysis of characteristics of water bodies; reviewing the impact of human activities; setting criteria for assessing groundwater status.
5. Provide on the job training.

Establish international coordination for transboundary river basins.

Three out of the six designated river basin districts in Albania are transboundary:

- Drini-Buna (with Kosovo, FYR of Macedonia and Montenegro),
- Semani (Greece), and
- Vjosa (Greece).

At present Greece is the only Member State, while FYR Macedonia is a candidate country and Montenegro and Kosovo (under Security Council Resolution 1244) are potential candidate countries. According to Article 3 of the Directive coordination with other EU Member States and third party states for transboundary river basins is requested. Therefore Albania needs to discuss modalities of cooperation with these countries and participate in meetings of any international platform established.

Upgrading of river basins management includes four main components: Review of the characteristics of the river basins; Assessment of the impact from human activities within the river basins; Set up a register of protected areas within the river basins; Setting and implementing environmental objectives applicable within the river basin.

Each RBA will have to draw up an inventory of existing data and 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.

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. It should be determined whether the use of the groundwater resources is sustainable and whether there is any existing contamination or threats of contamination caused by anthropogenic activities. Regular monitoring of the groundwater resources is required 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 on the groundwater has to be evaluated.

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

Part of these activities will be provided by the TA project referred earlier under 'Institutional Strengthening'. The time needed to implement this group of measures is estimated to be four years.

Water status monitoring and analysis

A monitoring scheme (including locations, parameters and sampling frequencies) should be established for the determination of water quality within each river basin and use of accredited monitoring methods and quality assurance schemes should be introduced. Monitoring personnel will also need to be recruited.

Monitoring will include selected chemical and biological parameters for surface water, whilst monitoring of groundwater shall include water levels for determination of the quantitative status, too. Selected laboratories must obtain accreditation to carry out water quality analyses. A database should 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 environmental quality objectives of the river basins are met. Two groups of water bodies will be identified: those that due to their natural condition did not achieve good water quality (although all measures to improve them have been taken), and those for which environmental objectives can be less stringent. Inter-calibration exercises are needed to ensure

consistency with other Member States. To comply with the monitoring requirements of WFD Albania should also seek funding for a TA project to support the implementation of the monitoring activity. The time needed for the monitoring and analysis measures is estimated at four years.

Economic analysis, investment, planning and reporting

To carry out the cost recovery activity (Article 9 of the WFD) and to enable choices of the most cost-effective measures in the programme of measures (Article 11 of the WFD) an economic study is needed to be carried out. 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 pays' and 'user pays' principles, as well as the principle of full services cost recovery.

Economic analyses/feasibility studies of the water supply and discharges will be required to assess the needs for infrastructure. They should include a forecast for water demand, the cost of water abstraction and supply, waste water discharge, etc. This must be done through the inter-disciplinary and inter-institutional collaboration of economists, planners (regional, municipal, etc.), water suppliers, industrial organisations and other stakeholders.

A programme of all mandatory measures needs to be established to achieve the environmental objectives set for the water basins. The River Basin Management Plans, including water protection measures, efficient and sustainable water use, a financial plan, a tariff system, permitting procedures, supplementary measures, etc. must be part of the programme. Specific supplementary plans will be produced as required and emergency plans in case of incidents should be prepared. A suitable consultation mechanism must be established in order to facilitate public consultation on the river basin management plans, and a format for publication of the final plans needs to be established. 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 need to 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. Funding should be sought for a TA project to support the competent Albanian authorities, in particular the RBAs, with their economic planning and river basin management planning activities. 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 European Commission must be set up using the established databases. The reporting must include details of the Competent Authority, information on river basin districts, river basin plans, particular programmes/plans, and plans covering parts of international river basins. Implementation of this group of measures is estimated to take three years.

Costing of full approximation of WFD

Transposition costs

The WFD is a complex piece of legislation which requires significant efforts to be fully approximated. Progress to date has been relatively modest. The current assessment of the progress made by Albania towards transposing and implementing the main elements of EU legislation carried out in April 2008 estimated that the degree of transposition of the WFD was only 6%, very little improved in relation to the previous assessment made in April 2007. MoEFWA was unable to propose an expected date for the full transposition. On the other hand, implementation is also at an early stage.

Given the limited legal drafting resources within MoEFWA, external support must be provided for preparing this legislation. The INPAEL project will prepare a DCM on River Basin Management Plans under the LWR, which will transpose the substantive provisions of three Directives (WFD, Groundwater Directive and Floods Directive). Nevertheless, a significant volume of primary and secondary legislation still remains to be prepared. A TA project could be sought by the MoEFWA to enable full transposition. For convenience, this could be integrated with another TA project in the

water sector. On this basis the additional costs of full transposition of WFD would be €800,000. The time needed to complete this measure, if the resources are available and the willingness exists, is estimated to be three and a half years.

Implementation costs

Total implementation costs for this Directive amount to one-off costs of €5.4 millions (of which over €4.8 millions are for technical assistance projects, 0.543 ml EUR for equipment and 0.12 ml EUR for public consultation) and recurrent costs of €524,000 per year (of which €294,000 per year for the additional staff and €182,000 for monitoring). 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 RBAs.

The total costs relate mainly to the establishment of the necessary administrative infrastructure and building its capacity, as well as to the establishment and operating of the monitoring system, and not to the costs of technical measures. The latter are assumed to arise under other Directives.

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.

The above costings involved identifying all the new functions required to transpose and implement the WFD. However new functions do not necessarily mean additional costs. For instance, at the urging of the IMF to reduce, or at least keep, the size of its civil service, new employees may be recruited from the ranks of the existing civil service by re-allocating them to different fields (without the latter being replaced), or the new jobs will need to be offset by redundancies or natural decreases 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. However, the difficulties of either recruiting suitable candidates from other functions or achieving compensating reductions elsewhere should not be underestimated. This means that the rate of implementation even in this case cannot be too rapid.

As above mentioned, the operating costs of the monitoring required to comply with the WFD will be €182,000 per year. As the present allocation of the state budget covering only the operating costs of monitoring is €10,000 per year, of which an estimated one-third, i.e. €37,000 per year, is for water, one could say that the additional operating costs for water monitoring would be only €145,000 per year.

Conclusions

The general challenges in implementing the provisions of the WFD in Albania involve:

- Providing the financing for the measures to be taken under the Directive. Not necessarily everything will be borne by the Albanian Government. Support may be received by different donors, as well,
- 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 Directive,
- 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.

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 expected benefits include: Improvement of water quality and increased availability of water as a resource; protection and enhancement of aquatic wildlife, as well as of land animals and birds; physical improvements in certain water habitats and increased amenity value of watercourses; a more

coherent water legislation framework gathering together all of the measures that are necessary to manage river catchments and ground-waters; a more coherent management of river basin districts, enabling more cost effective strategies to be developed; Improved information, as a consequence of which, improved planning and targeting of measures to the areas where there are clear environmental benefits; more transparency and accountability.

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