Need assessment analysis

of national regulatory framework with relevance to natural resources and protected areas use and management and decision making process

Fuqizimi i Organizatave Mjedisore të Shoqërisë Civile për të Promovuar Mbrojtjen e Natyrës në Shqipëri

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About European Union

European Union (EU) is composed of 28 Member States that have decided to gradually share their knowledge, resources and fates.

Over an enlargement period spanning more than 50 years, they have built altogether a stability, democracy and development area, thus upholding cultural diversity, tolerance and individual freedoms.

European Union is engaged in sharing its own achievements with overseas countries and peoples.

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About INCA

Institute for Nature Conservation in Albania (INCA) is a non-profit organization, established on June 2000, registered as such by Tirana District Court Decision No. 1087, 2014 Although headquartered in Tirana, INCA exercises its activity all over Albania. INCA aims first and foremost at contributing in the field of vocational training through trainings and participation process on environment conservation , natural values protection and regional development, flora and fauna protection, biological diversity valuation, protected areas management, public and political decision-makers awareness-raising, as well as protective measures adoption, when possible, necessary to protect critically endangered species and their habitats.

It is the Institute's duty to integrate nature and biodiversity conservation with other issues or fields of science affecting natural resources in the country. The institute will be part of legislation improvement process, and other issues related to environmental institutions capacity building in Albania, and EU integration.

About IUCN

The International Union for Conservation of Nature (IUCN) is the world's oldest and largest global environmental organization, with more than 1.200 members from governments and NGOs and almost 11.000 voluntary experts from 160 countries. The IUCN European Region covers the European continent, Russia, Central Asia and includes entities beyond the European Union. The IUCN Office for South-East Europe (IUCN SEE) promotes natural resources and biodiversity governance improvement and supports the initiatives for biodiversity conservation and ecosystem management for human beings well-fare. By working in close cooperation with the IUCN Members and Commissions, it shapes the regional policy and supports two main initiatives: The Dinaric Arc Initiative and the European Green Belt.

Foreword

CSOs are considered to be the drivers to societal transformation. Several CSOs have a great potential to further develop and protect societal interests. However, in order for the OSCs to truly get involved in nature conservation policies drafting and implementation, they should further enhance their capacities and resources. There are several sectorial areas that although not directly related to biodiversity conservation, may still potentially impact nature conservation.

Need Assessment study done by Institute for Nature Conservation in Albania (INCA) published by the International Union for Conservation of Nature (IUCN) aims at assisting CSOs staff and experts in actively engaging in national and local efforts regarding nature and biodiversity conservation and providing their members a knowledge acquisition tool. CSOs must play an active and effective role in planning and implementing nature conservation measures and engaging other stakeholders in coherent decision-making. Additionally, these guidelines aim at helping CSOs in understanding the EU nature conservation legislation and their potential role in its implementation.

CSOs must deliver a plausible message on nature conservation importance, and natural resources sustainable use to policy-makers, entities and community. However, all of us may benefit by learning from others' experiences and tools that help us think and act strategically. The document is considered as a guide to evaluate the needs and what level of capacities are in local ECSOs and to be a document necessary to an ongoing dialog that will help us learn, understand and overcome the challenges in the field of nature and biodiversity conservation through supporting of legal framework and also in close collaboration with central and local governmental institutions.

Building on IUCN and Institute for Nature Conservation in Albania (INCA) experience, the Need Assessment Analysis provides a deep analyze on legal framework for nature protection and natural resources and also the recommendation advice on the best practices, with the ultimate goal of influencing decision-making processes on nature and environmental issues at the local and national level. The study does not set out to cover the entire advocacy and lobbying process in the field of nature conservation, but rather provides some instructions and practices relevant to nature protection.

The study provides several good international, regional and local practices on strategy drafting, just in case you are trying to influence policies, strategies, and national and local nature and environment conservation systems. Thus, the study lays down some CSOs experiences and actions on nature conservation, as well as natural resources values and use promotion, highlighting how rivers are being exploited to build a considerable number of HPPs.

The Need Assessment Analysis was drafted upon the financial support of the European Union (EU) through the program "Support for Civil Society Capacities" and is implemented by the Institute for Nature Conservation in Albania (INCA) in cooperation with International Union for Conservation of Nature (IUCN) in the framework of the project "Empowering Environmental Civil Society Organizations to promote nature conservation in Albania".

ACRONYMS

ACHIEVE	"Albanian Civil Society for a European Environment" Program
RAPA	Regional Administration of Protected Areas
APA	Administration of Protected Areas
NAPA	National Agency of Protected Areas
EU	European Union
JAB	Joint Advisory Board
EcoALBANIA	Center for Protection of Natural Ecosystems in Albania
EDEN	Environmental Center for Development Education and Networking
LEF	Local Environmental Forum
INCA	Institute for Nature Conservation in Albania
IUCN	International Union for Conservation of Nature
BDC	Biological Diversity Convention
EC	European Commission
CoM	Council of Ministers
MoTE	Ministry of Tourism and Environment
NGO	Non-governmental Organization
CSEO	Civil Society Environmental Organization
NPNO	Nature Protection Network Organization
CSO	Civil Society Organization
EP	European Parliament
NP	National Park
NPEI	National Plan for European Integration
MP	Management Plan
NtP	Nature Park
UNDP	United Nations Development Program
GNA	General National Plan
REC	Regional Environmental Center
NNPA	National Network of Protected Areas

NPN	Nature Protection Network
RNPA	Representative Network of Protected Areas
URI	Urban Research Institute
DCM	Decision of Council of Ministers
EIA	Environmental Impact Assessment
SEA	Strategic Environmental Assessment
WWF	World Wildlife Fund
PA	Protected Area
EPA	Environmental Protection Area

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1. Scope of the needs assessment

"Empowering Civil Society Environmental Organizations to promote nature protection in Albania" project aims at enhancing CSOs and partners capacities, so that citizens and the community have a stronger voice and better influence nature and natural resources conservation.

The project improves and enhances OSCs and partners skills, potential, and active role in analyzing, monitoring, and advocating for policies and law implementation, with the view to improve nature protection and increase CSOs impact in the fight against corruption and minimizing negative impacts on natural resources and Environmental Protection Areas (EPA) management; encourage cooperation among CSOs and public authorities, local communities, media; and encourage networking or partnership building among them.

The scope of the needs assessment is to formalize in-depth needs assessment analyses of national regulatory framework relevant to nature resources and PAs use and management decision making process. This document presents the additional deficiencies in regulatory frameworks through reviewing the national frameworks on nature resources and PAs use and management, (EIA/SEA, right to access to information, environmental justice, other relevant legislation) in comparison to EU requirements and international best practices. Through this analyze the role and relative importance of stakeholders involved will be identified and described. his activity will formalize in-depth needs assessment analyses of governing public participation, right to information, and fighting the corruption in nature resources and PAs use and management process.

This document will be a tool for the CSOs to organize their lobbying to the Public authorities to improve regulatory framework. They will consist of clearly argued requests for amending and/or adopting legislation, supported by specific suggestions on changes of wording and enforcement measures. The findings will be part of debates roundtables, with representatives from local and regional public authorities, private investors, financial institutions, ECSOs, and media in local forums. During these forums the recommendations from the needs assessments will make present and the Aarhus Convention packet will accompanied it. During forums the Partners will encourage dialogue between the stakeholders, with a particular focus on how ensure transparent and democratic processes for sustainable use of local and national nature resources.

2. General national political, economic and social context

Albania has progressed steadily toward the creation of a functioning market economy and the maintaining of macroeconomic stability through sound monetary policy, despite the significant decline in the rate of GDP growth since 2009. The government has adopted recently the main strategic document that will guide the process of EU integration for the upcoming years, the National Strategy of Development and Integration 2015-2020. Some of the main principles underpinning the strategy relate to:

- Environmental preservation, by aiming to integrate environmental issues in all sectoral strategies, including corporate social responsibility.

- Participation and consultation, where citizens, civil society and the private sector participate in or are consulted on policy decision-making.
- Information and knowledge to be used: as a factor of development; as a basis for informed, evidence-based decision making; is readily available and accessible; and is used for education, public awareness and the promotion sustainable development as the key to Albania's future prosperity.
- Feasibility. All planned developmental initiatives should be economically, socially, financially and environmentally sound, feasible and cost-effective;

The Government is committed to the implementation of the Sustainable Development Agenda by 2030, aiming to achieving sustainable development in its three dimensions – economic, social and environmental ones – in a balanced and integrated manner. Although the Sustainable Development Agenda in Albania involves many fields, the subject and key to success will be determined amongst other by reforms in environmental field, in a balanced and integrated manner.

In addition to the above, a specific scope per se of the Albanian government it is the need to develop a national strategic policy environment for civil society development as well as to better involve CSOs in the policy making process. CSOs in general, in Albania as well as in the entire region, are characterized by low citizen participation rates. Most civil society organizations are located in the more developed regions of the country. A common feature of civil society in Albania as well as the region as a whole is their dependence on foreign donor funding. This fact makes them sometimes paralyzed in fully completing their scope and mission especially with regard to the involvement in the decision-making. A Guideline on Civil Society as an instrument to assist its role in policy-making processes was initiated. More recently, a 'roadmap' was developed and approved by the Government to strengthen its policy toward the creation of a more enabling environment for civil society. The Civil Society Unit within the Ministry of European Integration1 was established in October 2013. A noticeable progress it is the existence of the formal mechanisms for the representation of civil society organizations in the policy and decision-making processes. The first is regards the approval of the Law no. 15/2015, dated 5 March 2015 on "*The role of Parliament in the EU integration process of Albania*" and the establishment of the National Council of European Integration which will also have representation from the civil society sector.

The second instrument it is the National Council of Civil Society, established by law no.119/2015, dated 6 November 2015 "On the establishment of the National Council of Civil Society". This council is composed of a majority of civil society representatives with participation from high-level officials from state institutions. The Council is charged to ensure that issues relevant to civil society are addressed to relevant state institutions. These issues may be capacities of civil society organizations, legal framework and funding arrangements.

However, it is worthy to mention that behind some good progress Albania faces important and serious issue with law implementation, especially in the environmental sector. Another identified problem related

[1] Now the Ministry for Europe and External Affairs

to environmental legal framework is the lack of bylaws foreseen in the primary legislation necessary to be drafted and implemented which guarantee the proper implementation of the primary legislation, protection of the environment and fight against corruption. Institutional decentralization reform has further complicated the situation especially with regard to institutional responsibilities and law implementation.

3. Legislative review on national framework

Constitution of the Republic of Albania2 approved in 22 November 1998, as amended last on 21 April 2008 lays down the basic framework for the rule of law and democracy, guaranteeing also the respect and protection of the basic fundamental rights and freedoms to citizens. These include among others the general rights and principles and more specific rights for citizens as well as obligations and the basic framework for the operation of the parliamentary, state institutions as well as for the judiciary, setting out also the preconditions for the constitutional guarantees for the implementation of the Aarhus Convention, such as equality, non-discrimination, freedom of expression, the right to information in general to obtain information about the activity of state organs-art. 23.2, and of persons who exercise state functions, the possibility of attending meetings of elected organs, the right to a fair and public trial to protect his constitutional and legal rights, freedoms, and interests, or in case of charges, within a reasonable time, by an independent and impartial court specified by law, and to appeal a judicial decision to a higher court, (except when the Constitution provides otherwise). Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he has been damaged because of an unlawful act, action or failure to act of the state organs.

In Chapter III, Political Rights and Freedoms, the Constitution guarantees the right to organize collectively for any lawful purpose, the registration of organizations or associations in court according to the procedure provided by law, the freedom to have peaceful meetings, and the right to address requests, complaints or comments to the public organs, which are obliged to answer within the time periods and under the conditions set by law. *According to the Chapter IV "Economic, Social and Cultural Rights and Freedoms" Art. 56 of the Constitution* provide that, everyone has the right to be informed about the status of the environment and its protection. Among the Social Objectives, it is mentioned that — the state, within its constitutional powers and the means at its disposal, and to supplement private initiative and responsibility, aims at:

> d) a healthy and ecologically adequate environment for the present and future generations; and
>
> dh) the rational exploitation of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development.

The Constitution establishes the independent institution of People's Advocate elected by the Assembly, to defend the rights, freedoms and legitimate interests of individuals from unlawful or improper action or failure to act of the organs of public administration. The People's Advocate (Ombudsman) also reports before the Assembly when so requested and he may request the Assembly to hear him on matters he

[2] Adopted with the law no 8417 dated 21.10.1998, as amended on 2007 and 2012

considers important as well as has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration. The public organs and officials are obligated to provide the People's Advocate with all the documents and information requested by him. The chapter III of this law3, entitled "complaints, investigative procedures and powers of the people's advocate" provides for the right of every individual, group of individuals or non-government organization, claiming to complain to *or notify the People's Advocate, when his/their rights, freedoms or lawful interests have been violated by the unlawful, improper actions or failures to act by the organs of the public administration. Also it provides the right of these subjects to request the Ombudsman's intervention to remedy the violation of the right or freedom*.

In order to improve the right to information especially by a better implementation into practice, the *Albanian assembly have adopted very recently and only in 2014 two new laws concerning the "Notification and Consultation" and "The right of the public to be informed on official documents".* Both laws came together as a new vision and new practice of the government on improving the transparence, communication and participation of the public and civil society in policy and decision-making processes.

The adoption of the law "The right of the public to be informed on official documents" 119/2014 invalidated the law No. 8503, dated 30.06.1999 "On the right of information to official documents", which in Article 18, had vested the People's Advocate with the role of the custodian for the enforcement of that law. However, as contained in Article 24, point 7 of the law no. 119/2014 "On the right to information", its provisions "do not affect the competences of the People's Advocate regarding the supervision and implementation of civil rights under the law no. 8454, dated 04.02.1999, "On the People's Advocate". Some of the main novelties of the Law no. 119/2014 "On the right to information" are:

- Commissioner for Information and Data Protection Commissioner takes an extra competence and its name changes to "Commissioner for the right to information and protection of personal data", which is considered the most effective mechanism to ensure the implementation in practice of this right;
- Shortening the deadline of treatment and the application in 10 days, stating the cases of extension of this deadline and considering mishandling any its rejection;
- Increasing the categories of information that are made available to the public without request, as part of the transparency. Failure to implement and review this program is considered as an administrative offense;
- Guarantee the access to public information and not just recognition with official documents. Public information is any data recorded in any form of format held by a public authority;
- Specification of the categories of entities required to implement this law, adding hereto commercial companies where the state owns the majority of shares as well as any physical or

[3] Law no. 8454, dated 4.2.1999 "On people's advocate", as amended with law no 8600, dated 10.4.2000) and with the law no 9398 dated 12.5.2005

legal person exercising public functions in areas such as education, health, energy, telecommunications and similar to them;

- Creating a new image as it is the coordinator for the right to information, designated by every public authority;
- In detail definition of the actions or omissions which are considered as administrative offenses, the sanctions, entities and the cases when the information may be restricted, if necessary and proportionate to the damage that it (restriction) can cause some other rights, by leaving no loopholes for subjectivity and abuse with the interpretation of the law.

With regard to the law 146/2014 "On the notification and Public Consultation", the aim is to improve in general the process of public consultation on drafts laws, draft strategic national/local documents, and on policies with high political interest". This law is not tailor made for environmental field, but however, it is a good basis also for environment. This law provides for different steps on the procedures, such as: Preliminary notification, public consultation, public notification, and public consultation. In addition to the above, the law provides for the establishment of the official electronic register, where all the draft legal acts will be published. So far, this register is not yet in place. Novelties of this law:

- The obligation of the public authorities to provide opportunities for the public to be notified and to participate in the process of notification and public consultation through: the publication of the draft acts in the electronic register and the time and date of its consultation and publication in the transparency programmes (law 119/2014) of the annual plans-(related to the process of decision making) of public authorities
- The interested parties as according to the article 8 of this law are: public authorities, Albanian citizens and groups of interest (defined in this law) and the foreigner citizens resident or registered in Albania.
- In addition, every public authority has to appoint a coordinator for the notification and public consultation
- The law provides rules and procedures for the public notification and consultation process
- Publication of the reports on transparency and on the process of decision making
- The right to complain in two level: to the respective authority responsible for the process of notification and public consultation as well as to the Commissionaire for the right to information and data protection

Apart from the above, the Albanian legislation has done remarkable progress *when it comes to the public information and notification as concern environmental policies and legislation*. Recently, there are many legal acts and by-legal acts adopted in the field of public participation and information of the public in environmental matters.

The environmental legislation seems to be much more advanced in this regard, also due to other commitment in the field of Aarhus Convention and other EU directives. Although it may be thought that the two above mentioned laws may hamper the process as such, *in fact it may be considered as a double*

guarantee for all, groups of interests, NGO-s, citizens to better exercise their rights on information and public consultation and participation in important decision making levels and policies, including here the environmental field.

Although in general the environmental legislation is quite new especially with regard to public information and participation in environmental decision-making, it still lacks another important instrument, *the access to the justice system*.

While implementation of the access to information pillar and the public participation pillar is less problematic, the access to justice pillar, there is still numerous gaps, influencing also the implementation in practice. So far there is not a legal framework that complies with third pillar of Aarhus Convention, despite the fact that countries should develop criteria in their national law applicable to members of the public in order for them to make use of this right. To this extend, this right seems to remain weakly applicable, not only due to the lack of legal instruments, but as well to the very limited knowledge of the public/NGO-s included on this right. Albania has drafted a wide range of policy and strategic documents related to natural resources. The main strategic documents in this sector are as follows:

National Strategy on Development and Integration (NSDI) 2015-20204

This is the main national strategic document that supports the sustainable social and economic development of the country, ensuring the fulfillment of standards and progress in the European integration process. NSDI 2015-2020 aligns the development agenda with the country's integration processes, incorporating national vision, as well as major priorities and objectives.

The government vision for the future environment is *"Sustainable social and economic development of the country, protecting natural resources from pollution and degradation, through integrated management".* According to this strategy, Albania will pay due attention to environmental protection in all its components in the upcoming years, to ensure sustainable development, combined with elements of other fields pertaining to the economic and social development of our country.

As regards the protected areas, the strategy estimates that the protected area coverage in Albania has gradually increased to 16.6% of the country's overall territory until 2015, 16.1% of which in terrestrial and coastal areas and 0.5% in marine areas. The percentage of these protected areas has been increasing over the last 14 years.

According to NSDI, and referring to forests and pastures, has been worked on 12.000 hectares of degraded forests, which has contributed to erosion reduction for approximately 200.000 tons of sediments. Nevertheless, the need to growing management efficiency regarding 38% of economically sustainable forests and rehabilitation of 50% of degraded areas, is still apparent.

[4]The National Strategy on Development and Integration (NSDI) 2015-2020 was approved by Decision of Council of Ministers No. 348, dated 11.05.2016 and published on Official Journal No. 86/2016.

Inter-sectoral Strategy on Rural and Agricultural Development (ISRAD) (2014-2019)[5]

ISRAD may be efficiently implemented only if the required coordination and coherence are guaranteed with other line ministries, responsible for specific policy fields regarding rural development. In relation to the Ministry of Tourism and Environment, the strategy re-emphasises the goals of environmental policies for the period 2014-2020, which focus on sustainable environmental management through:

- conservation and sustainable management of biodiversity, by expanding protected areas surface, their integrated management and the establishment of Natura 2000 network;
- water resources management by means of a monitoring and control framework to reduce the surface and groundwater's pollution.
- sustainable management of living marine and inland water basins resources.
- sustainable and multi-functional development of forests and pastures, by ensuring the increase of forest area and their productivity.

Strategic Policies Document on Biodiversity Protection 2015-20206

This document clearly identifies the main fields of work, namely expanding protected areas surface, drafting and implementing management plans, completing legal framework in line with EU acquis on nature and environment, eliminating illegal logging and hunting by implementing the legal framework, as well as carrying out capacity building activities and implementing action plans for endangered species and habitats. Strategic Policies Document on Biodiversity Protection aims to be a guideline on the way Albania fulfils the objectives of the Convention on Biological Diversity.

The general objective of SPDBP is to contribute in national level for attaining the objectives of 2020, which focus on prevention of biodiversity loss and degradation of ecosystem services. Special attention has been paid to the need for integration, conservation and sustainable use of biological diversity in all relevant aspects of society including the social and economic sectors.

The Strategic Policy Paper for Biodiversity Protection, which includes the Action Plan as the main policy document on the nature and scope of biodiversity protection, has considered these issues as part of the National Strategy for Development and Integration for the period until 2020. To achieve the overall objective of this strategic policy document, specific national biodiversity priorities, goals, and objectives have been identified. Thus, in line with the Aichi Global Biodiversity Objectives by 2020, identified under the Biodiversity Strategic Plan for 2020, and the broader framework of the United Nations Decade on Biodiversity 2011-2020, the following national objectives have been identified.

[5] Approved by Decision of Council of Ministers No 709, dated 29.10.2014.

[6] Approved by DCM No. 31, dated 20.01.2016.

3.1. Policy Document on Territorial Planning and Development in Albania 2014-2018[7]

The Policy Document on Territorial Planning and Development in Albania emphasises the sustainable development of the country and the improved quality of life that must be ensured by protecting the environment and biodiversity, values of nature, biodiversity, protected areas and natural parks, sensitive ecological areas and landscapes. The up-to-date development practice, accompanied by informality, has inflicted considerable damage on the natural heritage system. Over the years, many intervention instances have been identified in the protected areas and ecological national network, either with or without permit, disregarding the legal provisions in force, the natural resources protection standards, and the approximation of Albanian legislation with EU acquis. Environmental issues have been observed in several levels, such as: protected areas damage, forest and pasture fund damage for various reasons, river beds damage, habitats damage, surface waters pollution, air pollution; which the up-to-date policy practice has failed to incorporate.

Over the years, Albania has adopted a series of legal and sub-legal acts related to protected areas, properties, territorial planning, and environment in general, biodiversity, forests, pastures, waters, etc. The Albanian legislation on this field is partially aligned with European legislation and continues to be in constant change, aiming at adapting to the dynamics of economic, social and political developments.

Civil Code of the Republic of Albania[8]

The Civil Code of the Republic of Albania, besides constitutional principles, provides procedures for gaining and losing ownership, procedures for exercising it and civil legal property protection.

In addition to property issues, the Civil Code in a separate chapter on "Obligations stemming from inflicting damage", foresees: The person who has, by mistake, endangered the environment, aggravated, altered or damaged it, in whole or in part, is obliged to compensate the damage caused.9

Penal Code of the Republic of Albania

Very lately the amendments to the Penal Code finale enabled the integration of a new specific chapter for the crimes against environment. Although not a very completed chapter, it is a way forward for starting a new process with sanctions and punishment while crimes against environment are committed. In this chapter water pollution, lodging of forests, illegal fishing are now part of this chapter. However, further should be done under this chapter and in general for the environment.

[7] http://infrastruktura.gov.al/wp-content/uploads/2017/10/DOKUMENTI_I_POLITIKAVE_TE_PLANIFIKIMIT_DHE_ZHVILLIMIT_TE_TERRITORIT.pdf

[8] Law No.7850, dated 29.7.1994, as amended

[9] Article 624 of Civil Code Republic of Albania Constitution

3.2. Legislation in Protected Areas

Protected areas in Albania are territories for nature and biodiversity conservation, promoting tourism, recreational, cultural, gastronomic, and aesthetic, health, spiritual values. They aim to contribute to sustainable development with a positive impact on local communities and their well-being. The Government of Albania has a representative system of Protected Areas in place that covers nearly 16% of the Albanian territory10.The protected areas system consists of 15 national parks; 24 managed natural reserves and 5 protected landscapes that shelter the greatest natural and biodiversity values of the country. This large network is recently being complemented with Regional Protected Areas that are established and administered by local authorities.11

Law No. 81/2017 "On Protected areas"[12]

The scope of this law entails the nomination, conservation, administration, management, sustainable use of environmentally protected areas and their natural and biological resources, based on the principle of sustainable development, to guarantee the fulfilment of environmental, economic, social and cultural functions in the interest of the entire society, as well as determining public institutions and private natural/legal entities responsibilities for their protection and sustainable management. Law No. 8906, dated 06.06.2002 "On Protected Areas", as amended, was repealed by the current law, which foresees, among others, the criteria and procedures for declaring protected areas and *transboundary protected areas-quite a novelty of the law*, with the following main objectives:

a) Nature, landscape and biodiversity protection and conservation;

b) International cooperation;

c) Natural, cultural, and sustainable development values promotion;

ç) Sustainable and efficient use of land and natural and biological resources;

d) Poverty reduction and transboundary populations' wellbeing improvement;

dh) Transboundary economic, social and cultural integration;

e) Security maintenance, peace keeping and improvement of relations between transboundary populations.

The new law provides for *criteria to declaring a protected area:*

In this regard, in order for a territory to declare an area as such, it has to meet at least one of the following criteria:

1. *Having high diversity of species and/or habitats*

[10]http://akzm.gov.al/informacione/cat-i

[11]http://akzm.gov.al/us/information/pa-and-strategy-development/item/125-strategjia-e-zhvillimit-e-zm

[12] The Law No. 81/2017 "On Protected Areas" has been partially aligned with the Council Directive 92/43/EEC, dated 21.05.1992 "On the conservation of natural habitats and of wild fauna and flora", as amended.

2. *Having a low density of species and/or habitats*
3. *Having representativeness*
4. *Having the critical minimum of ecosystem size*
5. *Having naturalness, heritage and integrity*
6. *Having scientific values*
7. *Being characterised by ecological vulnerability / susceptible species*
8. *Being characterised by uniqueness/ endemic species*
9. *Being posed great risk from human activities intervention/threats*
10. *Offering wild life conservation possibility*

The law provides for clear procedures on how these areas may be declared as protected ones. The procedures include the following steps:

- Preparing a declaring plan by the Ministry of Tourism and Environment, in close cooperation with other ministries responsible for agriculture, tourism, territory, cultural heritage, local government bodies, relevant research and scientific institutes and civil society.
- Publishing the said plan in the website of the Ministry, NAPA or in the website of respective local government unit.
- Collecting *proposals on declaring a protected area, changing or removing the status of a protected area, extending or shrinking the area, etc. by any central or local institution, natural and legal person, NGO or community*
- Collecting comment and suggestions by any interested person within one month
- If, by end of the month, no comments and suggestions have been submitted, the plan is deemed approved and the ministry will prepare and present the draft-decision for declaring of the protected areas.
- To declare a protected area, the ministry shall preliminary determine its status, boundaries, internal zones, protection area administration, utilisation opportunities and possibly generated incomes.
- The Minister shall propose the draft-decision to the Council of Ministers for the declaring the protected area.

The Law defines 6 categories of protected areas, pursuant to **The International Union for Conservation of Nature** IUCN category:

- Strict nature reserve/ scientific reserve (category I)
- National Park (category II)
- Natural monument (category III)

- Nature managed reserve/ natural park (category IV)
- Protected landscape (category V)
- Managed resources protected area (category VI)
- Municipal natural park (category IV)
- Green crown (category V)

So far, the legal framework concerning protected areas is completed. In addition, the principles pertaining to the management and conservation of protected areas include the principles of sustainable development, focusing on soap springs and flora and fauna. Sustainable development cannot be achieved without co-operation with and community awareness. The *above-mentioned co-operation is worth mentioning that it is the key to art in particular in those protected areas where ownership can be private.*

Article 8 of the Law on PA mentions the private and private administration, except for state and municipal administration. The form of administration / management is defined in the decisions of the IM, its real proposal is made after the opinion of the community of the area, the private owners and after consultation with the various interested stakeholders.

But this is the steps when the area is announced and discussed for its administration. Prior to the announcement of the latter, the vision should be based on the features, and the way in which the administration is to be considered. Therefore, *community involvement in this process is of the highest priority.* In this logic, Article 10 of the Law "Promulgation of Protected Areas" in point c) stipulates that "Any state, central or local institution body, legal or natural person, non-profit association or community has the right to submit to the responsible ministry for protected areas proposals for the promulgation of protected areas for changing or removing the status of each protected area for the extension or reduction of the boundaries of the area and for their internal zoning. In this context, *"Any natural or legal person has the right to ask the ministry to declare its own territory or part of the land owned by it to be designated an environmental protected area or to be included in one of the categories of protected areas."*

Part of the procedures for the designation of protected areas are, among other things, areas for processing and utilization of the area, income that can be generated and their use for the benefit of the area. Which means that these elements require compulsion to involve the community, not only for awareness but also for more information and contribution to the process.

However, the law does not envisage more space for the possibility of community involvement or the procedure how this involvement can be realized. This is different from the space and procedures that the law foresees to the community when it comes to the participation of the latter in management. However, the current legal framework can be used and implemented in order to enable the public involvement. Also space can be given in the new bylaws that will be elaborated by the ministries. Protected areas management structures, which are provided for under this law, will be addressed in the following section of the "Structures and institutions involved in protected areas management" study.

Additionally, the law regulates the economic activities that are permissible to be carried out in protected areas.

Decision of the Council of Ministers "Criteria and method of territorial zoning of a protected environmental area"

Article IV. in its point 1, Provides for the zoning method of the ZMM surface. The process of zoning the ZMM territory follows these steps:

d) Preparation of the sub-project plan (preparation of digital maps) consultation with stakeholders, community, on the accuracy and suitability of the proposed sub-plan content;

dh) Review of sub-project plan with stakeholders and the community;

e) Reflection of comments in the sub-project plan and relevant explanatory materials;

The procedure for the declaration of a protected environmental zone follows some steps such as:

a) The Ministry responsible for the protected environmental zones shall prepare a plan for the declaration of protected areas, specifying areas intended to be advertised, the status, boundaries and degree of protection of each of them.

b) The plan is drafted in cooperation with the ministry responsible for agriculture, the ministry responsible for territorial regulation, the ministry responsible for tourism and the ministry responsible for cultural heritage, local government bodies, relevant research institutes and civil society.

Law No. 9587, dated 20.07.2006, "On Biodiversity Protection", as amended[13]

This law regulates, among others, the transboundary impacts on the biodiversity protection framework, providing for concrete measures consisting of announcements, information exchange, consultations with neighboring countries by the Ministry of Tourism and Environment (MTE) in the case the adverse impacts endanger biological diversity of a neighboring country. The Law also provides for the review of the affected country requests by the MTE, before issuing an environmental permit.

Law No. 10253, dated 11.3.2010 "On Hunting"

The purpose of this law is to define the rules for exercising hunting as a traditional, sports, recreational and relaxing activity. Those rules include sustainable hunting management, ecosystem and ecological equilibrium protection, wild fauna species and their habitats protection during hunting, etc.

[13]The Law No. 9587, dated 20.07.2006, "On Biodiversity Protection" *has been fully aligned with Article 2 (paragraph 2 and 3), Article 3 (paragraph 1 and 2), Article 4 (paragraph 1), Article 6 (paragraph 2), Article 11, Article 12 (paragraph 4), Article 14 (paragraph 1) and Article 17 (paragraph 1) of the Council Directive 92/43/EEC "On the conservation of natural habitats and of wild fauna and flora", as amended by the Council Directive 97/62/EC, dated 27.10.1997; European Parliament, and the Council Regulation (EC) No. 1882/2003 dated 29.09.2003; Council Directive 2006/105/EC, dated 20.11.2006; and Council Directive 2013/17/EU, dated 13.05.2013.*

Law No.61/2016 "On Announcement of Hunting Moratorium in the Republic of Albania"

Pursuant to this law, hunting activities are prohibited for a period of five years (2016-2021) with the aim at improving the conditions of wild fauna species. *On the other hand, the Law "On Protected Areas" foresees the hunting prohibition in all categories of environmental protected areas.*

Law No. 64/2012 "On Fishing", as amended

The purpose of this law is to ensure the rational and accountable use of the biological resources of domestic waters of the Republic of Albania and the marine environment, the definition of conservation measures that guarantee protection of marine biological resources and internal waters, ensuring sustainable development of the sector. *Moreover, this law defines protected fishing areas and prohibited areas for fishing to meet biodiversity protection and environmental conditions.*

Law no. 9385, dated 04.05.2005 "On forests and Forest Services", as amended

The Law on Forests and Forest Service, among others, regulates the protection, society, eco-tourism and economic activities carried out in the national forest fund and other forest and non-forest resources, based on the principles of sustainable and highly functional management, reflected in the strategy and policies of forest and pasture development, as well as the organization and operational scheme of the Albanian Forest Service administration, legal relations, responsibilities and duties, to create a sustainable and professional forest service.

Protected areas, wild fauna, as well as natural medicinal plants and tannins, which are regulated by the relevant legislation in force, are not subject to this law.

Law No. 9693, dated 19.3.2007 "On Pastures Fund", as amended

The law on pastures fund aims at ensuring a modern treatment of pastures and meadows, determining the capacity and preserving pasture fund ecological balance, through the unification of requirements and rules that are related to relations, tasks, rights, and responsibilities of state, central, and local institutions, specialized scientific research organizations, private owners, and business.

Upon amendments made to this law in 2016, the state owned forests and pastures ownership was transferred to the local government units (municipalities). At present, they are being managed by the local government units, whereas inspection powers remain an attribute of Forestry Police Inspectorate.

Law No. 111/2012 "On integrated management of water resources"

This law, which entered into force in 2012 and was lately amended in 2018, attempts to define:

- security, protection and rational use of water resources;

- implementation of concrete plans for the water resources improvement;
- sustainable water use promotion through long-term water resources protection;
- implementation of methods and conditions for integrated management, rational
- use of water resources and protection of their ecological quality;
- monitoring of waters status, rational use and pollution reduction;
- prevention of further deterioration, protection and improvement of the coast, land ecosystems and wetlands that are directly dependent on aquatic ecosystems.

Article 34 of this Law foresees the National Agency of Water Resources Management, in collaboration with responsible ministry for environmental protected areas, identifies protected areas as per the law in force (Law on protected areas).

Law No. 9780, dated 16.7.2007 "On the Inspection and Protection of the Territory from Illegal Construction"

Following amendments of 2014, this law aims to ensure compliance with norms, standards, development conditions and legislation in the field of planning and development of the territory and water resources throughout the country, as well as the protection of the territory from illegal construction, based on the principle of sustainable territory development, decentralization and subsidiary according to the administrative division.

The law defines the role, organization and powers of the National Inspectorate of Territorial Defense as the main body for the inspection and protection of the territory, particularly in areas and facilities of national importance. In addition to this law, *these areas include areas that have priority tourism development, parks and archaeological sites, forests and protected natural areas, natural monuments, including areas with unique geographic characteristics, areas of natural hazard, ecological networks, mineral and natural resources and networks, industrial complexes and parks, shores and water resources, lagoons, rivers, lakes, dams, dams, agricultural lands, etc.*

Law No. 93/2015 "On Tourism"

This law sets out rules for work coordination and the interaction of responsible institutions in the field of tourism, with a view to the development of tourism industry. The main principles of sustainable tourism development, defined in this law, relate to economic, environmental and socio-cultural aspects and require the establishment of a fair balance between these three dimensions to ensure the sustainability of long-term development. *In its Article 22, the law provides for the classification of tourism resources, including natural landscapes and protected areas in the category of natural tourism resources.*

3.3.Framework law 'On Environmental Protection"

The new law "*On the environmental protection", no.10 431, dated 9.6.2011*, which transposes the environmental protection principles, included the principal elements on the collection and dissemination of environmental information according the article 5 of Aarhus Convention. In its article 13 it defines that "Every person has the right to timely get information on environmental pollution, on the measures undertaken and on the related free access to the environmental data". It makes the reference to the law "On the Right to the information for the official documents", although to the old one (a slight change should be provided accordingly). During the institutional solving of environmental protection issues, the relevant public authorities shall ensure that the public and interested parties have an effective opportunity to participate in the procedures for: identifying the state of environment, developing and adopting strategies, plans and programmes pertaining to environmental protection and specific environmental components and in developing and adopting regulations and general acts pertaining to environmental protection, and decision-making in environmental permitting. In addition the same law-which is a framework law on environment, dedicates the entire chapter VII to the environmental information. The article 45 provides for the scope and functioning of the system of environmental system, which has as aim to serve to the integrated protection and management of environment and/or its individual components, monitoring of implementation of environmental policies, national and international reporting and providing information to the public. According to this law it is the National Environmental Agency the responsible body for the administration of the environmental information. The same article provides also what kind of information Environmental Information System should contain. Amongst other it should contain info on environmental impacts and public responses.

The article 46 goes deeper and provides for Public Information on Environmental Matters. According to this article the environmental information shall include any information in written, visual, aural, electronic or any other material form on:

- the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- factors, such as substances, energy, noise, radiation, odors or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- reports on the implementation of environmental legislation;
- cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through Those elements, by any of the matters referred to in (b) and (c).

- Pursuant to the disposition of this Law and the Law No. 8503, dated 30.6.1999 "On the Right of Information on Official Documents14", public authorities shall provide access to environmental information that they hold and/or supervise.

In the same chapter, the article 47 provides for the right of having environmental information, as the right of access to available information relating to the environment without having to prove a specific interest (please do the reference with the constitutional provisions above).

The difference of this law, it is that for the first time it dedicates one special article to the right to access to justice, although not on the best shape of it. According to the article 48, the public has the right that in case of pollution of damage of the environment to ask from the public authorities to take the necessary measures within the deadlines provides by the law and also to bring to the court the public authorities or the physical and legal persons that has damaged or risks damaging the environment. However, the application of this article in particular, remains questionable.

In the same chapter, the article 49 provides for the public participation and its participation in decision making. It only refers to the respective legal basis that needs to be elaborated by the Council of Ministers.

The Decision of the Council of the Minister no 16 dated 04.01.2012 "On access to public on environmental information" transposes all the practical application of the provisions on the collection and dissemination of environmental information. The DCM is to guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of and practical arrangements for, its exercise; and to ensure that, as a matter of course, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information.

4. Related legislation to the protected areas /EIA national legislation

Law no 10440 dated 7 July 2011 "On Environmental Impact Assessment" (as amended)

The law sets out the general principles of the assessment of the environmental effects of public and private projects that are likely to have significant effects on the environment. The assessment (EIA) should be carried out before development consent is given. In this regard the following measures regard the planning ones, the consultation process and also the procedures itself.

The EIA Law sets forth the requirements, responsibilities, rules and procedures for the assessment of negative impacts on the environment. The scope is stipulated in Article 3, are all proposed private or public projects (defined in the Law as implementation of construction works, installations or other schemes; or interventions in the environment and landscape, including interventions related to mineral

[14] The law provides for the old law, but usually the reference is done to the new law directly after its approval.

extracting) which are likely to produce significant negative, direct or indirect effects on the environment due to their size, nature or location. The EIA Law in its article 5 provides the obligation to develop in connection with exceptional cases, especially in connection with projects serving national defense purposes, EIA procedures. The Directive obligation for determining whether the Annex II projects will be submitted to the profound EIA or not, is almost transposed into the Law. Bearing in mind that the assessment of the Annex II projects will be on a case by case basis, it seems a major problem the fact that the Annex III of the Directive is not integrated into the law, but in the secondary legislation. The Annex III contains the selection criteria's, based on which the respective authority should decide whether the Profound EIA is needed or not. The scope of the EIA process is not duly transposed into the Law. The article 3 of the directive which mentions that EIA shall identify, describe and assess in an appropriate manner in the light of each individual case and in accordance with articles 4 to 11 the direct and indirect effect of the project in the following factors:

- Human beings, fauna and flora
- Soil, water, air , climate, and the landscape
- Material assets, and the cultural heritage
- The interaction between the factors mentioned above,

Article 7 of the EIA Law establishes the requirement for assessing the environment impact of specific activities. The Law describes in an annex all the specific activities that should undergo profound EIA (Annex I).

Article 14 requires involvement of all parties in the EIA process, including the public and non-for-profit organizations (NGO-s) without any specific qualification. Article 16 obliges developers (defined as persons or public authorities that request approval to carry out a private or public project) which undertake in-depth EIA of their projects to inform and consult with the interested public during the EIA process.

Law on EIA *Article 17 required the NEA to conduct for every project a hearing with the public and interested NGO-s in order to include their opinion in the final decision-making on the project. Referring to EIA law, the hearings should be conducted in cooperation with the respective local authorities and project developers*. *Local authorities, as well as developer/proponent are required to notify the public and interested NGO-s about the date*, time and place of the hearing, as soon as these details are decided. Law on EIA clearly establishes (Article 17 (4)) that opinions and comments expressed by the public and NGOs during the hearing are an obligatory criterion in EIA decision making.

Rules, demands and procedures for informing and inclusion of the public in the environmental decision making are further specified in the Decision of the Council of Ministers no. 247, date 30.04.2014 "On the definition of the rules, requirements and procedures for the information and involvement of the public in the environmental decision-making".

The First *Chapter of the above decision describes the rules and procedures on public information in the procedure of preliminary EIA process.* The other chapter relates to the public information, consultation

and participation in the profound EIA process. Also it describes roles and functions of all the actors like NEA/REA, local governmental units and proponent in the above processes.

According to the first chapter, the process of information includes the information phase and the public opinion on the project, accompanied by the comments and procedures that should be implemented –NEA is the leader in the process and the second phase, which regards the publication of the NEA decision on preliminary EIA, in its website.

In the Chapter II of this decision it is provided that, the information and public involvement includes the following phases:

a) public information for proposed project and the public opinion on the proposal as regards the issues that need to be taken into consideration in the profound EIA report

b) public information on the communication of National Environmental Agency with the project developer on the issues that need to be integrated in the profound EIA

c) Public information, awareness raising and consultation from the developer side on the elaboration of the profound EIA Report

d) Information and involvement of the public on the organization and realizing of public hearing

e) Public information and the opinion of the public on the phase of scrutinizing the environmental declaration

f) Public information during the monitoring of effects of the project in environment

The process of public information is not properly done. There are many conditions and requirements that categorize the process as done in accordance with the EIA Directive and Aarhus Convention. It is worthy to mention, that *the public information in the early stages of the EIA process encounter several weak points, that derive first from the lack of expertise and information of the experts that carry out EIA, from the lack of knowledge*, and the lack of a proper guideline on the way how the process of public information should be realized, as well as from the limited and weak capacities of the staff of NEA-REA-s. The capacities of local government units (especially after the administrative reform) remain limited and weak as well.

The process of public consultation *is not always followed and implemented properly (due also to the lack of capacities of the state institutions).* One reason may be that the investors are interested to finish everything in time and get the respective declaration on EIA, for continuing then with other stages of the permissions. The other reason may be that the public does not show a specific interest on the issue, also due to the un-clarity and the lack of understanding of the issues by the public. Other possibilities are related to the highly sensitive issues (for the public especially, but not only) that the report of EIA contains, meaning here, very technical ones A very sensitive issue it has been the process of EIA for the concessionary contracts. Usually these contracts have huge economic benefits for the state as such, and for that reason, profiting also from the high political sensitivity, the process of public consultation is not realized in fully compliance with the legal requirements. Furthermore, it is even impossible to find out the information on the way how this process is realized especially for these contracts. Bearing into consideration that the political influence is high in the respective institutions this process becomes like

impossible. The specific case to be mentioned is the construction of HPP in Valbona River-a very sensitive issue and highly political which became very recently not only popular with regard to the pressure toward the government, but also a very popular issue internationally.

It can be mentioned as a good step forward the fact that public involvement in drafting of plans and programs has increasingly become the accepted approach from public authorities (environmental) but not only, which regularly invite NGOs for consultations and discussions of draft-strategies, programs or draft-laws, to working groups or other meetings. Frequently the draft-documents are posted on ministry web-site and comments are received electronically. It is important to state that in the ministry of Environment a new position is related to the coordinator for information (in the frame of the transparency initiative) - the main duty it is to make public the draft strategies/laws and decisions that will be submitted to the process of public consultation/hearing. Also, the ministry regularly publishes in its website the main legal initiatives that are subject of public hearings. *This is not always updated, but still it is working and periodically functioning.*

Another instrument it is the monthly bulletin prepared by the ministry of environment, which beyond everything serves as a very good source for all the EIA declarations issued or refused by the Ministry. However, the accuracy of this information is not proved, but it is something remarkable that it exists under the website of the ministry-as part of monthly bulletin and can be easily consulted.

Examples of such special meetings/public hearings or working groups include the consulting process of all environmental strategies that took place from 2013, such as cross-cutting Environmental Strategy, Biodiversity Strategy-2015as well as other laws responsible for which is the ministry of Environment. Other related strategies, like the Strategy on the water sectors, have not been part of public hearings or public consultations. Unfortunately, although with a big impact in the environmental sphere, the information over the preparation of this strategy is not shared with the public.

Same as above is true for laws and decisions of Council of Ministers. Specific comments were prepared and presented by NGOs. However, it has to *be noticed that sometimes notifications on public hearings and consultation for the draft laws are very short in time, or continuously changing on the dates*. It has been also *noticed that sometimes the biggest part of NGO-s are not present, due to the fact that they still think that this is not a true process of public consultation. The experts of the ministry see this fact as a very problematic and critical moment in the process*.

To be mentioned it is the fact that at local authority level, NGO involvement is witnessed during Urban Planning processes (Strategic Environmental Assessment in Tirana) and other significant construction projects. City halls usually organize small consultative meetings in regions or communes, open to all citizens, businesses and NGOs, on Public Service Plans, Waste Management Plans, city clean-ups and Green plans, or establishment of waste depositary stations (Tirana, Shkoder, Durres, etc.). At municipality level, cooperation with NGO-s is mainly focused on concrete actions and projects, environmental awareness. So, very recently the Municipality of Tirana has issued the notification for the SEA of regional planning in Tirana. The notification for participation has been distributed to the public. However, it is to be mentioned that many times the list of contacts are not regular and there are mistakes in respective email addresses.

In addition to the above as a good step forward may be mentioned the fact that very recently the Albanian government cancelled the construction of HPP in another area (next to the protected area of Thethi). This was due to a huge civil s*ociety reaction on HPP concessionary contracts.* This is a clear case that shows how effective the reaction of the Civil Society may be towards unbalanced government decisions.

4.1. SEA National Legislation

The framework EP Law provides in its article 24 that the SEA is done for:

1. all the plans and programmes in the field of agriculture, forests, fishery, energy, industry, mines, transport, telecommunications, wast management, water management, tourism, territorial planning, and also for the national plans in national, local and regional level;
    a. For the documents of strategic planning, pursunat to which is done the planning of hte project that are subjec of EIA procedures,
    b. Plans and programmes as refered to the above, that may have effect over protected areas.
2. Plans and programmes refered in point 1, that provides the use of small areas in local and regional level and that provides also not essential changes, requires SEA only in case the Ministry deems that they may have important effect on the environment
3. Plans and programmes tha tare not part of hte point 1, but may define the framework for the adoption of the projects in the future. Again the ministry it is the body that will assess the need for the SEA also in this case.

Strategic Environmental Assessment Law15

The SEA law defines the institutions, their rights and responsibilities and the procedures to be followed by them on the SEA process. According to the law16, subject of SEA process will be:

- Reviews, amendments or modifications of plans or programs, according to the fields of letter "a" of this article, which shall be approved, are subject to strategic environmental assessment, according to the procedure requested by this law;
- For plans or programs, which, despite the fact that they are not subject of this article it is found out that they might have significant negative effects in an protected area as declared by law;
- The detailed list of plans and programmes with significant negative effects to the environment, (DCM no 507 dated 10 June 2015 "On the adoption of the detailed plans and programmes with negative consequences in the environment, subject of SEA process". According to this decision, the entire plans or programmes list have been evaluated as pursuant to the criteria of Annex I of the Sea law.

[15] Framework law no 91 of 2013 "On Strategic Environmental Assessment"

[16] Article 2

It is important to highlight that subject of SEA law are also plans and programs financed by foreigner institutions.

SEA Law provides also for the projects which are excluded17 from the process of strategic environmental assessment. This article is in fully in compliance with the directive provisions (see above). The law does not limit only in the above subjects of SEA.

Another decision of Council of Ministers has been adopted by mid-2015, time when the biggest part of the SEA for the territorial planning was over. The decision no 507, dated 10 June 2015, provides for the adoption of the detailed list of plans or programmes with negative impact in the environment. Although the title mentions only the plans or programmes, the content of this decision makes it much larger the subject of SEA. It includes also the strategies, and other documents that are subject of respective legislation. However, it is not well explained why such strategies or so called other documents are part of the SEA process. The SEA Directive makes special provision for those plans and programmes that are prepared for sectors other than those specified and that do not set the framework for projects requiring EIA, or require Appropriate Assessment under the Habitats Directive. Article 3(4) provides a far-reaching 'catch-all' for applying SEA to any plans and programmes, over and above those define: "Member states shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects". 18 To this end, comes the above-mentioned decision. However, as long as its scope is not well explained through a guiding methodology, it remains unclear for the respective institutions why strategies or other documents of planning are part of SEA. Most probably these institutions will skip the importance and the obligation of carrying out the SEA process, due not only to the lack of knowledge, but also to the lack of information and instructions on the process. So far, there are several strategies on the way of elaboration or already adopted, which, contrary to this decision, have not been subject of the SEA process. From the other side, it means that it creates a big lack of information on the public and civil society side. It is impossible for the civil society, including here NGO-s to do the guardian of every single legal initiative undertaken by the institutions. Although they do have the right to be informed, the likelihood this happen in practice is really questionable.

It *is of utmost importance to mention that the public/civil society should be notified and consulted before the initiatives are taken*. The recent law adopted by the assembly on 2014, entitled "On the notification and Public Consultation", provides for public notification and consultation. This law defines a certain procedure for the draft laws, draft strategic national and local documents, and also for the policies with high interest for the country. The rules defined in this law aims to guarantee the transparence and public participation in the policy-making processes and decision making processes. This law is a good basis that can be also used by the public authorities for notifying the public on the above initiatives. Said differently, the civil society does have additional possibilities to be notified, although the SEA bylaws i.e. as above, do not notify the public properly. The public authorities should not skip then, the obligation

[17] Article 3 of the law

[18] https://www.researchgate.net/publication/229659015_Implementing_the_SEA_Directive_Sectoral_challenges_and_opportunities_for_the_UK_and_EU

they do have on notifying the public accordingly for all for the adoption of the detailed list of plans or programmes with negative impact in the environment (see decision above).

The issue that may be raised is: which of the laws will prevail in this case? Should environment be governed by the laws that are tailor made for it, or the other laws (pls see above) may be used also for the environment?

In this case, both ways are valid *and legal. Although the laws governing environment are somehow tailor made and in coherence with the main documents in this field, like the Aarhus Convention or other related EU Directive, other national laws may be used as well*. So far, it does not appear any contradiction or discrepancy between the laws/decisions as such. Contrary to this, *it is a double guarantee for civil society, NGO-s and public in general to be better informed, notified and participates in the main discussions for the new policies, strategic documents in national and local level.*

It is important to be noted, that SEA process is a very new process in Albania (the old law provided few provisions on the SEA, and the process was never developed as required by the directive). The SEA law provides for the steps that should be followed in the process. The article 7 defines the following as the main phases that SEA process undergoes:

a) notification of the ministry by the proposing authority (especially for the local territorial planning the proposing authority is municipality)

b) consultation with groups of interest on the issues which shall be addressed in SEA report;

c) drafting of the preliminary report and consultation with groups of interest and public on the preliminary report of SEA;

d) drafting of the final report of strategic environmental assessment;

e) proposal review and minster's declaration;

f) decision of the authority for adoption ;

g) monitoring and reporting of plans or program effects to the environment.

Although it seems that the phases are defined in the law, there is not clear guidance or understanding what exactly these phases aim at. In the case of point a above, it should be explicitly provided by the law that it regards the initial assessment, which is the stage at which the Ministry determines whether a strategy, plan or program will or will not be subject to the SEA process. Although the chapter II of the Law provides for the notification and consultation with the groups of interest on the issues of SEA, it is not clear that the main aim of this phase is exactly to say whether SEA is needed or not. Mostly the focus of this chapter II of the law is in the procedure as a whole rather than in making clear which is the very aim of the process as such. Same can be said for the point ç in the above article. It is not evident where it is the public hearing or consultation for the drafting of the strategic environmental assessment report, which according to the Directive is the stage of identification, description, evaluation of significant environmental impacts and planning of actions for their elimination or mitigation, in the case of implementation of a strategy, plan or program.

Furthermore, the chapter II and its article 8, provides for all the procedures on notification of the ministry, on the reply of the ministry to the need or not of SEA report, as well as on the assessment that the ministry should carry out, as based also in the list of criteria that are part of Annex I of this law. At least this article should have been split into 2 parts, where

- one part should provide for the notification procedure-that has to be realized by the proposing authority-and submitted to the ministry for further scrutinizing it, and
- Second part, should provide the procedure that the ministry follows by itself in this very first phase of the process until the decision making on the need or not of a SEA report.

The ministry, before taking the decision on the necessity of SEA forwards the proposal to the groups of interest for their opinion. The task of the group of interest it is to express the opinion on the need or not for the SEA report-this opinion should be provided to the ministry within 20 working days. In case this deadline it is not respected, the law provides for the silent consent of the groups of interest. Therefore, when the ministry expresses the opinion that SEA report it is needed, it should include in the decision the following:

- The opinion that SEA report it is needed
- The procedures that the Proposing Authority should follow
- Issues that the ministry requires to be part of the SEA report c
- Consultation with the groups of interest, including here the public as well
- The submission of the SEA report for the declaration of the ministers
- The fact that the proposal may have transboundary effect

The ministry should reply within 30 days from the day of notification. Its decision it is published within 5 days in the website of the Ministry. Furthermore, the ministry notifies the National Agency of Territorial Planning (NATP) and the groups of Interest in written form.

Furthermore, in the same chapter, which contains "the notification and consultation with the groups of interest for the issues of SEA", it is not clear whether this really happens. The article 9, entitled "Consultation for the issue that will be object of SEA report", it is provided that the proposing authority before the starting of the SEA report, will be consulted with the groups of interest. The aim of the Proposing authority is to get from the interested groups the main issues they want to be included in the SEA Report. According to this article, the interested Groups are:

a. institutions of public health protection;

b. local government units;

c. institutions protecting agricultural land;

d. environmental organizations (NGOs) active in the field of environmental protection and registered under the legislation in force;

e. Other institutions identified with liability in the proposal (ministries etc.).

The deadline for them to reply is again 20 WD. Silent consent principle is applicable also in this case. It is not clear in which step of the procedure this action is undertaken. First, before the ministry replies to the Proposing authority, or latter on? It looks that this phase is happening after the reply of the ministry to the Proposing authority on the need or not of SEA report. Nothing it is said in the law how this kind of consultation happens. In fact, it does not seem to be a proper process of consultation, rather than a process of taking the opinion on the main issues.

But the Decision of the Council of Ministers , in this case provides differently. It mentions in its point 1 that (Notification and consultation with groups of interest for the elaboration, change, review or modification of a plan or programme) "The Ministry 7 days after the notification by the proposing authority, sends the proposal in electronical form to the interested parties and notifies them for the date, time and place of the meeting". Here, it starts the confusion. The above article 8 of the SEA law, says that the ministry informs the interested groups on the notification of the Proposing authority and asks them for the opinion whether SEA report is needed or not. While the decision, says differently. The ministry notifies them and asks for their opinion, but also consult them-the Proposing authority which seems to organize (in collaboration with the ministry) the meeting with the groups of interest (within 15 days from the day of notification). Differently as said previously, the groups of interest should reply to the ministry within 7 days (not 20 days anymore as stipulated in the law) on the need or not of the SEA report. So in this stage, we are not talking only about informing, but also on the consultation procedure. How this is done in practice, is really dubious, especially bearing into consideration the capacities of the local governance units and also the knowledge of the private companies in this regard. Still the lack of the methodology, with clear guidance on the SEA process is a crucial factor that impacts the process as such. Furthermore at this stage, the meeting is organized and called by both the Planning Authority in collaboration with the ministry (not clear how), within 15 Days from the day of notification. The ministry has to integrate the comment of the groups of interest as part of the decision.

5. Information and Consultations with the public

The Albanian assembly adopted in 2014, two new laws concerning the "Notification and Consultation" and "The right of the public to be informed on official documents". Both laws came together as a new vision and new practice of the government on improving the transparence, communication and participation of the public and civil society in policy and decision making processes. However, these laws were not tailor made for the environmental fields.

With regard to the law 146/2014 "On the notification and Public Consultation", the aim is to improve in general the process of public consultation on drafts laws, draft strategic national/local documents, and on policies with high political interest". This law is not tailor made for environmental field, but however, it is a good basis also for environment. This law provides for different steps on the procedures, such as: Preliminary notification, public consultation, public notification, and public consultation. In addition to the above, the law provides for the establishment of the official electronic register, where all the draft legal acts will be published. So far, this register is not yet in place. Novelties of this law:

- The obligation of the public authorities to provide opportunities for the public to be notified and to participate in the process of notification and public consultation through: the publication of the draft acts in the electronical register and the time and date of its consultation and publication in the transparence programmes (law 119/2014) of the annual plans-(related to the process of decision making) of public authorities

- The interested parties as according to the article 8 of this law are: public authorities, Albanian citizens and groups of interest (defined in this law) and the foreigner citizens resident or registered in Albania.

- In addition, every public authority has to appoint a coordinator for the notification and public consultation

- The law provides rules and procedures for the public notification and consultation process

- Publication of the reports on transparency and on the process of decision making

- The right to complain in two level: to the respective authority responsible for the process of notification and public consultation as well as to the Commissionaire for the right to information and data protection.

The article 6 of this law "The obligation for the notification and public consultation" provides that the public authorities are obliged to take all the necessary measures in order to assure the public participation and the participation of all interested parties in the process of public notification and consultation, including here:

a. Publication in the electronic registry of the draft legal acts, of the notification for the public consultation and of the data related to the draft legal acts consultation.

b. The publication in the programme of transparency as pursuant to the above law no 119/2014 of all the annual plans of public authorities related to the process of decision making

c. Providing the information related to the process of notification and public consultation in all the phases, starting from the publication of the draft legal acts, gathering of the comments made by the public for its improvement, organization of public hearings until the adoption of the final legal act.

According to this law it is the responsibility of the public authority that after the publication of the notification of the electronic register to organize direct consultation processes and meetings with the public and interested parties. These meetings and consultation processes should be documented. This document constitutes an official document. However, this process independently from what the law provides, it is already an established procedure for the ministry of environment, due to the fact that specific legal acts regulates this sector. This is due to the fact that Albania is a signatory country of the Aarhus Convention.

However, in the frame of the above law, the ministry has appointed the coordinator for the information, and has prepared already the report of law implementation for the last year, 2015. According to the ministry report, the latest has organized 28 public hearings and several round tables and consultative meetings with the civil society, donors and other activities related to the public awareness raising and

consultative meetings. The ministry has published the list of public hearings that have been held and the scope (legal acts) of these meetings (for 2015). Furthermore, the ministry states that the public meetings have been organized not only for the draft laws (which are the obligation under the 146/2014 law, but also for by legal acts and other Decision of Council of Ministers, which are not part or scope of this law. The 146/2014 law, provides only for the laws (drafts) and not for by legal acts. In that meaning, the ministry of environment goes much deeper, by organizing further meeting also for the by-legal acts (meaning here only for the Decisions of Council of Ministers). This does not happen for other ministries and institutions which elaborate and submit for adoption draft decisions that have relations or impact in the environmental sectors.

It is important to state that for specific consultation, the public hearings are transmitted in the audiovisual media in order to make them available for the wider public. In addition, this article in its paragraph 3 provides that public authorities are not excluded from the public obligation for the publication and consultation of the legal acts as indicated in the laws that regulate these institutions. Due to this provision, the Ministry of Environment goes beyond the general rule (as stated above) provided in this law. Therefore, draft Decisions of Council of Ministers elaborated/drafted by the Ministry of Environment, are specifically object of public hearings and are submitted to the respective decision provisions.

5.1. Institutional Background / Central and local institutions

As mentioned above in the legislation analysis, the law on protected areas has foreseen central and local state structures for their management.

The main responsible structures for protected areas management at central and local level are:

- The Ministry responsible for protected areas (currently the Ministry of Environment and Tourism), as the central policymaking institution for the protected areas protection and management in the Republic of Albania.

- The Ministry of Tourism and Environment has the mission of drafting and implementation of policies that aims environmental protection, sustainable use of natural resources, nature and biodiversity protection, sustainable development and managing of forests and pastures, water quality monitoring, and tourism policies developing and implementing

- Other Ministries such as the Ministry of Agriculture and Rural Development, Ministry of Economy and Entrepreneurship,

- The National Agency of Protected Areas (NAPA) is the central state institution responsible for protected areas, subordinate to the Minister of Tourism and Environment, and is responsible for their management and control throughout the territory of the Republic of Albania. However, in the last two years, the NAPA through RAPAs has been in charge.

- The National Agency of Environment (NEA) is a public central institution subordinate to the Ministry of Tourism and Environment, responsible for creating and managing the environmental information system, which ensures environmental information for the public, related to environmental

issues. According to DCM No.1189, dated 18.11.2009 "On the rules and procedures for drafting and implementing of the national environmental monitoring programme", NEA is responsible for preparing the Annual National Programme on Environment Monitoring. The monitoring system includes air monitoring, water monitoring, Bio - water quality, underground water monitoring and biodiversity monitoring.

- The Regional Administrations of Protected Areas (RAPA) are subordinate to NAPA, based in each region, and compose all together the specialized local institutional network, which is responsible for fulfilling the tasks for the protection and development of protected areas located in the region.

- The municipalities, as basic local government units, implement the requirements of the protected areas law and other relevant organic laws, within the administrative territory under their jurisdiction.

- The management committees established to monitor the implementation of management plans for protected areas, are composed of members from the municipality/ies responsible for the administrative territory the protected area is located in, NAPA, relevant local institutions, such as agriculture, tourism, infrastructure, civil society, representatives from owners of forests and pastures located in the protected areas, and are chaired by the prefect. The Committee has supervision function on implementation of management plans for protected areas and works according to its rules of procedure. Pursuant to Article 41 of the Law "On Protected Areas", the Council of Ministers adopted the DCM "On composition, functions, duties and responsibilities of protected areas Management Committees".

5.2. Transparency in use and management of natural resources

There is very little research available to assess and map corruption risks in environmental sector and Albanian's resource management. The permits issued by MoTE and its dependent structures include: Declaration on Environmental Impact Assessment and License on expertise service and/or professional on Environmental Impact. There are unclear responsibility lines between MoTE and NEA regarding permits and licensing of activities. According to the legislation in place, NEA holds the main institutional authority for processing EIA applications and environmental permits, setting conditions and criteria, and preparing environmental declarations/permits, while the responsibility and accountability for issuing environmental declaration lies with the Minister of Environment.

Furthermore, the institutional reform that is still ongoing (i.e. the 6 Water Basin Agencies (WBA) which were the local structures of the MoTE responsible respectively for water management issues, are lately transferred into the responsibility of the Water Resources Management Agency. Same for the fishery sector) and complex issues regarding roles and responsibilities between institutions are not yet finalized.

In terms of administrative constraints, other organizations report that regional environmental directorates and inspectorates are largely missing equipment and basic infrastructure to conduct their field work. Regional Environmental Agencies' (REA) capacity to verify the presented material in the field is poor/ if not non-existent. The permitted companies submit self-monitoring report to REDs as requested by legislation and permit conditions. The monitoring specialist at REDs just collect the monitoring reports and are not able to assess compliance in the field due to the fact that the necessary equipment are missing,

and at times professional qualification. This leaves therefore a large gap where the relationships between the RED representatives and the subjects (including here environmental experts) can be compromised through hidden financial gains.

In addition, the NAPA-newly established Agency has played quite a significative role in the process of EIA and SEA. However, its capacities should be further consolidated and trained and highly professional expertise of it should be essential for the process of EIA and SEA, especially with focus on HPP.

The new initiative of the Albanian government which aims at the controlling of all HPP concessionary contracts done so far, is a very high commitment and engagement for the benefit of the sector. It becomes especially important for the ones constructed in/next to the PA-s. NAPA experts are already in the working groups established for this reason.

In addition to that, the decentralization reform constitutes also an important element on the process. The lack of knowledge, trainings as well as means/instruments to fully comply with the legal requirements , make a serious obstacle in the general procedures of public information, consultation and participation.

However the above does not constitute the entire background. A specific and special role in the process of SEA and EIA play the private/independent environmental experts. The environmental experts do have clear responsibilities on the process. Although they are licensed pursuant to a defined procedure, the latter is several times contested by different actors. Environmental experts, due to the lack of awareness, of experience and lack of training are very much prone to corruption by the investors who have hired them. In addition the weak enforcement of the law and the impunity of the experts who have been subject of corruptive practices have brought to wrong and dubious decisions.

Although the precise number of the experts is difficult to be determined, there are thousands of private experts currently licensed to conduct EIA/SEAs in Albania (including here responsibility on public information, consultation and participation). The Ministry of Environment certifies private experts for conducting EIAs and the 2015 EIA law sets requirements for experts' areas of expertise, professional qualifications, and the formation of teams of experts.

Recent interviews conducted with several actors in the frame of the GIZ project "Reducing corruption in environmental decision making", provided some evidence on the reasons of poor quality EIA's/SEA's process, where among others were mentioned. Interviewees cited the following reasons for poor quality EIAs:

(i) A lack of adequate or appropriate expertise and qualifications among private experts;

(ii) A lack of awareness among experts of the formal requirements for EIAs (including methodologies);

(iii) The lack of a national strategy on EIAs;

(iv) Underdeveloped EIA methodologies;

(v) Limited public participation in scrutinizing draft EIAs;

(vi) Inadequate human resources within public agencies to assess draft EIAs;

(vii) A lack of formal sanctions for private experts who consistently submit poor EIAs.

The interviews found out concerns centers on public consultations for EIAs. Some interviewees claimed processes for public consultation on draft EIAs are often insufficiently transparent and that in practice it is difficult for members of the public to oppose particular projects, particularly when given false information. Some public consultations have reportedly been rigged by local officials, with only those friendly to a particular project invited to the consultation. Other interviewees disagreed that public consultations involve opaque processes, citing the posting of EIAs on the NEA's website.

The legal framework regarding PA-s, EIA and SEA remains still complex and difficult to be implemented and enforced. This is due to many reasons, especially to:

- Poor knowledge of the process by the relevant experts of state institutions
- Lack of expertise by the side of the NGO-s and CSO-s to oppose to different processes or to make independent assessment and evaluation during different steps of the EIA/SEA processes, with focus on public information, consultation and participation
- Lack of continuous trainings for the experts working on different level of the process such as experts in national and local level (ministry, REA's, local government units). Bearing into consideration that the legal framework has been submitted to a very dynamic process of changes and amendments, it would have been of utmost importance the continuous training of the staff. Referring to the national legislation, the public consultation, information and participation process involves several actors and key players. It is important that all the actors and key players in the process are trained according to the main documents- the Aarhus Convention, EIA/SEA Directive and as well to the respective bylaws, such the decisions on public information and the public participation in decision making. In 2012 he World Bank provided a series of trainings for the three pillars of the Aarhus Convention. Although the participation was high, it is not known how many of these experts continue still to work for the Albanian government.
- The continuous political changes affect dramatically the technical staff of respective ministries time to times. This make impossible for the trained staff to keep still interest in the processes, due to the continuous pressure they do have on staff changes. Even worst it is the case when the trained staff is replaced (due to political changes), sometimes even not with professionals, but only with militants, who do not have respective knowledge, background and expertise in the field.
- The endless institutional reform, which affects time to time state institutions, is a very important factor that hampers the entire process.
- Continuous changes of the national legislation, the lack of respective guidelines for the implementation of the EIA and SEA, lack of the manual for the process of public information, consultation and participation as in accordance with Aarhus Convention, bring further confusion and paralyze the process.
- Deadlines defined in the legal package, are not relevant and sometimes misleading both, the public and the project proponents. It is not clear whether these deadlines are fully implemented in the daily work of all the involved institutions.

- A lack of knowledge, training and poor accountability of environmental experts with regards to corruption practices and anticorruption policies makes environmental decision-making weak, dubious and controversial.
- Current licensing procedures for Environmental Impact Assessment (EIA) experts do not encompass anticorruption training. In addition, general accountability and integrity provisions are not applied, although EIAs are often weak and prone to corruption. In addition to that, the provisions related to their responsibility towards corruption practices are not implemented, although in several times their expertise in preparation of EIA reports have been fragile and prone to several corruption practices.
- In Albania there are no environmental layers that protect public interest in the field, who may assist the public and NGOs with counseling and legal expertise to take environmental cases to court. There is one NGO, namely Association of Legal Assistance Tirana, which offers legal assistance to the most vulnerable citizens and groups, mainly in the human rights field.19 Although NGOs has been strengthened, they nonetheless do not have sufficient capacities to take their cases to court. Practically, there are cases when NGOs have undertaken an administrative procedure before the Ombudsman or Court. During 2010 – 2012, the Ombudsman has examined 35-40 public requests, addressing mainly issues, such as: waste water, smoke, gases, noise and electromagnetic pollution, etc. the office of the Ombudsman notices that the majority of public letter on such issues present community interest complaints against pollution caused by Cement Factories in Fushe Kruje, Cellophane plant in Lushnje, Arsenic Plant remains in Fier, urban waste management plant in Shengjin, mobile companies' antennas, Fish processing Plants, timber processing activities, cattle and fowl breeding yards, etc. The most recent case was the public protest against the construction of 13 HPP in Valbona River, north of Albania. Lack of implementation reports of the respective laws and bylaws is completely missing. Consequently the recommendations and actions for improvements of the legal framework remain difficult and not properly assessed.
- With regard to the SEA process as a very new one with regard to the implementation (only in territorial planning), it should be said that so far the public does not comment or make suggestions as required by the law. And even more, it is not published any of the comments, as required by the law. This may come due to several causes:

    1. the public does not know properly its rights stemming from the Aarhus Convention
    2. the public is not properly informed on this possibility
    3. the public does not have the proper knowledge on the processes and as well on the possibilities
    4. as reported, the public hearings some times are difficult to be understood by the general public, due also to the very complicated information provided by the private companies as a summary of the SEA process. Interviews with experts report that in

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many cases, the information is not given to the public in an understandable and easy way.

- In addition to the above, the SEA process is not realized for the main policies, strategies produced by the government. This is due to the very limited knowledge of the respective institutions of the SEA law. Or it may come as a result of skipping this process which requires longer time.
- Also, the lack of capacities in several institutions including here NAPA-s and RAPA-s plays a crucial role. They have to be a strong player in these processes and able to inform the public and attract them through good examples and other initiatives in better management of the PA-s.
- Enabling the public to be active and aware on the management of PA-s is a long process that will require not only political will, but also a very active commitment and engagement of all actors and stakeholders. But only through these processes, of inclusion, ownership, information and consultation, it can be possible the reaching of the objectives.

6. Areas for improvement, recommendations and conclusions

The national legislation on Protected Areas, EIA and SEA it is reported as fully transposing the EU acquis in this field. However, it still needs considerable improvements, especially due to the fact that the respective bylaws have been adopted years after the application of the main law. It is necessary to elaborate a study or report on *the implementation and enforcement issues related to the protected areas legislation and implementation of the EIA and SEA laws*, under the context of sustainable use and management of PA-s. In addition, Natura 2000 sites should be object of specific requirements under EIA/SEA law.

In this context a review of the main laws and secondary legislation should be elaborated in order to further identify problems and issues to be addressed, with respect to deadlines and institution coordination and collaboration, especially with the starting up of the new online application system for construction permits. Legislation on protected areas and related legislation, should be online and in the main website of the relevant institutions. So far, there is impossible to enter website of ministry and NAPA and to find relevant legislation that will lead the public through their rights and obligations. Same can be said also for the NGO-s, which have difficulties in finding the relevant legislation and in being informed about new changes of it.

Implementation of the legislation remains the weak point for Albania. Despite many efforts done by NGO and pushing the authorities for the right mechanism of legislation implementation, it seems that no major changes happen. Therefore, some assessment on the legislation implementation should be carried out and the relevant authorities for improving the situation should take concrete measures.

Better definition of responsibilities and continuous trainings of the staff in both levels are needed in order to head into right decision making. A specific focus should be given to the inspectorate of Environment, especially with regard to the information publication after the assessment of monitoring of different project proponents. Same can be said for the staff of Protected areas. More knowledge and trainings in relation to the main principles of transparency and fight against corruptive practices need to be delivered.

Guidelines on the EIA/SEA methodology should be elaborated and used as a working document in the respective institutions-with specific importance for the protected areas and future Natura 2000. Also these guidelines should be shared with independent EIA experts as well for improving the process also from this prospective (of project proponents).

Guideline on public information, consultation and participation should be elaborated and again shared, with main NGO-s and CSO-s. The project proponent should be aware and act in full respect and commitment to the implementation of such guideline. Trainings should be followed for NGO-s on the methodology and guideline as well as tailor made trainings should be available also for the EIA experts in this regard.

It is important to take a specific attention to the licensing procedures for EIA/SEA experts. These procedures should be improved and specific conditions, professional and continuous trainings should be provided to them through the Universities before licensing. Also preparation of training and qualification program for environmental experts should be open to all university departments that develop EIA discipline in their university programs of Bachelor, Master or PhD. Intervening in the procedures of licensing environmental expertise-by integrating an obligatory course of trainings, will contribute to consolidate a more transparent and trustful EIA procedure towards the institutions and other interested actors/stakeholder.

Introducing soft rules, such as guidelines on anticorruption measures, will further improve all the levels of decision making, starting from the regional levels up to the central ones.

Several gap assessments have been done especially for the HPP concessionary contracts. It is of utmost importance that these reports are sent to the NAPA and RAPA-s and not taken as property of different authors. Said that, all the assessments done by NGO-s through funding of donors, should be shared and discussed with relevant authorities, in order to find the right way for improvements.

With regard to the NGO-s, trainings should be provided in order to reach a better understanding of the relevant issues and consequently to provide better expertise, recognition and professionalism during several steps of the EIA/SEA processes, as well as a deeper knowledge on natural resources management. In addition, NGO-s and CSO-s should be more informed and involved during the process of legal act elaboration and consultation. They should be more eager to oppose and to influence the decision making process in early steps of the processes and not only by the very end of it. The very recent case regards the law on waste import, where the involvement and opposition of the NGO-s was done only the last days before the law approval.

It is worth mentioning that grassroots NGO-s face a different situation from other NGO-s located in cities and involved in several issues of interest. Therefore they should be given more support and trainings in order to improve their knowledge on issues related to management of natural resources.. Should their capacities and opportunities be raised, their role in advocating and involvement in decision-making will be much stronger, in both local and national level.

A manual of use or handbook for the NGO-s and civil society may be elaborated. It should include all the relevant legislation, procedures how the NGO-s can participate and in which context, the possibilities to use several instruments like the Information and Data Protection Commissioner, the Ombudsman. All

legal steps need to be explained and well defined in such manual/handbook. Tailor made environmental bylaws i.e Decision of the Council of the Minister no 16 dated 04.01.2012 "On access to public on environmental information" and Decision of the Council of Ministers no. 247, date 30.04.2014 "On the definition of the rules, requirements and procedures for the information and involvement of the public in the environmental decision-making" needs to be integrated as part of the handbooks.

With regard to the access to justice issue, it remains still a hot point and a very sensitive one. It may be of high relevance to support Law Universities in all the country and to provide tailor made trainings only on access to justice on environmental matters. This may start as a pilot project and later on may be followed with other more ambitious initiatives.

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