**TERMS OF REFERENCE - SUPPORTING ALBANIAN NEGOTIATIONS IN ENVIRONMENT, CHAPTER 27 (SANE27) - PHASE 2**

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# TABLE OF ACRONYMS AND ABBREVIATIONS

| Acronym | Description |
| --- | --- |
| Approximation | Approximation includes transposition, administrative capacity and implementation of EU legislation |
| AMBU | Albanian Water Resources Management Agency |
| AKUM | Agency for Water Supply, Sewerage and Solid Waste  |
| Ch.27 | Chapter 27 (of the EU *acquis*) |
| DSIP | Directive Specific Implementation Plan |
| DTS | Donors Technical Secretariat |
| EC | European Commission |
| EU  | European Union |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit (German Development Agency) |
| GDRT | Joint coordination mechanisms |
| IBH | Institute for Public Heath |
| IIWG27 | Inter-Institutional Working Group for Chapter 27 |
| IMWG | Inter-Ministerial (or institutional) Working Group |
| IPA | Instrument for Pre-Accession (EU-funding) |
| IPH | Institute of Public Health |
| ISHTI | State Technical and Industrial Inspectorate |
| IWRM | Integrated Water Resources Management |
| KFW | Kreditanstalt für Wiederaufbau (German government-owned development bank) |
| MARD | The Ministry of Agriculture and Rural Development |
| MD | Ministry of Defence |
| MEFA | The Ministry of Europe and Foreign Affairs |
| MFE | Ministry of Finance and Economy |
| MHSP | Ministry of Health and Social Protection |
| MIE | Ministry of Infrastructure and Energy |
| MS | Member States |
| MSW | Municipal Solid Waste |
| MTE | The Ministry of Tourism and Environment  |
| NAD | Need Assessment Documents |
| NAPA | National Agency for Protected Area |
| NEA | The National Environmental Agency  |
| NEC | National Emission Ceiling Directive |
| NGO |  |
| NPEI | The National Plan for EU Integration |
| OECD | Organisation for Economic Cooperation and Development |
| OSCE | Organization for Security and Cooperation in Europe |
| PIC | Prior Informed Consent |
| PMO | The Prime Minister’s Office |
| POPs | Persistent Organic Pollutants  |
| RIA | Regulatory Impact Analysis |
| SANE27 | Support to Albanian Negotiations in Environment, Ch.27 |
| SMSI | State Market Surveillance Inspectorate |
| SPA | Screening Preparatory Assessment |
| SPC | Strategic Planning Committee |
| Sida | Swedish International Development Cooperation Agency |
| Swedish EPA | The Swedish Environmental Protection Agency (*Naturvårdsverket)* |
| TA | Technical Assistance |
| The Program | The program to Support Albanian in the Negotiations for Environment, Ch.27 (SANE27)  |
| UNDP | United Nations Development Program |
| WB | World Bank Office |

# BACKGROUND INFORMATION

### Partner country

Albania

### Contracting authority

The Embassy of Sweden in Tirana, Rruga Pjetër Budi nr 56, 1000 Tirana, Albania.

The procurement is carried out through an open procedure, in accordance with the Swedish Public Procurement Act (2016:1145), also known as LOU.

###  Country background

The Republic of Albania is located at the western edge of the Balkan Peninsula in southern Europe. The country has a total area of 2.9 million hectares and has two distinct geographical regions: highlands/mountains above 300 meters (about three quarters of the territory) and coastal flat plains with low hills in the vicinity of the Adriatic and Ionian Seas.

The population of Albania decreased from 3.13 million in 2000 to 2.86 million in 2019, out of which 49.9 % are men and 50.1 % women. Emigration is the main reason for the reduction in the overall population and a general move from the rural areas to urban agglomerations.

In 2019, Albanian economy performed a real GDP growth rate by 2.2% compared with 2018. According to data on annual basis, GDP at current prices was estimated 15.7 Billion USD in the year 2019 while GDP per capita amounted to 5,337.5 USD.

Albania is a member of the UN, NATO the Organization for Security and Co-operation in Europe, Council of Europe and the World Trade Organization, and is one of the founding members of the Union for the Mediterranean.

The EU integration is the strategic objective and priority for Albania, underpinning its national and foreign policies. Albania signed and ratified the Stabilization and Association Agreement (SAA) with the European Union and its Member States and in April 2009 the country applied for candidate country status.

Since then Albania has continued to implement the SAA. Regular political and economic dialogue between the EU and Albania has continued through the relevant structures under the Stabilization and Association Agreement. The EU Council in 2014 granted Albania with EU Candidate Country status.

The National Strategy for Development and Integration 2015-2020 is the main document shaping the Albanian policy towards EU and it sets out the vision for a Sustainable Environment: *“Sustainable social and economic development of the country, by protecting the natural resources from pollution and degradation, through integrated management”.*

Considering the progress achieved and following the recommendation of the European Commission, the Council of the European Union decided to open EU negotiations with Albania in March 2020. Currently the European Commission is in the final consultation with the EU Member States for the preparation of the Negotiation Framework, which should be adopted by late autumn 2020.

The following chart is describing the most relevant phases of the accession process in Albania:

*Figure 1 - Accession process in Albania (2003 – 2020)*

EU is the main donor in Albania providing financial support to undertake economic, social and institutional reforms to consolidate democracy and economic development, in line with the EU requirements and standards. The Swedish Government is the second Albania’s largest donor providing support in improving Albanian society and democracy, promoting sustainable development and protection of environment.

During the period April 2018 to April 2021 Albania and Sweden have been cooperating in implementing the program *“Support to Accession Negotiations in Environment Chapter 27”- SANE27.* The purpose of the program is to support the Ministry of Tourism and Environment (MTE) as a coordinator of Chapter 27 and the other Albanian institutions and stakeholders to prepare for the EU-negotiations process for *Chapter 27 - Environment and Climate change*. The program has been funded by the Swedish International Development Cooperation Agency (Sida).

In particular SANE27 focuses on two main areas of intervention:

1. To strengthen the understanding of the Albanian institutions of the EU negotiations process and the overall EU approximation process for Ch.27.

2. To improve the strategic planning capability and to align the relevant planning documents to the EU negotiations process and priorities.

In the past years measurable progress to strengthen the capacity of the Albanian institution in negotiating Ch.27 were made, however considering the duration and complexity of the EU negotiation process as well as the challenges related to the implementation of Ch.27, additional support is needed during the next phases of the process.

These Terms of Reference are prepared to follow up the assistance provided under the program SANE27 – Phase I implemented from 2018 to 2021. In order to avoid the dispersion of the resources invested in the first phase it is of utmost importance to capitalize the progress made, consolidating the knowledge built during the phase 1 and continuing to assist Albania in the EU negotiation process for Ch27.

### Current situation in the sector

The Albanian Constitution considers the sustainable development of tourism and environmental protection as one of the main country’s objectives. Environmental protection and nature conservation are recognised as fundamental constitutional values, which everyone shall be protected and improved by everyone.

Since 2002, the country has started the process of harmonization of the environmental legislation with the EU acquis, and new laws on Environment, Nature protection, Water, Air Quality and Waste Management have been adopted. Specific laws regulate the process of EIA and SEA, IPC, risk management and chemicals.

Drafting of primary and secondary legislation in the environmental sector is an on-going process, driven and monitored through the National Program for European Integration (NPEI), which is the main document to monitor the approximation of the national legislation towards the EU acquis and the implementation of EU standards.

The Law no. 10431 on Environment Protection, dated 9-6-2011, defines the environment as its entire range of natural components: air, land, water, climate, flora and fauna and the interdependencies between them, including cultural heritage as part of the environment created by humans. The law provides the basis for specific legal acts that regulate different components for the environmental protection.

The MTE has prepared, within the framework of SANE27, a thorough assessment to measure the level of transposition of the *EU Acquis* into the national legal framework, as well as its implementation; the assessment included an accurate survey of the administrative capacity, it identified gaps in transposition and implementation, and it proposed planning of actions needed to achieve the full compliance before the accession and / or to negotiate an extended implementation timetable (i.e. transitional periods).

The Screening Preparatory Assessment (SPA) Report, finalized in September 2019, aimed at supporting the preparation for Chapter 27 negotiations.

The SPA report includes four main sections:

1. Legal, institutional and implementing situation assessment for seventy-three (73) EU environmental legal acts;
2. Identification of remaining gaps to fully transpose and implement EU environmental requirements;
3. Planning of actions to close the gaps identified;
4. Identification of technical assistance needs to support the approximation efforts of the Albanian administration.

The results of the SPA can be summarized with reference to the level of transposition, the administrative capacity of the competent bodies and the implementation of the environmental legislation as follows:

***Transposition***

According to Article 70 of the SAA, Albania has the obligation to approximate its national law with the EU acquis, deriving from Article 108 SAA, in which it is cited as follows:

* The Parties will develop and enforce collaboration in the very important task of the fight against the environment degradation, with the view of promoting the sustainability of the environment;
* The collaboration is mainly focused on the priority areas related with Community acquis in the environment field.

The National Program for European Integration (NPEI) includes the medium term and long-term plan for the transposition of the *EU acquis*. The NPEI is periodically updated by the competent authorities (line ministries and agencies, with reference to paragraph 1.5 on the institutional set-up), with reference to Ch.27 the responsible body is the MTE

Chapter 27 transposition analysis of the seventy-three (73) legal acts showed, as an average, a mid-level progress for the whole chapter. However, this datum varies considerably among the different sub-chapters, for example the level of transposition of the Horizontal legislation is relatively high, while Climate Change sub-sector is still at an initial stage of transposition.

Of the seventy-three (73) legal acts analysed: nine (9) have been fully transposed, for eleven (11) legal acts transposition has not started yet and the remaining fifty one (51) legal act have a different levels of transposition.

***Implementation***

Analysis of implementation of Chapter 27 requirements states that the level of implementation is generally low for Chapter 27. In fact only four (4) horizontal directives, one (1) directive on Industrial Pollution Control (IPC) and one (1) on Chemicals can be considered at an advanced stage of implementation, while the remaining EU legal acts are partly implemented or at an initial stage of implementation, or in some other case the implementation has not even started yet. In some cases the low level of implementation is due to substantial gaps in transposition.

***Administrative Capacity***

Currently the administrative capacity at national level is not sufficient for the implementation of the environmental legislation.

The structure responsible for policy-making and implementation of some directives have not been established yet at MTE and other relevant institutions, and / or the staff allocated is not enough or sufficiently qualified. The administrative capacity of the bodies responsible for the transposition, planning and implementation of the *EU* *acquis* in environment and climate change needs to be strengthened to ensure the continuation of the EU negotiation process for Ch.27.

The following table is describing the status of transposition and implementation of the EU legal acts, as identified through the SPA performed within SANE27 - Phase I, the detailed list of legal acts and their current status, regarding the approximation to the *EU acquis*, is included in the Annex 1 of these Terms of Reference:

| EU acquis | Competent body | % Transposition  | Implementation status |
| --- | --- | --- | --- |
| Chapter 27 |  | 48% | Initial stage |
| Horizontal  | MTE | 78.6 | Partly implemented |
| Air quality | MTE | 66.8 | Initial Stage |
| Waste management  | MTE | 53.5 | Initial Stage |
| Water quality | AMBU | 35 | Initial stage |
| Nature protection | MTE | 33 | Initial stage |
| Industrial Pollution | MTE | 44.5 | Initial stage |
| Chemicals | MTE | 29.4 | Initial stage |
| Noise | MTE | 86 | Initial stage |
| Climate Change | MTE | 12.2 | Initial stage |

*Table 1 - Status of transposition and implementation. Source of information: Screening Preparatory Assessment (SPA) Report, SANE27*

Based on the gaps identified during the assessment Needs Assessment Documents (NAD) were prepared, and several actions performed to close these gaps:

* 37 project fiches prepared for Technical Assistance (TA) and supply of equipment (to be further improved);
* Total estimated need is 49.8 MEUR for TA plus 7,4 MEUR for equipment;
* 14 identified needs (projects) are consider as of high priority 2020 and 2021;

The project fiches prepared translate in actions the needs for Chapter 27 identified, to be in compliance with the EU legislation requirements.

During the implementation of SANE27 – phase 1 the MTE coordination capacity for Ch27 has been strengthened and its coordination role and standings improved, furthermore the bodies responsible for each EU legal act under Ch27 have been identified and the reference person(s) have been appointed. This was the necessary pre-condition to continue providing targeted support to the relevant authorities and their staff. However, as above-mentioned, additional efforts are needed to increase and improve the administrative capacities, which requires continuous support to Albanian institutions.

To improve and strengthen the intra-institutional cooperation and coordination SANE27 – phase I supported the Albanian institutions in elaborating an “Operational procedure” for the Inter-institutional Working Group for Chapter 27 (IIWG27), the procedure was adopted in January 2020 contributing in having more structural approach in conducting IIWG27 meetings and activities.

In the EU Council Decision dated 25 March 2020 about the opening of the negotiation with Albania, several conditions have been set, which Albania shall address before the first Inter-governmental Conference (IGC) for Albania for the formal start of the EU negotiations takes place.

These conditions are related to the need to progress in the electoral and judicial reforms, in fighting organized crime and corruption. Tackling the phenomenon of unfounded asylum seekers and amending the media law also remain important priorities. The Commission will report on these issues when presenting the negotiating framework for Albania.”[[1]](#footnote-1)

The report of the EU reform progress[[2]](#footnote-2) dated 5 October 2020 stated that *“Albania has advanced towards its strategic goals with the Council’s decision to open EU accession negotiations. The authorities continued to demonstrate publicly their commitment to advance on the EU path, based on strong popular support for EU accession. Albania continues to maintain a 100% alignment rate with EU foreign policy.”* In addition some other positive developments have been noted by the EC that paved the way to anticipate soon the organization of the Intergovernmental Conference for Albania, in December 2020 as optimistic scenario or during the first half of 2021.

Considering this situation it can be expected that Albania will start EU negotiations and will receive the bilateral screening questions for Chapter 27 approximately within one year.

According to the last EU Country Progress Report 2020[[3]](#footnote-3) Albania shows some level of preparation regarding Ch.27, however still limited progress was made in further aligning the policies and legislation with the acquis, in areas such as waste and water management, environmental crime and civil protection. Furthermore significant efforts are still needed on implementation and enforcement, especially on waste management, water and air quality and climate change.

According to the 2020 Albania progress report, Albania should in particular:

* align further with key water directives and accelerate the capacity development of the national agencies for Water Resource Management and for Water Supply, Sewerage and Waste Infrastructure;
* take immediate measures to review and improve environmental and strategic impact assessments on existing and planned projects, plans and programmes, especially in the hydropower, construction, tourism, and mining sectors;
* implement the Paris Agreement by implementing the Climate Change Strategy and Action Plan on Mitigation and Adaptation 2019-2030, adopted with DCM No. 466, date 03.06.2019, to adopt the relevant legislation and develop its integrated National Energy and Climate Plans in line with Energy Community obligation.

### Institutional set - up

After the national parliamentary election hold in 2016, the Government started to reduce the number of ministries aiming at establishing a homogeneous administrative structure in each ministry, based on three functions: i. policymaking, ii. regulatory function and iii. implementation.

Consequently, each ministry has been divided into three General Directorates: Policy- making Directorate, Regulatory Directorate and Directorate for Financial and General Affairs.

The implementation function was placed outside the ministries’ structures and transferred to the Agencies and other public bodies established under each ministry.

This process had a significant impact on the structure of the former Ministry of Environment, which in September 2017 was renamed as the Ministry of Tourism and Environment (MTE).

Environmental competencies (as defined by Chapter 27) in Albania are divided between several ministries/authorities.

The main competencies are within the MTE, however other ministries have several responsibilities as well, in particular:

* Ministry of Infrastructure and Energy (MIE);
* Ministry of Agriculture and Rural Development (MARD);
* Ministry of Health and Social Protection (MHSP);
* Ministry of Finance and Economy (MFE);
* Ministry of Defence (MD), and
* Agency for Water Resource Management (AMBU).

The main implementing agencies are:

* National Environmental Agency (NEA);
* National Agency for Protected Areas;
* National Agency for Water Supply, Sewerage and Solid Waste (AKUM)

***The Ministry of Tourism and Environment*** ***(MTE)*** has policymaking responsibility, regulatory function and enforcement in the environment sector, except for the water management, which is under the responsibility of the Agency for Water Resource Management (AMBU). The MTE is responsible for the development of environmental policies, including air quality, climate change, waste management, biodiversity, nature protection, sustainable management of forests and pastures, industrial pollution prevention and chemicals. The Ministry is also responsible for water monitoring. It coordinates the integration of environmental and climate change issues into agriculture, tourism, health, energy, transport, forestry and water policies. The MTE is composed of 4 general directorates: 1. General Directorate of Policies and Tourism Development; 2. General Directorate of Policies and Environmental Development; 3. General Economic Directorate and Support Services; 4. General Regulatory and Compliance Directorate in Tourism and Environment, this Directory includes the Department of Integration, Cooperation, Agreement and Assistance (DICAA), which is the principle coordinating body for approximation within MTE and for implementation of SANE27 phase I.

***The Ministry for Europe and Foreign Affairs (MEFA)*** is responsible for the external representation of Albania’s interests and is the lead ministry for the EU integration process in Albania. MEFA formulates the national policy on integration, negotiates with the EC and Member States, and leads the Albanian delegation at the Stabilisation and Association Committee. It is responsible to establish and manage the national structure for EU negotiations and serves as secretary to the Chief Negotiator. Namely, Albanian government on 9 May 2020 has approved the national structure for EU negotiations and has appointed as chief negotiator, Mr. Zef Mazi and respective corresponding coordinators of the chapters. MTE and its deputy minister remained as coordinator for Chapter 27.

***The National Environment Agency (NEA) together with the 12 Regional Environmental Agencies (REA)*:** The NEA is a regulatory authority in the environmental sector and the main institution responsible for monitoring and reporting on the environment. National environmental monitoring is performed by NEA and it includes monitoring on air and water and noise in some areas. It is responsible for issuing all permits that are related to environment, including permits arising from Industry Emission Directive. Since 2019 the ***State Inspectorate of Environment, Forestry and Water*** become part of NEA and its staff has been reallocated within had office and regional branches of NEA. It is responsible for inspection and verifying legal compliance and enforcing the environmental legislation.

***National Agency of Protected Areas* (NAPA):** NAPA’s functions include the management of protected areas, including the development and implementation of management plans, monitoring and environmental education. NAPA is responsible for designating potential Natura 2000 sites in Albania and to ensure proper management of proposed sites.

***Agency for Water Resource Management (AMBU)*** is responsible for water management in Albania. It has a main obligation to develop and secure implementation of the River Basin Management Plans. Is has responsibility to regulate water use and issue waster usage permits.

***Ministry of Infrastructure and Energy (MIE)***has competencies in planning the infrastructure in water and waste management. It is as well responsible for directives that are related to fuel quality and petrol stations. **AKUM**, that is part of MIE, is responsible for implementation of the infrastructure projects and in monitoring performances of the water and waste utilities companies.

***Ministry of Agriculture and Rural Development (MARD)*** is responsible for the agricultural policy and for implementation of good agricultural practice. Within MARD is the Veterinary Agency responsible for animal protection and wellbeing.

***Ministry of Health and Social Affairs (MHSA)*** has competencies in ensuring quality of the water intended for human consumption. The Institute for Public Heath (IBH) within MHSA is responsible for monitoring drinking and bathing waters.

***Municipalities*:** Many competencies in environment are delegated to the local level authority where municipalities play an important role. The Law on Local Government No. 139/2015 defined the functions of local government units and transferred some of the functions from central to local level. The municipal environmental competences are: drinking water supply, wastewater treatment, collection and disposal of rainwater and flood  protection in residential areas, local public transport, parks, gardens and public green spaces, collection, disposal and treatment of Municipal Solid Waste (MSW), construction and management of social housing; implementation at local level of measures to  protect air, soil and water; Implementation at local level of measures for protection from noise pollution, management of the public forest and pasture fund, protection of nature and biodiversity, educational activities at local level on  environmental protection. In general administrative capacities of the municipalities for performing environmental responsibilities are not sufficient.

***The Strategic Planning Committee (SPC) is*** the highest level inter-ministerial decision-making body chaired by the Prime Minister. The SPC approves the main directions of the NSDI-II, defines and approves the priorities of the Government, defines and approves the framework of medium-term budget planning, and ensures the strategic coordination of external assistance with Albania’s development partners. In addition, SPC plays the role of the National Investment Committee (NIC) which approves priority investments projects and the National Single Project Pipeline, which is an instrument for planning medium to long-term priority strategic investments for the country’s development.

***The Inter-Institutional Working Groups (IIWG)*** Inter-institutional Working Groups for European Integration are established under each chapter, the member’s composition was defined with the Prime Minister’s Order No. 94, of 20.05.2019 *“On the establishment, composition and functioning of Inter-Institutional working groups for the European Integration”*, which regulates responsibilities and mandate as well. The deputy minister or state secretary leading the EU chapter chairs each group meeting, while the EU integration unit of the concerned ministry coordinates the activities and the daily obligations within the IIWG.

The main duties of the IIWG are:

* ensure inter-institutional technical cooperation and communication aimed at implementing the commitments under EU integration policy documents;
* coordinate and monitor legal approximation, including observance of deadlines set out in the National Plan for European Integration (NPEI);
* coordinate and ensure timely distribution of EU acquis across line ministries and other relevant authorities, and serve as a forum for inter-ministerial debate on acquis alignment;
* regularly analyse institutional capacity in relevant areas and make recommendations;
* identify strategic priorities and needs of the EU integration process, in order to formulate proposals for assistance from the EU and other donors, in close cooperation with the MEFA and the competent department at the Council of Ministers, as well as draw up and submit recommendations to the Inter-institutional Coordination Committee on European Integration (ICCEI).

The ***Inter-Institutional Working Group for Chapter 27***– Environment and Climate Change (IWG Ch.27) (operational since 2011) - is chaired by the Deputy minister of the MTE. The IIWG27 includes members of different institutions with competencies in environment, as well as representatives from civil society, chambers of commerce and national parliament. The Sector for Coordination and Integration (SCI) within the Directorate of Integration, Coordination, Agreements and Assistance (DICAA) of MTE serves as technical secretariat of the IWG Chapter 27. The scope of its activity is defined by the thematic content of Chapter 27 “Environment and Climate Change", which consists of the following sub-thematic contents (referred to as "Sub-chapters" ): Horizontal legislation, Air quality, Waste management, Water quality, Nature protection, Industrial pollution control, Chemicals, Noise, Civil Protection and Climate Change.

***The Partnership Platform of European Integration*** was established with the Order of the Prime Minister No 113 from 30 August 2019 “On forms of participation, functioning and structure of the Partnership Platform of European Integration”. The purpose of the Platform is to inform and involve the stakeholders in the process of accession negotiations.

***Donors Technical Secretariat (DTS)*** is a common initiative of Albania’s development partners, to strengthen exchange of information between the development partners and the Government, to enhance aid effectiveness, and to come to the assistance of the Government for taking more national “ownership” in the process of aid coordination. DTS is composed of four multilateral partners: EU Delegation Office, OSCE, World Bank and UNDP and two bilateral development partners, on annual rotation bases.

***Joint coordination mechanisms*** (GDRT): The GDRT is co-chaired by the Deputy Prime Minister and the permanent chair of the DTS. The GDRT addresses strategic issues of coordination, monitors major progress in improved aid effectiveness and provides a forum for Government-Donor dialogue on critical EU Delegation office in Tirana, Organization for Security and Cooperation in Europe (OSCE), Tirana World Bank Office (WB) and United National Development Program (UNDP).

### Related programmes and other donor activities

The main, relevant, donor-funded activities for this program, beyond “Supporting Albanian negotiations in Environment, Chapter 27 (SANE27) – Phase 1 (2018-2021) are the:

* *“On the establishment of institutional and regulatory platform for governance and functioning (IRP) of the National Water Resources Cadaster in Albania”* The overall objective of the project is to establish an institutional and regulatory platform for governance which will ensure the functioning of 3 main pillars for operating the national for water resources cadaster related to: 1. data generation; 2. data processing, analyses and validation; and 3. data interlinkages, publishing and their access (Duration: 2019 – 2020).
* *“Support to Water Management (IPA2016), Component 1”* implemented by the Austrian Development Agency. The overall objective is to enhance the implementation of the national water reform and the progress of Albania towards EU water legislation requirements (Duration: 2018 – 2021);
* *“Support to Water Management (IPA2016), Component 2”* implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The project is supporting the Albanian Government, as well as cities, local authorities and their water providers with the implementation of the water sector reform (Duration: 2018 – 2021);
* *Environmental Services Project:* funded by IBRD; GEF; Sida and MTE. The main objective of the Environmental Services Project (ESP) is to support the sustainable practices of land management and growth of monetary and non-monetary benefits to communities in certain areas of the Project. Components of projects are: (i) Inventory of Forests and Pastures; (ii) Registration of Forests and Pastures; (iii) Information System; and (iv) Presentation of the concept of payment for environmental services (Duration 01/2015 – 09/2020).
* *Establishing Albania’s Environmental Information Management and Monitoring System Aligned with the Global Reporting:* This project funded by GEF is designed to strengthen capacity for environmental monitoring and information management in Albania by establishing an operational environmental information management and monitoring system (EIMMS) with a focus on biodiversity and protected areas. The project will address the need for an environmental monitoring system that is integrated throughout relevant government institutions and that uses international monitoring standards for indicator development, data collection, analysis, and policymaking. It will also build on existing technical and institutional capacity in Albania to align its management and monitoring efforts with global monitoring and reporting priorities. Increased capacity in this area will improve reporting to the Rio Conventions and lay the groundwork for sustainable development through better-informed environmental policy (Duration 09/2015 – 09/2019)
* *Marine Litter - Integrated Waste Management and Prevention of Marine Litter in the Western Balkans:* This project funded by GIZ aims at Strengthening the capacities of national and local actors in Southeast European countries for waste management in order to reduce waste flow and discharges in water bodies and in the Adriatic Sea (Duration 04/2018 – 03/2021).
* “*Support to the Ministry of Tourism and the Environment for Improving the chemicals Management”:* the objective of this project is to effectively implement the European Union acquis, improve legislation in the field of chemicals, biocides and plant protection products that approximate EU regulations (Duration 05/2019 – 12/2021).
* *“Strengthening capacity in National Nature Protection - preparation for Natura 2000 network”:* the Overall Objective of the project is to prevent damage and the loss of biodiversity in Albania, through improved management of protected areas in the country and also to strengthen biodiversity protection through the establishment of protected areas (Duration 2015 – 2019).
* *“Support to the EU integration process of Albania” - Europeaid /140578/DH/SER/AL –* the overall objective of the project is to strengthen the capacity of the Government of Albania to successfully manage the overall EU integration process and effectively conduct the Stabilization and Association Agreement process and accession negotiations (Duration: 24 months). Chapter 27 is at an advanced stage compared to the other negotiations’ chapter thanks to the support provided by SANE27; this project can be considered complementary to SANE27, and in line with the “cluster approach” envisaged in the Commission’s proposal on the revised enlargement methodology[[4]](#footnote-4). In fact the project will provide support to the other three Chapters included in the Ch. 27 thematic Cluster n. 4 *“Green agenda and sustainable connectivity”*, namely: Chapter 14 - Transport policy, Chapter 15 – Energy, Chapter 21 – Trans-European networks. Clustering chapters will allow identifying opportunities for early alignment and integration into EU policies. Considering the progress made with the support of SANE27, Ch27. could be the leading chapter for the Cluster n. 4 in Albania.
* *“Institutional Capacity Building of the Water Resources Management Agency, Albania.”* funded by Sidawill provide support to the WRMA in building its capacity for water management. The project is expected to start by the end of 2020 with a duration of 24 months and will be implemented by the WRMA / AMBU (Duration 2020 – 2023).
* *“Support Water Negotiation and Investment Planning”* funded by Sida will provide support to MIE and AKUM in planning of investment projects in waste water and drinking water and in developing the documents needed for the EU negotiations. The project is expected to start by the end of 2020 with a duration of 24 months, it will be implemented by AKUM and MIE (Duration 2020 – 2023)..
* With reference to **IPA III** in 2020 the MTE with the support of SANE27 has prepared the IPA III programming document – Window 3 – Sectorial Strategic Approach for Environment and Climate Change for 2021 – 2027.

In addition several Action fiches for 2021 and 2022 where prepared for this sector.

The documents provide planning for EU funds based on the need assessment done within SANE27 – phase 1. All documents are currently in the consultations phase within the EC services and the EU delegation in Tirana; it is expected to be approved by the EU in April 2021.

# PROGRAM OBJECTIVE, PURPOSE & EXPECTED RESULTS

### Overall objective

The overall objective of the program is to improve the environmental governance in Albania with special emphasis on policy making and implementation in the context of the EU environmental acquis.

### Purpose

The purpose of this contract is to:

* To provide technical assistance to the Ministry of Tourism and Environment (MTE) for Ch.27 screening and negotiations;
* To provide technical assistance to Ministry of Tourism and Environment (MTE) to identify Chapter 27 planning needs and to support the implementation of strategic planning documents.

### Results to be achieved by the Consultant

The program’s overall objective will be achieved through the following results:

* Result n. 1: The Ministry and other Ch.27 institutions have strengthened the capacity for Ch.27 screening and negotiations;
* Result n. 2: Needs for Ch.27 strategic planning identified, strategic planning documents relevant for EU negotiations are prepared and support for their implementation is provided.

# ASSUMPTIONS & RISKS

### Assumptions underlying the program

* Albanian Government remains committed to the EU accession and prioritises approximation related activities on the agenda;
* The Ministry of Tourism and Environment (MTE) is holding role of institution responsible for Ch.27 coordination during preparation for negotiations and the negations process;
* The MTE provides continuous support to the implementation of the program activities;
* Programme ensures support from the national EU integration coordination structures;
* The MTE maintains the Department of Integration, Cooperation, Agreement and Assistance (DICAA) with a sufficient number of staff with experience in EU negotiation;
* Efficient communication between decision makers within the MTE and also between the decision makers and the program management is established;
* Other Ch.27 institutions cooperate and recognise coordinating role of the MTE;
* The MTE is able to keep staff members who have received training;
* With the support from the MTE, a clear mechanism of coordination with other technical assistance projects (in particular IPA III) is established;
* Programme implementation team will be able to handle the possible occurrence of corruption;

### Risks analysis and management

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Probability** | **Impact** | **Risk value** |
| 1. Political Risk - change of political offices and priorities. | 2 | 5 | 10 |
| Risk description: Political elections are scheduled on April 2021; a change of government on the Albanian side could make EU Accession a reduced priority. Risk response: the 30 months implementation period should provide enough time to overcome temporary delays and to react to potential changes in the political agenda of the Government. At the same time, the high level EU political risk cannot be mitigated and would have to be accepted as part of normal development cooperation.  |
|  | **Probability** | **Impact** | **Risk value** |
| 2. Risk for gender inequality within the participants of the programme. | 3 | 2 | 6 |
| Risk description: It might occur that the equality of male and female participants of the programme will be unbalanced. Risk response: Information of how Gender will be addressed in the program is described in section 4  |
|  | **Probability** | **Impact** | **Risk value** |
| 3. Risk for corruption. | 2 | 3 | 6 |
| Risk description: Since the programme is likely to include hiring and payment for local services in Albania at a programme level it can include a possibility for corruption. Risk response: Development of precise ToR for hiring local experts will decrease the possibility for any intervention. Transparency will be promoted in all situations. Upon suspicion of malpractice and corruption or serious misconduct, the programme leader can be informed or Sida can be informed anonymously via their webpage: <https://www.sida.se/English/Contact-us/Whistleblower/>In case of cash payments (such as translators and drivers) a receipt will be requested. |
|  | **Probability** | **Impact** | **Risk value** |
| 4. Operational risk – inability to implement the programme activities due to lack of staff. | 3 | 3 | 9 |
| Risk description: Developing institutional units through trainings, workshops, study trips and similar requires key staff to be available to participate with the programme team. At the same time at the early stages of accession environmental departments are often understaffed with an increasing workload so the development contribution risks either taking staff away from their core activities or failing to implement the programme. Risk response: Establish a commitment within the bi-lateral agreement that financial contribution from Sida will at least be matched by sufficient staff availability from the Albanian government. Plan and manage the programme to be complimentary to the Albanian partner’s core responsibilities wherever possible (‘on-the-job’ training).  |
|  | **Probability** | **Impact** | **Risk value** |
| 5. Sanitary risk – COVID 19 Pandemic | 4 | 4 | 16 |
| Risk description: The current pandemic has introduced new constraints and restrictions in the implementation of programs and projects activities, including restrictions to travel and field missions, meetings with the beneficiary partners and data collection, involvement of stakeholders.Risk response: To rely more heavily on national expertise, international consultants will provide guidance from remote, until travel restrictions are in place. On-line discussion platforms will be considered as an option in the preparation and implementation of the trainings and other public events. Furthermore the stakeholder assessment will also consider the accessibility to internet; in areas with limited internet connectivity alternative communication tools will be used (e.g.: phone interviews) |

*Table 2 - Risk analysis and management*

# SCOPE OF THE WORK

### General description

This program has been designed to enhance and strengthen the MTE and IIWG27 capacity and capabilities, with the aim to effectively conduct EU Negotiations for Chapter 27 on Environment and Climate Action.

Due to the current limited availability of funds within the Swedish programming period, the duration of this service contract will be thirty (30) months; the contract might be extended of additional eighteen (18) months subject to the availability of funding within the next programming of Swedish funds.

The program’s overall objective will be achieved through the following results:

* **Result n. 1**: The Ministry and other Ch.27 institutions have strengthened the capacity for Ch.27 screening and negotiations;.

The Screening of the EU environmental *acquis* is the preparatory and fundamental step of the EU accession negotiations, as it forms the basis for the bilateral negotiations between the European Union and Albania. The purpose of the screening is to determine the status of the transposition and the implementation of EU environmental legislation, the administrative capacity within of the responsible bodies as well as the exiting gaps between the EU legislation and the Albanian environmental legislation.

The Consultant shall assist the MTE in the preparation of the bilateral screening and the bilateral screening meetings. In addition, depending on the development of the EU negotiation process, it will support the MTE and the other bodies relevant for Ch.27 in the preparation of negotiation positions and in identifying the issues, which need to be addressed in adopting and implementing the EU environmental acquis.

Several key activities have already been carried out during the phase 1 of the program, which define the baseline scenario for the continuation of the program. Some of them are listed here:

* The Screening Preparatory Assessment (SPA) provided a baseline for transposition and implementation of all directives/regulations under Chapter 27;
* The Need Assessment Documents (NAD) in a form of project fiches with actions for closing identified gaps have been prepared and accepted by the beneficiary partner;
* Thirty seven (37) project fiches have been prepared;
* The Approach for Chapter 27 Negotiations (ACN) was developed and agreed with the Beneficiary Partners (to be regularly revised and updated in accordance with the Beneficiary partners);
* “Operational procedures of the Inter-Institutional Working Group 27 Environment and Climate Change” (IIWG27) have been prepared in consultation of the Beneficiary Partners and the reference persons for all the seventy three (73) main EU legal acts have been identified and appointed;
* Several trainings and important meetings, including with the international donors, have been also organized and implemented;
* Stakeholders have been regularly involved in the implementation of SANE27, in particular the program is supporting NGOs in order to be actively involved in the EU preparatory process and to ensure the participation of the civil society to the negotiation’s process;
* Support in drafting answers for the Bilateral screening questions for Ch.27 based questionnaires and Action plans used by other candidate Countries in the Region to improve the transposition, administrative capacities and implementation of EU environmental acquis;
* Support in preparation of IPA III programming document for environment and climate change 2021-2027 and Action fiches for 2021 and 2022.
* **Result n. 2**: Needs for Ch.27 strategic planning identified and strategic planning documents relevant for EU negotiations are prepared.

This component should assist the MTE and other relevant stakeholders to strengthen the capability to identify Chapter 27 planning needs, to identify actions to support planning documents preparation and approximation and to support the implementation of these strategic planning documents relevant for EU negotiations.

The following key activities have already been carried out during the phase 1 of the program, which define the baseline scenario for the continuation of the program. Some of them are listed here:

* The assessment of the planning documents for Chapter 27 relevant for EU negotiations was prepared and shared with the IIWG27;
* Several project proposals for Technical Assistance and Cross Border Cooperation projects have been prepared;
* List of directives that need transitional periods and the development of DISPs, was developed, and preparation of DSIPs have been included in several project fiches within NAD;
* Several meetings with international donors (Swedish Embassy, EU Delegation, Swiss Embassy, World Bank, KfW, Norwegian support to Albania) took place, in order to exchange information about provided and planned support to environmental sector in Albania.
* Costs assessment of the needed technical assistance to comply with the requirements of several directives has been performed and reflected in project fiches developed within NAD;
* Meta-plan for Chapter 27 – Planning document preparation framework relevant for the EU negotiations for Environment and Climate Change sector.

The following key horizontal activities have also been performed during phase 1:

Gender equality:

* gender assessment report was prepared;
* a list of the gender focal points at national level was compiled, in close collaboration with the head of Gender Equality sector at the Ministry of Health and Social Protection as the lead of the Gender Mechanism in the country;
* regular contacts with the gender focal point at the MTE and other relevant institutions were established;
* a gender mainstreaming toolbox was developed (report and indicators table);
* input in the preparation of IPA III programming document for environment and climate change 2021-2027 and Action fiches for 2021 and 2022. Project fiches prepared are gender mainstreamed according to the EU Action plan on gender and EU directives, on Gender Equality. The project fiches ensure gender aspect in three mains components:
1. ensuring women participation in awareness activities and consultation process for planning;
2. in strengthening capacities of women and men staff of administration in different institutions based on gender assessment needs;
3. ensuring gender roles and responsibilities in the designing and implementation and as well as involving both women and men in the decision-making process .

Stakeholders / public involvement: Development of SANE27 Program website[[5]](#footnote-5), Facebook Page of Supporting Albanian Negotiations in Environment, Chapter 27 and Communication Guidance for Stakeholders for Chapter 27.

The list of activities implemented during the phase 1 of the Program has been compiled at the time of this procurement, thus it is not exhaustive. In order to capitalise as much as possible the results achieved during the implementation of the phase 1 of the Program, the full list of activities implemented and outputs produced should be revised by the Consultant during the inception phase.

### Geographical area to be covered

Albania, based in Tirana.

### Target groups

The main beneficiary of the program will be Ministry of Tourism and Environment of Albania - Department of Integration, Cooperation, Agreement and Assistance (DICAA).

The main target group will be IIWG27 and its members.

Other target groups are:

* Ministry of Europe and Foreign Affairs (MEFA);
* Ministry of Infrastructure and Energy (MIE);
* Ministry of Agriculture and Rural Development (MARD);
* Ministry of Health and Social Protection (MHSP);
* Ministry of Finance and Economy (MFE);
* Ministry of Defence (MD), and
* Agency for Water Resource Management (WRA)
* National Environmental Agency (NEA);
* National Agency for Protected Areas;
* National Agency for Water Supply, Sewerage and Solid Waste (AKUM)
* Institute for Public Health (IBH);
* State Market Surveillance Inspectorate (SMSI);
* State Technical and Industrial Inspectorate (ISHTI)
* Local Authorities.

The main stakeholders involve in the program implementation will be:

* NGO representatives active in environment;
* Business sector that have obligations arising from environmental legislation;
* Associations of business sector;
* Academia;
* NGO active in gender issues and mainstreaming.

### Specific work

The list of activities below constitutes the minimum required. The Consultant will refine and complement these activities with its best professional knowledge and experience in its offer and subsequently in the Inception report. The proposed task will depend on the evolution of the EU negotiation process with Albania, thus the Consultant, considering the complexity of the program, will be required to adapt and respond proactively to eventual developments through flexible and tailored actions, within the program’s objectives.

The program will divide the specific activities in two phases:

* **Inception phase; (2 months)**
* **Implementation phase (26 months**, plus two months for the closure of the activities**).**
* **Support the program implementation (during the whole duration of the program).** The program includes a horizontal component; the activities identified in the horizontal components will support the implementation of the Program.

During the inception phase the proposed six months work-plan will be discussed and if needed revised in accordance with the Beneficiary partners and the relevant stakeholders. The revised work-plan shall be approved by the Program’s Board (The Board).

To ensure flexibility to the Program, the work plan will be drafted every six months taking into account upcoming EU negotiations’ deadlines and commitments; the Swedish Embassy has the right to intervene anytime requesting changes to the work-plan if the lack of strong commitments and availability of the beneficiary partner could undermine the achievement of the program’s objectives. All the eventual changes shall be discussed and approved by the Board (the changes shall not affect the program’s purpose and the related mandatory results).

### Program management, reporting and monitoring, communication with the stakeholders

Within this activity the Consultant will conduct activities relevant for program management.

It shall include, as minimum, preparing reports and work plans, developing ToR for hiring international and local experts, conducting transparent procedure for recruiting experts, evaluation of experts, organising meetings and other events, organising study tours and trainings and managing the program office and back stopping.

Depending of the situation with Covid-19 the Consultant shall provide online platform for conducting virtual meetings/seminars/workshops with possibility to host at least fifty (50) participants.

More in details the activities needed for the management of SANE27, will include the following:

* 1. *Program Planning and tracking and finalisation of administrative reports*

Monitoring the implementation of the program’s work-plan, and propose changes if needed taking into account the negotiations’ commitments and deadlines.

Program’s reporting will be used as a management tool.

The following administrative deliverables will be prepared: Interim Report (together with six-months work plan), Final report. The Interim reports will present a short description of progress (technical and financial) including problems encountered, planned works for the next six months, expenditure verification report and all other necessary information important for the program.

The Final report will include an overview of all activities implemented during the program, a summary of the outputs including problems encountered and recommendations, an assessment of cross-cutting issues in all aspects of the program implementation.

* 1. *Program Board Meetings, Monitoring and Evaluation*

The main body that will oversee and monitor the implementation of the activities and the overall progress of the program will be the Program Board (PB).

The Program Board will be composed of:

* One representative from MTE – DICAA who will chair the PB;
* One representative from MEFA;
* One representative from the Swedish Embassy;
* Other representatives as deemed necessary.

Every six months the Consultant will organise a meeting with the PB to discuss and present the interim report of the activities of the last six months against the foreseen programme and work plan for the next six months. The minutes of the meetings will be prepared and submitted to the Program Board for eventual comments and approval

* 1. *Program resource management*

Resource planning, cost estimating, budgeting, and control

* 1. *Program Risk Management*

Risk planning and identification, risk analysis (qualitative and quantitative), risk response (action) planning, and risk monitoring and control.

* 1. *Communication with the stakeholders and visibility*

Following the assessment made during the inception phase the Consultant shall identify stakeholders interest level, their potential to influence the program, managing and controlling the relationships and communications between stakeholders and the program.

The consultant will establish regular communication and collaboration with the Aarhus information centre(s) in Albania, with the gender focal point at the MTE and with other focal points / structures existing within the other beneficiary partners which might be relevant to the program (including anti corruption).

The Consultant will be also responsible for ensuring sufficient visibility to the program activities. Among other things the consultant will be responsible for continuing the development and maintenance of the website prepared within the SANE27 phase I.

The development of this activity should take into account possible restrictions to field missions, meeting with stakeholders and other public events due to COVID 19-pandemic.

### Inception phase

The inception phase of the program will last maximum 2 month.

The following tasks, at least, shall be carried out during the Inception phase:

* Re-establishment / confirmation, and if needed updating,of the Program Board;
* Establishment of the Program’s Office;
* Starting of the selection process for recruiting the supporting staff;
* Review of the ToR and the Consultant’s technical offer taking into account any developments that have an impact on validity of expected results, scope of work, activities, time schedule and allocation of resources;
* Define the procurement plan for the recruitment of the experts for the first year of the programs activities;
* Updating the program’s log frame matrix to incorporate possibly required changes;
* Developing list of stakeholders (including contacts and level of accessibility to internet and / or mobile network) and propose procedure for their involvement, duties and responsibilities;
* Developing the Work Plan for the first six months;
* Starting with collection of all available data;
* Review thoroughly the outcomes of SANE27 - phase 1 during the inception phase, in order to set the baseline for the development of the work plan
* Organizing and holding at least one Inception Phase meeting to meet with the relevant representatives of the target groups to inform them about the program, and their role in the negotiation process, its purpose, objectives, expected results and benefits. This meeting may be organized as a visibility event for the launching of the program.

For this task the consultant shall prepare Inception report with maximum 20 pages and Work plan for the first 6 months of the implementation phase of the contract.

### Implementation phase

* *Result 1: Preparation for Chapter 27 screening and negotiation*

The Activities needed for the achievement of the Result 1 will include the following:

* 1. *To continue improving the understanding and capacity for Chapter 27 negotiations*

The purpose of this activity is to continue supporting the Albanian institutions in charge of the negotiations process, in preparing bilateral screening, developing negotiation positions for the Ch.27 and conducting negotiations.

The Consultant will provide support in planning actions for the preparation of the EU screening and Negotiations. He / She will provide trainings on the EU negotiation for Ch27 and for increasing the skills of the staff regarding the EU negotiations.

In developing this activity the Consultant shall take into account the activities and progress made in the Phase 1 and shall propose actions to strengthen the understanding and capacity for Ch27 negotiations of the relevant institutions and stakeholders.

* 1. *Support to the MTE - Chapter 27 coordinating institutions in strengthening its coordinating role*

To face negotiations challenges Albania established intra-institutional bodies and working group.

The purpose of this activity is to identify actions needed to support MTE in its coordination role for Ch27 screening and negotiations.

DICAA within MTE has the main responsibility to coordinate the EU screening and negotiations. The Contractor will provide trainings and tools for supporting its coordination role. It will provide as well support to the Chair of the IIWG27 and the relevant heads of the sub-chapter working group. Trainings and expertise for executing coordinator role of MTE shall be provided.

* 1. *Support during Bilateral Screening and negotiation positions development*

Following up the progress made and results achieved in the Phase 1, the Consultant shall define the actions needed to identify and close the gaps relevant for the screening and EU negotiations and to support MTE in the preparation of negotiation positions and related implementing plans.

The Consultant will support the Albanian institutions in preparing the answers to the bilateral screening questions posed by the EU and it will provide trainings for the participation to bilateral meetings.

National and international experts shall be hired for specific aspects related to screening and negotiations.

The Consultant will provide support in preparing answers to additional questions received by the EC and in preparing negotiations positions. With this purpose ad hoc meetings with relevant stakeholders should be organised.

Specific actions to address the gaps and issues identified in the screening report or EC annual progress reports for Albania for Ch27 will be also proposed by the Consultant.

* 1. *Support to MTE – Chapter 27 Institutions in approximating EU environmental requirement*

The purpose of this activity is to support MTE in implementing NPEI priorities, taking into account the scope and objectives of the program as well as the available resources, with the purpose of increasing the level of approximation to the EU acquis, in accordance with the capacity of the Country.

The Consultant will support MTE and other institutions in improving their knowledge on specific legal acts, as well as during the transposition and implementation of the EU Ch27 legislation.

This activity will be developed in close cooperation with the other on-going programs and projects in the sectors related to SANE27.

* 1. *Improving communication and engagement of Chapter 27 stakeholders in EU negotiation process*

The consultant shall define a set of actions needed to ensure that the relevant stakeholders and the members of the public are informed about / involved in the EU negotiations process. In particular it should examine and propose actions to involve local authorities and inform general public of the EU negotiations process for Ch27. (at least 1 workshop for local authorities and 1 public event shall be organized).

* *Result 2: Identification of Chapter 27 planning needs and supporting implementation of strategic planning documents relevant for EU negotiations*

The Activities needed for the achievement of the Result 2 will include the following:

* 1. *Supporting in identification strategic planning needs*

The purpose of this activity is to identify actions needed for preparation and implementation of planning documents relevant for Ch.27 and to assess their status, and support in meeting eventual gaps. The Consultant will communicate with other projects or donors in order to ensure the development of the missing planning documents, necessary to support the implementation of the EU environmental acquis and EU negotiations.

* 1. *Develop action documents for Chapter 27 and train institutional partners*

The purpose of this activity is to assist the MTE in identifying and developing action documents, such as project proposals, ToRs, etc., needed for approximating the national legislation to the EU environmental acquis, and to boost the capacity of the MTE staff on the whole process for development and approval of these action documents. The Consultant will develop action documents for the preparation of planning documents needed for the EU negotiations process and in communication with other projects or donors. Actions documents should be gender - mainstreamed taking into account EU thematic priorities on Gender Equality, in order to ensure the participation / involvement of women in the decision making process on climate and environmental issues.

The Consultant will provide trainings and capacity-building activities for the preparation and the implementation of the planning documents and how to monitor their implementation.

In the implementation of this activity reference will be made to the Code of conduct and anti-corruption rules to develop civil servants’ sensibility about their responsibilities in the process of development and approval of these documents.

* 1. *Support Chapter 27 Institutions in implementation of planning documents supporting approximation and EU negotiations*

The purpose of this activity is to advise the MTE and other institutions at streamlining the contents of the relevant planning documents elaborated by the various technical assistance projects with the EU negotiations process and approximation priorities. The consultant will provide advices to MTE and other relevant bodies how to integrate EU negotiations requirements into their planning documents, in particular related to Directive Specific Implementation Plans. The consultant will provide support to MTE and other Ch27 relevant institutions in the preparation of the action documents, project proposals, ToRs and other documents that are needed for ensuring the approximation to the EU environmental legislation.

* 1. *Support in development of actions relevant for environmental investment and financing planning*

The aim of this activity is to support MTE in its role of coordinator of the Inter-policy Management Groups (IPMG) providing support in the development (including consultation process) of:

* planning documents addressing environmental investments and financial planning for Chapter 27;
* programming document for usage of donors funds;
* a pipe-line of investment projects for Chapter 27;

The Closure phase will last 2 months. The activities must be complete by the start of the Closure Period to allow for approvals, administrative conclusion of sub-contracts, payments and transfer of material prepared under this program.

# Horizontal aspects

**Environmental issues**: The interventions to be implemented by the program will have positive environmental impacts, as it will contribute to the improvement of the Albanian environmental policy framework and consequently to the protection of environmental resources and their services, taking into account the existing capacities of the Country. In fact the effectiveness of EU environmental policy is largely determined by its implementation at national and local levels. An insufficient application and enforcement undermines the achievement of the EU environmental objectives and the sustainable development.

The program does not have activities that could have negative impacts on the environment, or increase vulnerability to disasters; on the contrary it will support Albania in determining its ability to apply the EU environmental legislation.

The achievement of these results will contribute to the strengthening of the environmental governance in Albania.

Existing policy / decision making process and enforcement of environmental *acquis* will be also considered and improved[[6]](#footnote-6) through the implementation of this program, in particular:

* Public participation: level of involvement of the public, with specific focus on the broader aspects of environmental policy;
* Transparency: status of dissemination of environmental information;
* Access to justice: as a focus in the wider Rule of Law dimension;
* Compliance assurance and accountability: information provided to businesses on how to comply with environmental obligations, reporting on follow-up to cases of non-compliance;
* effectiveness and efficiency: administrative capacity in the implementation of environmental policy: status of the financial, material, and human resources, absorption capacity of the beneficiary partners, coordination among institutions.

**Anti-corruption**: Corruption cannot be treated as an isolated problem. Access to information, transparent decision-making processes set the baseline to the prevention of corruption - prevention must be an integrated part of good governance and organizational development within all relevant institutions involved in the program. Proper complaints resolution mechanisms must be deployed during program implementation. Anti-corruption issues will be important for two areas of program activity: The procurement of the main service contract and the benefits of a transparent investment program. The procurement approach for the main contract, the procedures, responsible institutions and reporting will be defined from the beginning with No-Objection milestones included within the process. The long-term impact of the investment program (conservation measures) should be positive in terms of ensuring that future investments are defined clearly by what they contribute to achieving national objectives, what should be prioritized and when the investments are needed. Where policy direction is unclear there is room for unnecessary or unsustainable costs to be introduced.

The National Coordinator for Anti-corruption was established to coordinate the anti-corruption activities of the Government and independent institutions at the central and local level. A network of focal points was established in all line ministries and independent institutions, which monitor and guide the relevant officials in the implementation of the Anti-Corruption Strategy and report to the National Anti-Corruption Coordinator. The main preventive anti-corruption bodies in Albania are the Anti-Corruption Task Force and the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests. The National Committee on Anti-Corruption, chaired by Ministry of Justice. Each institution has a coordinator in each ministry. The contact point at MTE is the Deputy Minister, Ms Ornela Cuci[[7]](#footnote-7).

**Gender Equality**: defined here as the equal participation of men and women in program activities – will be considered in each activity of the program. Stakeholder decisions relating to program activities will only be made with a sufficient representation of women in attendance.

During the implementation of the Phase 1 of SANE27 gender equality is playing an important role. Gender mainstreaming indicators have been developed in order to ensure, all the events organized were attended by a majority of female participants.

The Gender mainstreaming into the program activities should be considered as mean of support for the process of EU negotiations for Ch.27.

Gender perspective should be included in two levels; (1) integration and (2) targeted activities. Integration should take place in all the program’s outcomes in order to facilitate equal access to resources and opportunities, promote participation of women in planning processes and awareness activities by introducing gender sensitive tools, foster equal opportunities through the economic activities. Gender integration should ensure communication and outreach activities.

The program should develop a baseline needs assessment, which will take into account the assessment performed and recording of activities of SANE27 – phase 1, describing women awareness and access to information. This baseline assessment should propose the methodology and quantitative number of women and men to be reached by establishing the gender indicators. This baseline assessment could fit with concrete recommendations for gender actions each of the program objective.

Gender targeted activities should be compiled under the Component 0 as well as for the Results 1 and 2.

**Result 1** - The consultant shall define a set of actions to increase the understanding and awareness of the relevant stakeholders and the members of the public on the EU negotiations process. The inclusion of women representative of public or private entities and CSOs among relevant stakeholders should be guaranteed.

The eligible criteria’s /selection should include facilities and appropriate measures that ensure women access and selection among applicants. The criteria of grant selection should positively impact women engagement. Gender qualitative and quantitative indicators should measure the activities. Women involvement in the public awareness campaign could be an achievement from gender perspective.

**Result 2**: Actions documents prepared should be gender - mainstreamed taking into account EU thematic priorities on Gender Equality, in order to ensure the participation / involvement of women in the decision making process on climate and environmental issues.

All gender related activities should be coordinated with the Gender Focal Point at the Ministry of Tourism and Environment Ms Edlira Dershaj.

The Consultant will facilitate the communication and collaboration between the gender focal point at MTE and the Gender Equality sector at the Ministry of Health and Social Protection, as the leading body of the Gender Mechanism in the country.

# Program management

### Responsible body

The Ministry of Environment and Tourism of Albania (MTE)

### Management structure

**Program governance:** A Program Board, led by the Minister of Environment, was established during the phase 1 and ideally it should be maintained in the implementation of the program follow up. The Board will meet at least every 6 months and take key decisions, like accepting outputs, interim reports and authorizing work plans. The Program Board is composed by representatives from the beneficiary partners and one representative from the Swedish Embassy in Tirana.

The Program Implementation Unit (PIU) shall be established, it will be led by MTE and composed by one representative from MTE, the Program team leader and by one representative from the Consultant.

The MTE representative shall have a role as Head of PIU. The PIU will be the operational decision body; decisions will be taken during ad hoc meetings or through written procedure. The PIU will be responsible for the recruitment of the local experts and for the implementation of the daily activities of the program.

The Consultant, through program office, will provide the secretary to the PIU to manage its administration, to support the good communication among stakeholders and for record keeping.

### Facilities to be provided by the contracting authority and/or other parties

None

# LOGISTICS AND TIMING

### Location

The operational base for the program is Tirana.

Internal travel within Albania may be necessary to liaise with the local governments and to improve their involvement in the EU negotiation process.

Two study visits in EU MS or Candidate country should be organised for up to ten participants for each study visit.

The duration will be 1 week (5 working days) for each study visit. The location and the proposed program should be included by the Consultant in the methodology.

### Start date & period of implementation

The intended start date is May 2021 and the period of implementation of the contract will be thirty (30) months from the starting date. Please see Sida’s general terms and conditions for the actual start date and period of implementation.

The contracting authority may, at its own discretion, extend the service contract in duration and/or scope subject to the availability of funding. Any extension of the contract would be subject to satisfactory performance by the consultant.

# REQUIREMENTS

### Staff

Please consider that civil servants and other staff of the public administration, of the beneficiary partner country or of international/regional organisations based in the country, cannot be employed as experts in this contract.

The precise time input for the non key-experts is left to the discretion of the tenderers, as part of their technical proposal in which they have to demonstrate the rationale of their resources with the objectives and the duration of the contract. As an indicative information, the expected minimum is shown below.

All experts who have a crucial role in implementing the contract are referred to as key experts. The Team Leader / Approximation expert will be responsible for the day-to-day operations of the program and must be able to mobilize and manage a multi-disciplinary team of experts. The Team Leader should divide and manage her/his time accordingly. The profiles of the key experts for this contract are as follows.

### Key experts

Key experts have a crucial role in implementing the contract. The tenderer shall submit CVs and Statements of Exclusivity and Availability for the following key experts:

**Key expert 1: Team Leader / Approximation expert** (indicative 500 working days, out of which minimum 80% shall be spent in Albania)

It is expected that the Team Leader will perform day-to-day management of the program as a whole, ensuring synergy of all its components, activities and stakeholders.

The Team Leader will be responsible for the management and coordination of all activities foreseen in the ToRs, supervising and reporting to the Contracting Authority and to the beneficiary, as well as quality assurance of the program. The Team Leader will also have the responsibility for efficient use of the program budget and good communication with all key stakeholders of the program. The Team Leader is also expected to provide assistance for the EU accession process and capacity building activities, including, but not limited, to support EU screening and negotiation. It can provide advices in harmonization of national legislation with the relevant EU acquis, and in developing action documents for approximating the national laws to the EU acquis.

Qualifications and skills:

* University degree in Law, environmental science or equivalent (at least 4 years of completed university studies attested by a diploma);
* Good skills in English, equivalent to at least level 3 (according to the Embassy’s language level definition; see appendix 6);
* Computer literacy (MS Office applications).

General professional experience:

* At least 5 years of professional experience in working on institutional reform and / or legislation drafting and related capacity building in Environmental and Climate Change sector in an EU Member State, candidate or potential candidate country;

Specific professional experience:

* Proven experience as a Team Leader in managing program(s) / project(s) related to supporting the EU negotiation process / EU accession process in environment and climate change;
* More than 5 years of experience working with EU Ch.27 accession issues, environmental policy and implementation;
* More than 5 years of professional experience in coordinating EU accession process in environmental sector in national administration (as a civil servant) in EU Member States or a current candidate country for EU membership;
* More than 5 years of professional experience in drafting and harmonization of national legislation with the EU acquis for Environment and Climate Change Sector;

**Key Expert 2: Deputy Team Leader (indicative 500 working days)**. The Key Expert 2 / Deputy Team Leader will be directly responsible for the implementation of the second component of the program focused on the Identification of Chapter 27 planning needs and supporting implementation of strategic planning documents relevant for EU negotiations. She / He might also be responsible to implement activities under first component related to particular directives/regulations. He / She will also support the Team Leader in the coordination of the program.

Qualifications and skills:

* University Bachelor Degree in natural science, social studies or equivalent (degree awarded on university or equivalent institution attested by a diploma);
* Computer literacy (MS Office applications);
* Very good knowledge of the Albanian language;
* Good skills in English, equivalent to at least level 3 (according to the Embassy’s language level definition; see appendix 6).

General professional experience:

* Proven / Documented professional experience in working with preparation of environmental sector policies;

Specific professional experience:

* Participation as key/non key expert/consultant in minimum one (1) project related to delivering training to support administrative capacity building in the context of managing EU funds;
* More than 5 years of professional experience in the field of public participation, coordination and consultation related to the transposition and implementation of the EU environmental acquis;
* More than three (3) years of experience in preparation of EU approximation related documents like project fiches, terms of references, etc.;

### Non-key experts

The consultant must select and hire other experts as required according to the profiles identified in the technical offer. It must clearly indicate the experts’ profile so that the applicable daily fee rate in the budget breakdown is clear. All experts must be independent and free from conflicts of interest in the responsibilities they take on.

During the technical evaluation, the aspects to be considered for the non-key experts is whether the minimum required expertise and number of working days estimated for the experts proposed are sufficient for the requirements of the Program to be achieved.

Implementation of the activities under this contract will require the mobilisation of non-key experts with the competences in the following fields (not obligatory and not necessarily limited to):

Economic and financial assessment of investment projects, EU Funds, Project Preparation and Technical design, Institutional capacity building, Gender equality, Air Quality, Waste Management, Water Management, Nature Protection, Industrial Pollution, Chemicals, Noise protection, Civil Protection, Climate Action, Environmental Monitoring.

These experts can be mobilised as junior and/or senior non-key experts.

Minimum required input from the non-key experts should be around n. 1500 working days (including senior international and national, and junior experts), out of which, a minimum of 80% of working days will be utilized in the beneficiary country, actively working with the staff of the Beneficiary Institution(s). If required, the experts’ work in their country of residence must be approved by the Beneficiary on a case-by-case basis.

In case the COVID19 pandemic continues, the percentage of working days to be spent home days might be increased, prior consent of the lead beneficiary and head of PIU.

The consultant must have the flexibility and on-demand capacity to respond to expertise requirements as they arise.

The selection procedures used by the Consultant to select these other experts must be transparent, and must be based on pre-defined criteria, including professional qualifications, language skills and work experience. All non-key experts shall have excellent command of English language, while knowledge of local language shall be considered as advantage. Selection of the non-key experts shall be done on conducted evaluation that shall be recorded. Selection of the experts shall be done by the PIU. Sida programming officer in the Swedish Embassy in Tirana will have right to object the selection if deem so.

The Consultant will engage the following categories of non-key experts (international and national):

* Senior experts;
* Junior experts.

The tenderer should explain the rationale and relevance for allocating expert days per category, and should present the estimated number and profiles (skills & experience) of non-key experts in the organization and methodology.

As a minimum, all senior experts should, at least, have:

* University Degree(s) in the respective field(s) of the required expertise, or equivalent ten (10) years experience in respective field(s) of required expertise;
* Good skills in English, equivalent to at least level 3 (according to the Embassy’s language level definition; see appendix 6);
* Computer literacy: knowledge of Microsoft Office;
* Minimum 5 years of general professional experience in the field of expertise of the assignment;
* Minimum 5 years of specific professional experience for the position that he/she is proposed.
* Knowledge of the national legislation, government and public administration will be an asset.

As a minimum, all junior experts should, at least, have:

* University Degree(s) in the respective field(s) of the required expertise;
* Good skills in English, equivalent to at least level 3 (according to the Embassy’s language level definition; see appendix 6);
* Computer literacy: knowledge of Microsoft Office;
* Minimum 1 years of general professional experience in the field of expertise of the assignment, if not specified in the ToRs otherwise;
* Knowledge of the national legislation, government and public administration will be an asset.

CVs for non-key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles.

For easier reference, the overview of required experts and distribution of recommended minimum working days is given in the table below:

|  |  |
| --- | --- |
| Experts | Indicative n° of working days |
| Team leader | 500 |
| Deputy Team Leader (DTL)  | 500 |
| Senior International experts (SIEs) | 200 |
| Senior experts national experts (SNEs) | 1100 |
| Junior experts (JEs) | 200 |
| Total  | **2500** |

*Table 3 - Experts' working days (indicative)*

### Support staff & backstopping

The Consultant will provide support facilities to their team of experts (back-stopping) during the implementation of the contract.

The Consultant must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities.

The Consultant will provide a full-time administrative office for providing technical and organizational support, for maintaining financial matters, accounting and administration in order to meet internal and legal requirements. Administrative, backstopping and support staff is defined in the budget.

 A program director, home based, will be responsible for the backstopping and overall coordination of the program. He/she will be a full-time member of the Consultant’s staff. The program director must be highly experienced in the management of similar programs / projects.

The program director will be responsible for regular liaison with the Contracting Authority, the team, and other relevant actors so as to ensure that the program is being implemented smoothly and that any problems are rapidly resolved as well as for the quality assurance of the program outputs.

The Consultant will describe in the offer the system of quality assurance to be applied and how the administrative coordinator will support the experts on site with all required logistic and technical support.

Backstopping and support staff costs must be included in the budget.

### Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract is to be provided by the Consultant.

The costs of the office accommodation are to be covered by the budget.

In order to facilitate daily contacts and communication with the lead Beneficiary, these premises should be located close to the lead Beneficiary premises.

### Facilities to be provided by the Consultant

The Consultant must ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

Furthermore, the Consultant shall ensure that experts are equipped with work related equipment, including IT equipment, in particular portable computers, mobile phones, training equipment (such as LCD projectors etc).

The Consultant should allow for the costs of the following:

* Normal running costs of the offices, including international telephone charges and any subscriptions to internet providers. The Consultant shall ensure that each expert has access to a computer, printer, photocopy phone and internet access.
* In accordance with the requirements of Sida’s General Conditions of Contract, the provision of furniture and equipment such as laptops, LCD projectors plus screens, high volume photocopiers, communication equipment and all other necessary equipment for the proper functioning of the program office for the long and short term experts and the support staff;
* Backstopping services at headquarters;
* Backstopping service in the beneficiary country, including secretarial, administrative and interpreting support and translation costs for inputs prepared by the Consultant's experts.
* Reproduction of the Consultant’s reports detailed in Section 7;
* Provision of visas and/or permits for personnel and their families under the terms of Sida’s General Conditions of Contract;
* Online platform for conducting virtual meetings/seminars/workshop with possibility to host at least 50 participants
* Any other unspecified costs, except those provided for within Incidental Expenditure.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in program implementation. Arrangements offering each consortium member a fixed percentage of the work to be undertaken under the contract should be avoided.

### Equipment

Any equipment related to this contract, in line with the Incidental Expenditure, that is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

### Facilities to be provided by the contracting authority

The Contracting Authority will make available, at no additional cost, official data from relevant national institutions (e.g.: Cadastral maps, aerial photos, census data etc.). The Consultant will support the Contracting Authority in the preparation of the data requests.

### Incidental expenditure

The provision for incidental expenditure covers ancillary and exceptional eligible expenditure incurred under this contract. It cannot be used for costs that should be covered by the Consultant as part of its fee rates.

Its use is governed by the provisions in the general conditions. It covers:

* Travel costs and subsistence allowances for missions, outside the normal place of posting (Tirana), undertaken as part of this contract.
* Organisational costs for trainings and workshops (translation and interpretation costs related to those events, copying and printing costs of training or event materials, distribution costs, renting of training venues and cost for catering; traveling costs for participants);
* Cost of surveys, assessments, analyses and investigations.
* Translation of program documentation and other relevant documents (limited to key or final outputs or documentation required by the law in view of obtaining the necessary approvals);
* Visibility costs (press conferences, media campaigns and public awareness raising tools and materials), photographic and video services; various productions or co-production costs (radio, TV, generic products, animation, digital editing, music, film, advertising in electronic and print media, multimedia, press clipping, other) etc;
* Designer, proofreading, layout, translation, pre-press, printing and branding costs, development of video material.
* Costs for training certification programme(s) enrolment and related travel and subsistence costs for selected participants.
* Costs for the organisation of study tour(s) and for the participation of selected staff from the lead Beneficiary or other relevant institutions.
* International flights;
* Total Per Diem;
* Carbon off-setting costs for flights related to this contract are eligible. The identification of an appropriate, credible off-setting scheme and estimated cost is to be proposed in the Inception Report.

The provision for incidental expenditure for this contract is **€ 274,140.00 - SEK 2,744,441.40**. This amount must be included unchanged in the budget breakdown.

The per diem is a flat-rate maximum sum covering daily subsistence costs. These include accommodation, meals, tips and local travel, including travel to and from the airport. Taxi fares are therefore covered by the per diem. Per diem are payable on the basis of the number of hours spent on the mission by the contractor's authorised experts for missions carried out outside the expert's normal place of posting.

The per diem is payable if the duration of the mission is 12 hours or more. The per diem may be paid in half or in full, with 12 hours = 50% of the per diem rate and 24 hours = 100% of the per diem rate. Any subsistence allowances to be paid for missions undertaken as part of this contract must not exceed the per diem rates published on the website - <https://ec.europa.eu/international-partnerships/system/files/per-diem-rates-20200201_en.pdf> - at the start of each such mission.

The contracting authority reserves the right to reject payment of per diem for time spent travelling if the most direct route and the most economical fare criteria have not been applied.

Prior authorisation by the contracting authority for the use of the incidental expenditure is not needed with the exception of costs related to study tour(s) and specific visibility activities to be agreed after contract commencement.

### Expenditure verification

The provision for expenditure verification covers the fees of the auditor charged with verifying the expenditure of this contract in order to proceed with the payment of any pre-financing instalments and/or interim payments.

The provision for expenditure verification for this contract is **EUR 30,000.00 - SEK 330,300**. This amount must be included unchanged in the budget breakdown.

This provision cannot be decreased but can be increased during execution of the contract.

# REPORTS

### Reporting requirements

Please see the Sida’s general conditions.

Interim reports must be prepared every six months during the period of implementation of the tasks. They must be provided along with the corresponding invoice, the financial report and an expenditure verification report defined in Sida’s general conditions.

There must be a final report, a final invoice and the financial report accompanied by an expenditure verification report at the end of the period of implementation of the tasks. The draft final report must be submitted at least one month before the end of the period of implementation of the tasks. Note that these interim and final reports are additional to any required in Section 4.4 of these terms of reference.

Each report must consist of a narrative section and a financial section. The financial section must contain details of the time inputs of the experts, incidental expenditure and expenditure verification.

To summarise, in addition to any documents, reports and output specified under the duties and responsibilities of each key expert above, the Consultant shall provide the following reports:

| **Name of report** | **Content** | **Time of submission** |
| --- | --- | --- |
| Inception report | Analysis of existing situation, program work plan and methodology.The Inception Report will contain a full review and up-date of the Terms of Reference and any proposed amendments that may emerge during this phase. More specifically the report will:* Review of the ToR and the Contractor’s technical offer;
* Summarise the main findings of the assessment made on SANE27-Phase I outcomes;
* Update the Work Plan for all activities for the first 6 months of the implementation phase;
* Define the procurement plan for the recruitment of the experts for the first year of the programs activities;
* Update the program’s log frame matrix to incorporate possibly required changes;
* Include the list of main stakeholders;
* Updated list of indicators
 | No later than 3 months after the start of implementation |
| 6-month interim report | Short description of progress (technical and financial) including problems encountered; planned work for the next 6 months accompanied by an invoice. | No later than 1 month after the end of each 6-month implementation period. |
| Annual audit report | The expenditure verification report to be provided along with a Management Letter detailing the Consultant’s comments and actions on any issues raised.  | No later than 3 months after the end of the calendar year. |
| Draft final report | Short description of achievements including problems encountered and recommendations. | No later than 1 month before the end of the implementation period.  |
| Final report | Short description of achievements including problems encountered and recommendations; a final invoice and the financial report accompanied by the expenditure verification report. | Within 1 month of receiving comments on the draft final report from the program manager identified in the contract. |

### Submission & approval of reports

The reports referred to above must be submitted to members of the Program Board and the representative of the Swedish Embassy as identified in the contract having already been consulted with, and received a ‘no objection’ from, the Lead Beneficiary at the Ministry of Tourism and Environment.

The reports must be written in English.

The Chair of the Program Board is responsible for approving the reports, following discussion at the Program Board.

# MONITORING AND EVALUATION

### Definition of indicators

The tenderers are expected to propose a set of relevant indicators within their technical proposal (organisation and methodology section). These indicators can be quantitative: measures of quantity, including statistical statements; or qualitative: judgements and perception derived from subjective analysis. All indicators should correspond to the results specified under section 2.3.

As a minimum list of indicators, the Consultant is invited to consider indicators listed in the Annex 2 on the Log-frame planning matrix.

During the Inception Phase, the indicators will be adjusted (as relevant and needed) and agreed between the Contracting Authority, the lead Beneficiary and the Consultant. Indicators must be as quantifiable as possible as they will serve as the main basis for measuring the achievements of the objectives and results of the program. They will be regularly reviewed by the PB and Interim Reports.

### Special requirements

No special requirements.

* \* \* \* \*

# Annex 1 – List of legal acts and status of approximation to the EU acquis

| # | EU acquis | Competent body | % | Implementation status |
| --- | --- | --- | --- | --- |
| **Horizontal Legislation** | **MTE** | **78.6** | **Partly implemented** |
|  | Directive 2011/92/EU EIA  | MTE  | 82  | Advanced  |
|  | Directive 2001/42/EC SEA  | MTE  | 100  | Advanced  |
|  | Directive 2003/4/EC Access to Information  | MTE  | 100  | Advanced  |
|  | Directive 2003/35/EC Public Participation  | MTE  | 100  | Advanced  |
|  | Directive 2004/35/EC Environmental Liability  | MTE  | 28  | Not implemented  |
|  | Directive 2007/2/EC INSPIRE  | State Authority for Geospatial Information (ASIG)  | 92  | Initial stage  |
|  | Directive 2001/331/EC RMCEI  | State Inspectorate of Environment, Forestry, Water and Tourism (SIEFWT)  | 62  | Partly implemented  |
|  | Directive 2008/99/EC Environmental Crime  | MTE  | 65  | Not implemented  |
| **Air quality** | **MTE** | **66.8** | **Initial Stage** |
|  | Directive 2008/50/EC AAQ | MTE | 96 | Initial Stage |
|  | Directive 2016/2284/EC - NEC | MIE | 18 | Initial Stage |
|  | Directive 94/63/EC – VOCs Petrol | MTE (full set of competences not defined) | 100 | Initial Stage |
|  | Directive 2009/126/EC – II VOCs Petrol | MTE (full set of competences not defined) | 100 | Initial Stage |
| **Waste management**  | **MTE** | **53.5** | **Initial Stage** |
|  | Directive 2008/98/EC – Waste Framework Directive | MTE | 34 | Initial stage |
|  | Directive 86/278/EEC Sewage Sludge | MARD | 100 | Initial stage |
|  | Directive 2006/66/EC Batteries | MTE | 82 | Initial stage |
|  | Directive 94/62/EC Packaging | MTE | 81 | Initial stage |
|  | Directive 96/59/EC- PCB/PCT | MTE | 87 | Initial stage |
|  | Directive 850/2004/EC - POPs | MTE | 58 | Initial stage |
|  | Directive 2000/53/EC - ELVs | MTE | 74 | Initial stage |
|  | Directive 2011/65/EU – RoHS (recast) | MTE | 3 | Not implemented |
|  | Directive 2012/19/EU – WEE | MTE | 38 | Not implemented |
|  | Directive 1999/31/EC Landfill | MIE | 81 | Initial stage |
|  | Directive 1013/2006/EC – Shipment of waste | MTE | 12 | Initial stage |
|  | Directive 2006/21/EC Mining Waste | MIE | 45 | Partly implemented  |
|  | Directive 1257/2013/EU – Ship recycle | MTE (full set of competences not defined) | 1 | Not implemented |
| **Water quality** | **AMBU** | **35** | **Initial stage** |
|  | Directive 2000/60/EC WFD | AMBU | 41 | Partly implemented |
|  | Directive 91/271/EEC UWWT | MIE (full set of competences not defined) | 66 | Initial stage |
|  | Directive 2008/56/EC – Marine Strategy | AMBU | 0 | Initial stage |
|  | Directive 2010/477/EU Standards on good environmental status of marine waters | AMBU | 0 | Initial stage |
|  | Directive 98/83/EC – DWD | IPH (full set of competences not defined) | 100 | Partly implemented |
|  | Directive 91/676/EEC Nitrates | MARD | 15 | Not implemented |
|  | Directive 2006/7/EC Bathing Water | IPH / MHSA | 100 | Partly implemented |
|  | Directive 2006/118/EC Groundwater | AMBU | 0 | Initial stage |
|  | Directive 2008/105/EC EQS | NEA | 37 | Initial stage |
|  | Directive 2009/90/EC – Water chemical monitoring | NEA | 20 | Initial stage |
|  | Directive 2007/60/EC Floods  | MoD | 10 | Initial stage |
| **Nature protection** | **MTE** | **33** | **Initial stage** |
|  | 2009/147/EC Wild Birds | NAPA | 65 | Initial stage |
|  | 92/43/EEC Habitats | NAPA | 86 | Initial stage |
|  | 1999/22/EC – Zoos Directive | MTE | 50 | Initial stage |
|  | Leghold traps | MTE | 6 | Not implemented |
|  | 338/97/EC – CITES | MTE | 56 | Partly implemented |
|  | 2173/2005/EC - FLEGT | MARD (full set of competences not defined) |  | Initial stage |
|  | 995/2010/EU - EUTR | MTE (full set of competences not defined) |  | Initial stage |
|  | 511/2014/EC – ABS Regulation  | MTE | 0 | Not implemented |
|  | 1007/2009/EC Seal Products | NAPA | 0 | Not implemented |
|  | 83/129/EEC Skins | NAPA | 0 | Not implemented |
| **Industrial Pollution** | **MTE** | **44.5** | **Initial stage** |
|  | 2010/75/EU - IED | MTE | 70 | Advanced |
|  | 2012/18/EU – Seveso III | MTE (full set of competences not defined) | 9 | Not implemented |
|  | 2004/42/EC – VOCs Paints | MTE | 100 | Initial stage |
|  | 66/2010/EC Eco-Label | MTE | 41 | Initial stage |
|  | 1221/2009/EC – EMAS2001/832/EU – EMAS Global | MTE | 26 | Not implemented |
|  | 2193/2015 Medium Combustion Plants | NEA | 21 | Initial stage |
| **Chemicals** | **MTE** | **29.4** | **Initial stage** |
|  | 63/2010/EU Welfare of experimental animals | MARD (full set of competences not defined) | 20 | Not implemented |
|  | 87/217/EEC Asbestos | MTE/NEA | 10 | Not implemented |
|  | Regulation 649/2012/EC – PIC  | MTE/NEA | 96 | Partly implemented |
|  | 528/2012/EU Biocides | MHSA | 9 | Initial stage |
|  | 1907/2006/EC - REACH  | MTE/NEA | 20 | Initial stage |
|  | 1272/2008/EC - CLP | MTE/NEA | 41 | Initial stage |
|  | 852/2017/EU - Mercury | MTE/NEA | 10 | Initial stage |
| **Noise** | **MTE** | **86** | **Initial stage** |
|  | Directive 49/2002/EC - Noise | MTE | 86 | Initial stage |
| **Climate Change** | **MTE** | **12.2** |  |
|  | Regulation 525/2013 Monitoring and Reporting GHGs | MTE | 0 | Not implemented |
|  | Directive 87/2003/EC - ETS | MTE | 0 | Not implemented |
|  | 101/2008/101 – EU - ETS | MTE | 0 | Not implemented |
|  | Decision 406/2009/EC – Effort Sharing  | MTE | 0 | Not implemented |
|  | Regulation 1005/2009/eco Ozone depleting substances | MTE | 22.7 | Initial stage |
|  | Directive 31/2009/EC – Carbon Capture Storage | MTE | 0 | Not implemented |
|  | Regulation 517/2014/EU – on fluorinated gases | MTE | 79.1 | Initial stage |
|  | Directive 70/98/EC Fuel quality | MIE | 29 | Initial stage |
|  | Directive 94/1999/EC on CO2 emissions from vans and cars | To be defined | 15.6 | Not implemented  |
|  | Regulation 510/2011 on light commercial vehicles | To be defined | 0 | Not implemented  |
|  | Regulation 841/2018 on LULUCF | To be defined | 0 | Not implemented  |

# ANNEX 2 – LOGFRAME PLANNING MATRIX

|  |  | **Indicators** | **Sources of verification** | **Important assumptions** |
| --- | --- | --- | --- | --- |
| Overall objective/s/ | Environmental governance in Albania is improved, particularly policy-making, and implementation in the context of the *EU environmental acquis.* |  N/A |  N/A |  N/A |
| Programme objective | Capacity and capability of the Albanian Environmental Ministry and other institutions for EU Ch.27 negotiations is strengthened. | 1. Institutional structure and procedures for coordination and cooperation for Ch.27 preparation for negotiations is in place and functioning. | Legal acts establishing institutional and procedural structure for Ch.27 management.Meetings, coordination activities of the dedicated structures | 1. Albanian Government remains committed to the EU accession and prioritises approximation related activities on the agenda.2. The Ministry of Tourism and Environment is holding role of institution responsible for Ch.27 coordination during preparation for negotiations and the negations process. 3. The Ministry of Tourism and Environment continuous support to the implementation of the program activities.4. The EU integration process is clearly organised and managed at national level, the Ministry of Tourism and Environment received needed guidance regarding preparation for negotiations. 5. Programme ensures support from the national EU integration coordination structures. 6. The Ministry maintains a special unit and personnel for the EU approximation and negotiations coordination. 7. Efficient communication between decision makers within the Ministry and also between the decision makers and the program management is established.8. Other Ch.27 institutions cooperate and recognise coordinating role of the Ministry of Tourism and Environment.9. The Ministry is able to keep staff members who have received training. 10. With the support from the Ministry, a clear mechanism of coordination with other technical assistance projects (in particular IPA funded projects) is established.11. Programme implementation team will be able to handle the possible occurrence of corruption. |
| 2. Ch.27 coordination unit in the Ministry of Tourism and Environment has required skills and capacity and efficiently coordinates the preparatory process. | Review of the assessment made in Phase 1 of national EU integration coordinating institution(s). |
| 3. Institutions responsible for Ch.27 approximation are informed and participate in negotiations preparatory process, meetings are being held regularly and at least once per 6 months. | Minutes of the IIWGCh.27 or other coordinating structuresAssessment of national EU integration coordinating institution(s). |
| Expected results | 1. The Ministry and other Ch.27 institutions have strengthened the capacity for Ch.27 screening and negotiations. | 1. EU integration Unit maintains at least staff of 3 members dedicated and competent for coordination of preparation for screening and negotiation. | Assessment of the situation in the Ministry.Assessment of national EU integration coordinating institution(s). |
| 2. Situation regarding the understanding and capacity of Ch.27 is improved | Trainings evaluation surveys.Plans to close the gaps prepared with the support of the programme and other activities. |
| 3. Ch.27 institutions are informed about approximation and negotiating process needs and efficiently contribute to preparing for screening and negotiations. | Interviews with corresponding institutions.Assessment of national EU integration coordinating institution(s).Trainings evaluation surveys. |
| 4. Results of preparation are acknowledged by the national EU integration coordination structures (and the European Commission). | Assessment of national EU integration coordinating institution(s).Interim reports, interview with desk officer for Albania in the DG ENV. |
|  | 2. Needs for Ch.27 strategic planning identified, strategic planning documents relevant for EU negotiations are prepared and support for their implementation is provided. | 2.1 A systematic approach to Chapter 27 strategic planning is established / revised. | Meta plan is followed.Interview EU Integration and other staff of the Ministry. |
| 2.2 Process is organised to deliver strategic planning documents.  | IPA programming documents and Action documents contain actions for preparation of programming documents and approximation of EU legislation.Support Albanian institutions in preparation of relevant for Ch27 project proposals, project fiches, ToR and other programing and action documents.Provided support in mainstreaming outputs to EU negotiation requirements of projects implemented by other donors . |

1. ENLARGEMENT AND STABILISATION AND ASSOCIATION PROCESS −the Republic of North Macedonia and the Republic of Albania - Council conclusions - https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf [↑](#footnote-ref-1)
2. Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - 2020 Communication on EU enlargement policy <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20201006-communication-on-eu-enlargement-policy_en.pdf> [↑](#footnote-ref-2)
3. COMMISSION STAFF WORKING DOCUMENT Albania 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf> [↑](#footnote-ref-3)
4. Communication from the Commission to the European Parliament, the Council, the European economic and social committee and the committee of the regions Enhancing the accession process - A credible EU perspective for the Western Balkans - COM(2020) 57 final 05-02-2020 [↑](#footnote-ref-4)
5. <https://sane27.com> [↑](#footnote-ref-5)
6. Development of an assessment framework on environmental governance in the EU Member States, No 07.0203/2017/764990/SER/ENV.E.4. Final report, May 2019:

<https://ec.europa.eu/environment/environmental_governance/pdf/development_assessment_framework_environmental_governance.pdf> [↑](#footnote-ref-6)
7. The Code of Conduct for Public Servants, approved by Council of Ministers, can be found here (Albanian): https://www.drejtesia.gov.al/trego-fytyren-e-korrupsionit-2-2/. [↑](#footnote-ref-7)