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TECHNICAL ASSISTANCE FOR INTEGRATED SOLID WASTE MANAGEMENT SYSTEM FOR TWO SELECTED MUNICIPALITIES IN ALBANIA

(EuropeAid/138181/DH/SER/AL)

Task_T1.2.3_Institutional Framework of Waste Management

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LIST OF ABBREVIATIONS

ACRONYMS	MEANING
ADM	Association of municipalities in Albania
AP	Action Plan
BAT	Best Available Techniques
BATNEEC	Best Available Techniques Not Entailing Excessive Costs
BOT	Built Operate Transfer
CBA	Cost Benefit Analyses
CIWM	Committee for Integrated Waste Management
CM	Council of Ministers
DCM	Decision of Council of Ministers
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EIA	Environmental Impact Assessment
EIB	European Investment Bank
€	Euro
EU	European Union
EUD	European Delegation
FS	Feasibility Study
GIS	Geographic Information System
GOA	Government of Albania
GTZ	Gesellschaft fuer Technische Zusammenarbeit (Society for Technical Cooperation for Sustainable Development) = GIZ (since 2011)
IFI	International Financing Institution
IMC	Inter-municipal cooperation
INTF	Integrated Network of Treatment facilities
KfW	Kreditanstalt für Wiederaufbau (German Bank for Reconstruction)
LGU	Local Governmental Unit (= see LSG)
LSG	Local Self Government
LWM	Law on Waste Management
MoE	Ministry of Environment
MoF	Ministry of Finance
MEI	Ministry of European Integration
MTI	Ministry of Transportation and Infrastructure
MUD	Ministry of Urban Development
NEI	National Environment Agency
NPSSA	National Plan for Implementation of SSA
NPEI	National Plan for European Integration
NWMAG	National Waste Management Advisory Working Group (à see PIU)
NWMP	National Waste Management Plan
REC	Regional Environmental Centre for Central and Eastern Europe
PIU	Project Implementation Unit (technical working group = project task force)
PoE	Public owned Entity (owned by local authority=PUC=PUSP)
PPP	Public Private Partnership
PUSP	Public Utility Service Provider
PSC	Project Steering Committee
SAA	Stabilisation and Association Agreement
SEI	State environmental Inspectorate



ACRONYMS	MEANING
SMF	Small and Medium Size Enterprise
SoE	State owned entity
SW	Solid Waste
SWM	Solid Waste Management
TA	Technical Assistance
TAR	Territorial and Administrative Reform
TNA	Training Needs Analysis
ToC	Table of Concordance
ToR	Terms of Reference
UNEP	United Nation Environmental Programme
WG	Working Group
WB	World Bank
WHO	World Health Organization
WWT	Waste Water Treatment
ACRONYMS	LIST OF PROJECT RELATED UNITS
Ma	Mega gram = 10^6 gram = 10^3 kg = 1 metric ton



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0 Executive Summary

0.1 Përmbledhje Ekzekutive

0.1.1 Kuadri Institucional në Nivelin Qëndror

Përgjegjësite për menaxhimin e mbetjeve janë ndarë ndër disa institucione të qeverisë qendrore. Ligji 10,463 “Për menaxhimin e integruar të mbetjeve” është legjislativi bazë i cili përcakton përgjegjësitë e institucioneve në fushën e menaxhimit të mbetjeve për institucionet qendrore të cilat përfshijnë Ministrinë e Mjedisit (MM), Ministrinë e Transportit dhe Infrastrukturës (MTI) dhe Ministrinë e Zhvillimit Urban (MZHU). Detyra specifike i janë dhënë këtyre institucioneve nëpërmjet disa vendimeve të Këshillit të Ministrave.

Kuadri ligjor institucional plotësohet me ligjin 139/2015 “Për vetë-qeverisjen vendore” i cili përcakton rolin the përgjegjësitë e bashkive lidhur me menaxhimin e mbetjeve.

0.1.1.1 Roli dhe Përgjegjësitë e Ministrisë së Mjedisit

MM është institucioni kryesor përgjegjës për zhvillimin e politikave, legjislativitetit dhe hartimin dhe zbatimin e strategjisë kombëtare dhe të planit të veprimeve për menaxhimin e mbetjeve në Shqipëri. Sëbashku me agjencitë e saj të varësishme, përfshirë Agjencinë Kombëtare të Mjedisit (AKM) dhe Inspektoriatin Shtetror të Mjedisit (ISHM), ministria ka përgjegjësinë e përgjithshme për vendosjen e sistemit të menaxhimit të mbetjeve në të gjithë vëndin dhe monitorimin e zbatimit të këtij sistemi.

MM mban edhe Komitetin për Menaxhimin e Integruar të Mbetjeve (KMIM), i cili është krijuar me VKM 967, datë 25.02.2013. Ky Komitet kryesohet nga zëvendësministri i MM dhe përbëhet nga zëvendësministrat e disa ministrive të tjera.

Ndër përgjegjësitë e tjera, roli primar i KMIM është që të sigurojë se politikat në lidhje me menaxhimin e mbetjeve harmonizohen midis ministrive, si dhe që vendimet në lidhje me menaxhimin e mbetjeve të merren në konsultim paprapak me ministrinë e tjera anëtare si dhe me organizatat e shoqërisë civile dhe aktorë të tjerë.

Ndonse fushat e përgjegjësisë së KMIM janë të gjera, eficienta e këtij organizmi është shumë e ulët, roli i tij është formal, nuk ka buxhet, dhe asnjë nga vendimet e rëndësishme në këtë sektor nuk janë marrë ose nuk kanë kaluar nga vendimarrja e këtij institucioni.

0.1.1.2 Ministria e Transportit dhe Infrastrukturës

MTI luan rolin e saj në kuadër të ligjit 10,463 dhe të VKM 954 sic është përshkruar më sipër. Roli i MTI kufizohet në zhvillimin e standardeve, praktikave teknike më të mira dhe infrastrukturën e trajtimit të mbetjeve bashkiake si dhe të mbetjeve nga ndërtimet dhe prishjet.

Tradicionalisht kjo ministri ka qënë përgjegjëse për të mbledhur dhe raportuar të dhënat mbi sasinë e mbetjeve të cilat janë mbledhur rregullisht nga bashkitë e vendit.

Buxheti vjetor për këtë ministri lidhet kryesisht me financimin e studimeve dhe projekteve për mbylljen dhe/ose ndërtimin e impianteve të trajtimit.

0.1.1.3 Ministria e Zhvillimit Urban

MZHU ka marrë përgjegjësi në këtë fushë nëpërmjet VKM 944, datë 9.10.2013. Sipas këtij vendimi përgjegjësitë e MZHU në menaxhimin e mbetjeve lidhen me planifikimin e territorit dhe pozicionimin e venddepozitimeve apo instalacioneve të tjera për trajtimin e mbetjeve. Nga legjislativi është e dukshme mbivendosja e përgjegjësisë së kësaj ministrie me MTI, pasi fondet e MZHU përdoren për të njëjtat përgjegjësi si dhe ato të MTI.

0.1.1.4 Ministrinë e Tjera që Operojnë në Fushën e Menaxhimit të Mbetjeve

Ministrinë e tjera që operojnë në këtë fushë përfshijnë Ministrinë e Shëndetsisë, të Mbrojtjes, të Bujqësisë dhe Ministrinë e Energjisë dhe Industrisë. Secila prej tyre është përgjegjëse për të



rregulluar menaxhimin e rrymave të vecanta të cilat gjenerohen nga aktivitet ekonomike të sferës së veprimtarisë së këtyre ministrive. Ministria e Financave është përgjegjëse për shpërndarjen e tavanëve buxhetore në kuadrin e buxhetimit afat-mesëm.

0.1.2 **Kuadri Institucional dhe Përgjegjësitë e NJQV-ve**

Ligji 139/2015 “Për vet-qeverisjen vendore” përcakton përgjegjësitë dhe autoritetin e NJQV-ve. Në mënyrë të vecantë “grumbullimi, transporti, hedhja dhe trajtimi” i mbetjeve përcaktohet si një funksion i “vet” i bashkive. Sipas këtij përcaktimi, bashkitë kanë të drejtën dhe përgjegjësitë për të ushtruar menaxhimin shërbimit të mbetjeve në mënyrën e cila i përshtatet më mirë kushtëve specifike të bashkive, në bashkëpunim me bashkitë e tjera, të vendosi tarifën e shërbimit dhe mënyrën e grumbullimit të të ardhurave dhe ndërtimin dhe administrimin e impjanteve për trajtimin e mbetjeve.

Detyra specifike i janë ngarkuar bashkive dhe këshillave të qarqeve në kuadër të ligjit për menaxhimin e integruar të mbetjeve dhe disa vendimeve specifike të Këshillit të Ministrave. Përgjegjësitë direkte të NJQV-ve lidhen me panifikimin e menaxhimit të mbetjeve në juridiksionet e tyre specifike.

Kur analizohet legjislacioni, është i dukshëm boshllëku ligjor i ndarjes së përgjegjësisë që rregullojnë menaxhimin e mbetjeve, ndërsa përgjegjësitë e bashkive nuk janë përcaktuar qartë.

0.1.3 **Konkluzione**

Menaxhimi i mbetjeve ngarkon tre ministri, përfshirë MM, MTI dhe MZHU si dhe disa nga agjensitë e tyre të varësisë me përgjegjësi të cilat shpesh mbivendosen me njëra – tjetrën.

Strukturat administrative në këto ministri kanë personel të kufizuar, mangësi në njohuri si dhe mungesa në paisje për të ushtrur me efikasitet përgjegjësitë e tyre.

Ligji për vet-qeverisjen vendore nuk është i harmonizuar me ligjin e menaxhimit të integruar të mbetjeve, prandaj ky i fundit nuk arrin të japë një përcaktim të qartë të përgjegjësisë administrative dhe menaxhuese të bashkive në fushën e menaxhimit të mbetjeve.

0.2 **Executive Summary**

0.2.1 **Institutional Framework at Central Government Level**

Responsibilities on waste management are allocated over several central and local government institutions. The law 10,463 “On integrated waste management” is the basic legislation that defines institutional responsibilities in the area of waste management to central government organizations, to include Ministry of Environment (MoE) and its subordinated agencies, Ministry of Transport and Infrastructure (MTI) and the Ministry of Urban Development. Particular tasks are assigned to these ministries through specific decisions taken at the Council of Minister’s level.

Legal framework is complemented with the law 139/2015 “On local self-government”, which has defined the role and responsibilities of municipalities in the management of municipal waste.

0.2.1.1 **Role and Responsibilities of Ministry of Environment**

MoE is the main responsible institution to develop policies, legislation and design and implement the national strategy and action plan for waste management in Albania. Along with other subordinated institutions, including the National Environmental Agency (NEA) and the State Environment Inspectorate (SEI), the ministry has the overall responsibility for the establishment of the waste management system at country level and monitor its implementation.

The MoE hosts the Committee for Integrated Waste Management (CIWM), which is established by the DCM 967, date 25.02.2013, “On the manner of organization and functioning of the CIWM”. The Committee is chaired by the deputy minister of MoE and is composed of several deputy ministers of other ministries.



Among other responsibilities, CIWM primary role is to ensure that policies relevant to waste management are harmonized among other ministries and guarantees that any decision with regard waste management is taken with prior consultation of other member ministries, civil society associations and other stakeholders.

Although the areas of responsibilities of the CIWM are very wide, efficiency of this organization is very low; its role is rather formal, there is no budget assigned to this organization, and none of major decision, to illustrate for example the one on the development of incinerator's network or any other decision, have not necessarily required the CIWM decision.

0.2.1.2 Ministry of Transportation and Infrastructure

MTI plays its role in the sector based on the law 10.463 and the DCM 954. The role of MTI is limited with development of standards, best techniques and treatment infrastructure of municipal waste and waste from construction and demolition.

Traditionally this ministry has been responsible for collection of data on municipal and C&D waste. For many years these data have constituted the major and only source of information about amount of waste generated in Albania.

An annual budget is assigned to this ministry, mostly related to finance studies and detailed designs for closure of existing waste dumpsites, construction of new landfills and other treatment facilities.

0.2.1.3 Ministry of Urban Development

Ministry of Urban Development has gained responsibility on waste management only based on the DCM 944, date 9.10.2013. According to this DCM, responsibilities of MUD relevant to waste management are related to territorial planning and positioning of landfills and other waste treatment facilities. It is obvious that there is overlapping of responsibilities of this ministry with MTI, as funds allocated to MUD are used for design and study of closing existing dumpsites and / or construction of landfills.

0.2.1.4 Other Ministries Operating in the Area of Waste Management

Other ministries operating in the area of waste management include Ministry of Health, Ministry of Defence, Ministry of Agriculture, and the Ministry of Energy and Industry, each of them responsible to regulate management of those waste streams that are generated due to activities of either economic or social scope function. Ministry of Finance is responsible for allocation of budget ceilings at the range of mid-term budgeting process.

0.2.2 Institutional Framework and Responsibilities of LGU Level

The law no.139/2015 "On Local Self-Government" defines the responsibilities and the authority of LGUs level. Specifically, the "collection, transportation, disposal and treatment" of municipal waste" is defined as an own function of municipalities. Under this definition, municipalities have the right and the responsibility to manage service deliver at the manner that better suites to their specific conditions, cooperate with other municipalities, set – up service fees and the mechanism for revenue collection, and construct and administer facilities for waste treatment.

Specific tasks for municipalities and regional councils are defined with the Law 10463/2011 "On integrated waste management", as amended and several all bylaws, which have derived from the aforementioned law. Direct responsibilities of LGUs are related only to planning and reporting for waste management in their respective jurisdictions.

When analysing the legislation, it is obvious that there is a discrepancy between the law, which regulates the waste management and the law on local self-government, while responsibilities of municipalities are not clearly defined.

0.2.3 Conclusions

Waste management involves three main ministries including ME, MTI and MUD, and their subordinated agencies and LGUs with tasks very often overlapping among each other.



Administrative structures at each ministry have limited staff, show lack of knowledge, and lack equipment to exercise their responsibilities in an efficient manner.

The law on local self - government is not in line and harmonized with the law on integrated waste management, therefore the later fails to clearly define specific management and administrative responsibilities to municipalities in waste management.



1 Institutional Framework of Waste Management

1.1 Overview

As it is outlined in the forthcoming paragraphs, several institutions and state organizations share executing of various responsibilities in the area of integrated waste management in Albania. Some of the responsibilities have been allocated to several ministries as defined in the National Strategy and later on, as enshrined in the law 10,463 “On integrated waste management”, while specific responsibilities are assigned to municipalities as per the new law 139/2015 on local self-government.

1.2 Institutional Framework and Responsibilities of Central Government Level

The law 10,463 “On integrated waste management” is the basic legislation that defines institutional responsibilities in the area of waste management.

In addition, other legislative acts, that were developed later to enforce implementation of the law on integrated waste management have detailed institutional responsibilities among central government institutions including the Ministry of Environment (MoE) Ministry of Transport and Infrastructure (MTI) and the Ministry of Urban Development (MUD). The said bylaw include:

- DCM 945, date 9.10.2013, “On the definition of area of responsibility for the Ministry of Environment”
- DCM 954, date 16.10.2013, “On the definition of area of responsibility for the Ministry of Transport and Infrastructure”, and
- DCM 944, date 9.10.2013, “On the definition of area of responsibility for the Ministry of Urban Development”,

The legal framework is complemented with the law 139/2015 “On local self-government”, which has defined responsibilities of local government units, specifically the role and responsibilities of municipalities in the management of municipal waste.

1.2.1 Role and responsibilities of Ministry of Environment

Ministry of Environment in the development of policies and overall waste management aspects. In cooperation with other institutions, MoE is the responsible institution to develop policies, legislation and design and implement the national strategy and action plan for waste management. Along with other subordinated institutions, including the National Environmental Agency (NEA) and the State Environment Inspectorate (SEI), the ministry has the overall responsibility for the establishment of the waste management system at country level and monitor its implementation. Other specific responsibilities of the MM include:

- Design, and monitor implementation of the National Strategy and the Plan and Regional Plans;
- Design and develop other legislation and bylaws to ensure implementation of the National Strategy and the Plan, with particular focus on the enforcement of the waste hierarchy as defined in the law 10,463 and subsequent bylaws;
- Issues permits to entities that operate in the area of waste management, including export and trans-boundary shipment of non-hazardous waste;
- Organizes and manages data registers relevant to various issues related to waste management, defines and permit construction of sites for disposal of hazardous waste, permission of entities that transport, dispose and treat hazardous waste;
- Reserves the initiative for giving to concession projects that aim implementation of measures as defined in the National Plan for Integrated Waste Management, based



on the dispositions as definitions in the law 125/2013 “On the concessions and public private partnership”.

During the last years and as foreseen in the mid - term budget 2017-2020, an annual budget is assigned to this ministry, mostly related to finance costs that goes to construction of incinerators, either under a concession or public and private partnership scheme or even directly from the state budget. Budget of this ministry includes support of financing local costs relevant to projects financed from foreign resources

Under the MoE operate other subordinated organizations / institutions including:

- The Sector of Waste Management and Industrial Accidents (SWMIA) that operates as part of the Environment Directory in the structure of MoE;
- The National Environmental Agency (NEA) and the network of Regional Environmental Agencies (REA); and
- State Environmental Inspectorate (SEI)

The SWMIA is composed of small staff (3) and exercises very limited responsibilities.

1.2.2 National Environment Agency

The network of Regional Environmental Agencies is composed of 12 regional branches headed by NEA in the centre. Major responsibilities of NEA and the regional network with regard waste management, are related to:

- Monitoring and collection of data on waste management as released by municipalities and regional authorities;
- Define the site for disposal of municipal waste; and
- Issuance of environment permits for waste treatment facilities at local level.

While exercising its authority NEA is required to ensure cooperation with local authorities.

1.2.3 State Environmental Inspectorate

As a subordinate institution to the MoE, the inspectorate is responsible to ensure and control the enforcement of the laws that regulate environmental protection. The SEI imposes fines on and has the authority to suspend and shut down all activities of any state and private entity that have violated the enforcement of dispositions as of the law on environment protection, integrated waste management and other legislation that affects environment. The Inspectorate has the authority to report other authorities and publish report findings on the overall situation of the environment and on all aspects of waste management in particular.

However, despite the wide range of responsibilities and authority, which is charged to these institutions by current legislation, there is a general opinion that they operate under a limited number of personnel, lack of basic equipment and proper premises and low capacities. As such, their role is rather limited to the collection of information, which is often not sufficiently accurate and contradicting with other institutions, and the preparation and the reporting of the annual “Report on environmental protection”.

1.2.4 The Committee for Integrated Waste Management

The MoE host also the Committee for Integrated Waste Management (CIWM), which is established by the DCM 967, date 25.20.2013, “On the manner of organization and functioning of the CIWM”. The Committee is chaired by the deputy minister of MoE and is composed of several other deputy ministers including, Interior, Defence, Finance, Transport and Infrastructure, Education, Urban Development, Justice, Health, Energy and Industry, Agriculture, and the ministry of state for local affairs.

The CIWM is supported by the Waste Management Advisory Group, which is established with an act of MoE and is composed of stakeholder representatives, including civil society organizations, donor organizations, recycling industry and other sectors.



The CIWM has a wide scale of freedom and responsibilities to prepare and carry out its own program relevant to waste management, design and propose policy directions and new legislation to the ME, and other executive tasks such as to:

- Declares that opening the closure of the status of environmental emergency;
- Assess, analyses and proposes necessary administrative and legislative measures relevant to waste management;
- Organizes and conducts programs and/or activities for the implementation of major pillars of the National Strategy with regard, planning, education, allocation of resources and legislation.

Among other responsibilities, the CIWM primary role is to ensure that policies relevant to waste management are harmonized among other ministries and ensures that any decision with regard waste management is taken with prior consultation with other member ministries and civil society associations.

Although the areas of responsibilities of the CIWM is very wide, efficiency of this organization is very low; its role is rather formal, there is no budget assigned to this organization, and none of major decision, to illustrate for example the one on the development of incinerator's network or any other decision, have not necessarily required the CIWM decision.

1.2.5 Role and responsibilities of Ministry of Transport and Infrastructure

MTI takes its role in the sector based on the law 10.463 and the DCM 954. The MTI role and responsibilities are related to design and implementation of the policies relevant to transport and public infrastructure.

With regard waste management, the role of MTI is limited with development of standards, best techniques and treatment infrastructure of municipal waste and waste from construction and demolition (C & D).

Traditionally this ministry has been responsible for collection of data on municipal and C&D waste. For many years these data have constituted the major and only source of information about amount of waste generated in Albania.

In cooperation with MoE, the MTI has the authority to monitor activities relevant to disposal and treatment of municipal and C & D waste, all the way from design, construction and implementation of landfills and incinerators. Nevertheless, the fact is that last decisions relevant to the procedures for the study and construction of incinerator in Elbasan and the proposed ones of Fier and Tirana, are led by and taken from MoE. In addition, cooperation with MoE is extended to the issuance of regulations and monitor the management of automobiles at the end of their life cycle (DCM 705, date 10.10.2012; management of waste from ships and residuals from their charges.

From the organizational and administrative point of view, the "Sector of policies for the treatment of solid waste", which composed of only 3 staff, is the structure in charge to carry out waste management responsibilities at this ministry. The same as for the MoE, the administrative unit at MTI is under staffed and lack of know-how and equipment.

An annual budget is assigned to this ministry, mostly related to finance studies and detailed designs for closure of existing waste dumpsites, construction of new landfills and other treatment facilities. Budget of this ministry includes support of financing local costs relevant to projects financed from foreign resources.

1.2.6 Role and responsibilities of Ministry of Urban Development

Ministry of Urban Development has gained responsibility on waste management only based on the DCM 944, date 9.10.2013, "On the definition of area of responsibility for the Ministry of Urban Development. According to this DCM, responsibilities of MUD relevant to waste management are related to territorial planning and positioning of landfills and other waste treatment facilities. Despite the authority in territorial planning, the DCM 944 does not specify how the MUD shall exercise its authority relevant to waste management assigned task.



The Sector of Solid Waste with 3 employees is organized under the Directory of Public Services and Housing.

Nevertheless, an annual budget is assigned to this ministry in the area of waste management was well. It looks like there is an overlapping of responsibilities of this ministry with MTI, as funds allocated to MUD are used for design and study of closing existing dumpsites and / or construction of landfills, which is the same with exercising authorities of MTI. Other budget funds allocated to this ministry are used for financing of local costs in support of KfW funding for the preparation of the Master Plan on waste management and development of the database and Management Information System based map of dumpsites location.

1.2.7 Role and responsibilities of Other Ministries

1.2.7.1 Ministry of Health

Responsibilities of the Ministry of Health derive from the law 10,463; its responsibilities are executed in coordination with the ME. A new regulation "On the management of hospital waste" is approved by the Council of Ministers with the Decision no. 798, date 29.9.2010. The regulation makes responsible hospital waste producers, which are legally binding to carry out collection and treatment of waste based on the standard as it is defined in this document and to policies and objectives as defined in the National Strategy and the Plan. The activity related to collection and treatment of hospital waste is monitored from the SEI and the State Sanitation Inspectorate.

1.2.7.2 Ministry of Energy and Industry

Responsibilities of the Ministry of Energy and Industry derive from the National Strategy and the Plan as approved with the DCM 175/2011; its responsibilities are executed in coordination with the MoE and are related to the regulation of industrial and mineral waste. Two specific ordinances to regulate the management of industrial and mineral waste are expected to be developed and enforced, although still the documents are not yet prepared and agreed.

1.2.7.3 Ministry of Agriculture, Rural Development and Water Administration

Responsibilities of this Ministry derives from the law 10,463 on integrated waste management; its responsibilities are executed in coordination with the ME and are related to the regulation of the use of the residuals from wastewater as approved with the DCM 127 as of 11.02.2015, and in the area of waste from animal residuals. A specific ordinance to regulate the management of waste from animal residual is under preparation from this ministry.

1.2.7.4 Ministry of Defence

Responsibilities of the Ministry of Defence derives from the National Strategy and the Plan as approved with the DCM 175/2011; its responsibilities are executed in coordination with the ME.

1.2.7.5 Ministry of Finance

Responsibilities of the Ministry of Finance derives from the law on the state budget and relevant legislation that regulates issuance of national and local taxes. According to the law on state budget, the MoF is in charge to define annual budget ceilings in the course of the mid – term budgeting preparation process; it also proposes the base for taxes charged on activities spoiling the environment, which are collected from the General Directorate of Taxes, a subordinate agency of the MoF.

1.3 Institutional Framework and Responsibilities of Local Government

The law no.139/2015 "On Local Self-Government" defines the responsibilities and the authority of LGUs level. This law regulates the organization and functioning of local government units and of respective bodies in the Republic of Albania, as well as defines their functions, competences, rights and duties. Specifically, the "collection, transportation, disposal and treatment" of



municipal waste” is defined as an “own” function of municipalities. Under this definition, municipalities have the right and the responsibility to:

- organize and conduct service delivery of collection, transport, disposal and treatment of municipal waste;
- construct, own and operate treatment facilities;
- set up service fees to cover costs of service delivery and collection of revenues,
- At municipal discretion, organize service delivery of waste management on their own and/or in cooperation with one or more other municipalities, using therefor most appropriate administrative instruments, including but not limited, with:
 - A budgetary administrative structure as part of the organisational charter of the municipality;
 - Municipal budgetary public legal person;
 - Self-sufficient municipal public entity;
 - Management or service contracts outsourced to private or public operators;
 - Any other form as defined by the laws on concessions and public private partnership.

Specific tasks for municipalities and regional councils are defined with the Law 10463/2011 “On integrated waste management”, as amended and several all bylaws, which have derived from the aforementioned law.

According to the law on integrated waste management, direct responsibilities of Local Government Units (both municipalities at the first tier and regional council at the lower second tier) are related only to planning for waste management in their respective jurisdiction.

Other tasks assigned to regional councils and municipalities include the obligation for a hierarchical annual reporting about waste amount, starting from municipalities to the regional council and the later to the MoE. In addition, municipalities are required to establish their own regulations for the control of specific municipal waste streams such as paper/cardboard, plastic, metals and glass.

Surprisingly, the law makes the major of the municipality exclusively and personally responsible for the administration and management of municipal waste, while the function according to the law on local self-government is an “own” function assigned to the municipality.

So far, the law on integrated waste management fails to clearly define specific management and administrative responsibilities to municipalities in line with the definition of the law on local self-government, which defines the collection, transport, disposal and treatment as an own function of municipalities.



2 Conclusions

At central level institutional framework for waste management involves three main ministries including MoE, MTI and MUD, and their subordinated agencies with tasks scattered among them and very often overlapping with each other.

Administrative structures at each ministry, which are organised at the lower level of the “sector” as part of an upper level which are the directories, have limited staff, show lack of expertise and know-how, whereas their subordinated agencies that operate in the field, show lack of personnel, equipment and know-how to efficiently exercise their responsibility.

The law on local self - government is not in line and harmonized with the law on integrated waste management, therefore the later fails to clearly define specific management and administrative responsibilities to municipalities in line with the definition of the law on local self-government, which defines the collection, transport, disposal and treatment as an own function of municipalities.

Given that the waste management sector is already defined as a “strategic sector”, and given that the CIWM has not been effectively playing the role as assigned by the law, it is necessary that this structure take a different shape and role. It is proposed that this structure could be organized as a National Committee, with a membership composed of representatives from all stakeholder representatives, rather than remains as an inefficient inter-ministerial structure



3 Annexes

3.1 Organisational structure of the project beneficiary the Ministry of Environment [MoE]

Figure 1: Organisational structure of the project beneficiary the Ministry of Environment [MoE] - English

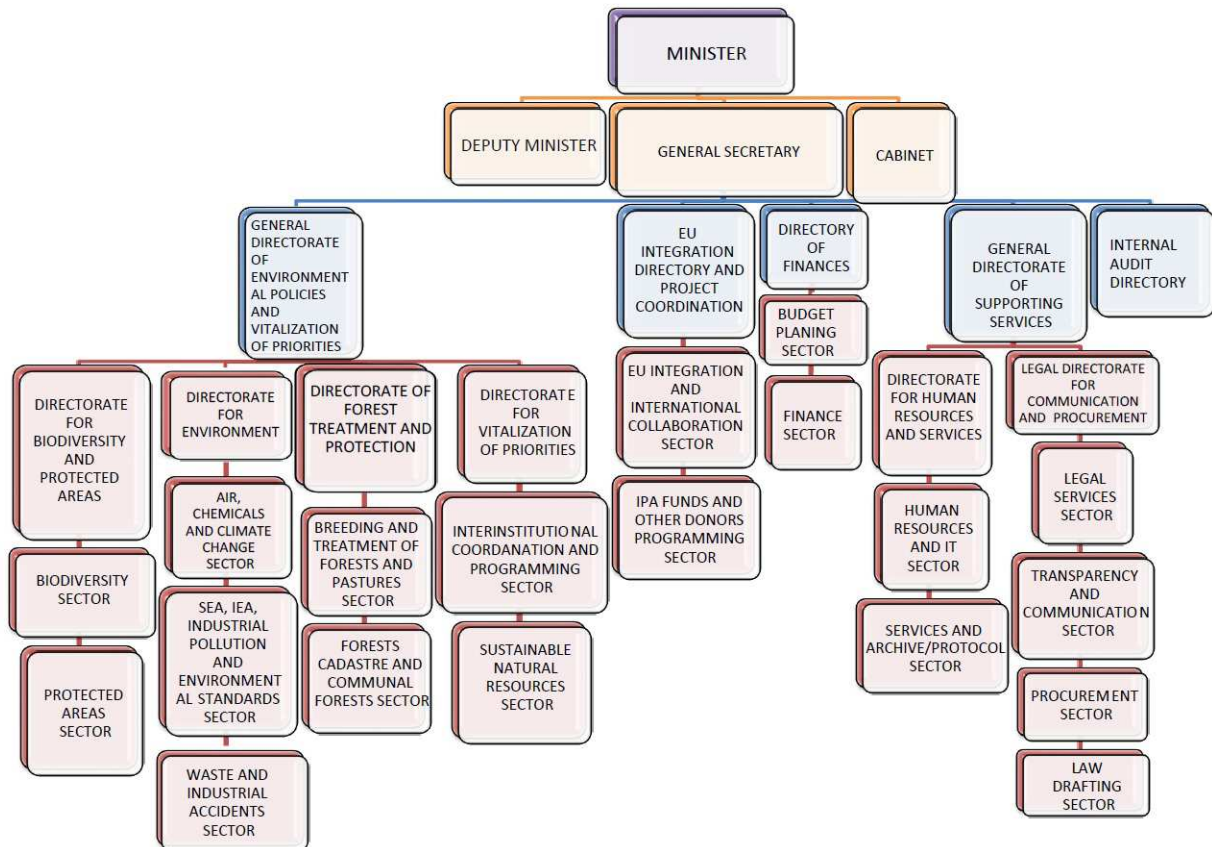
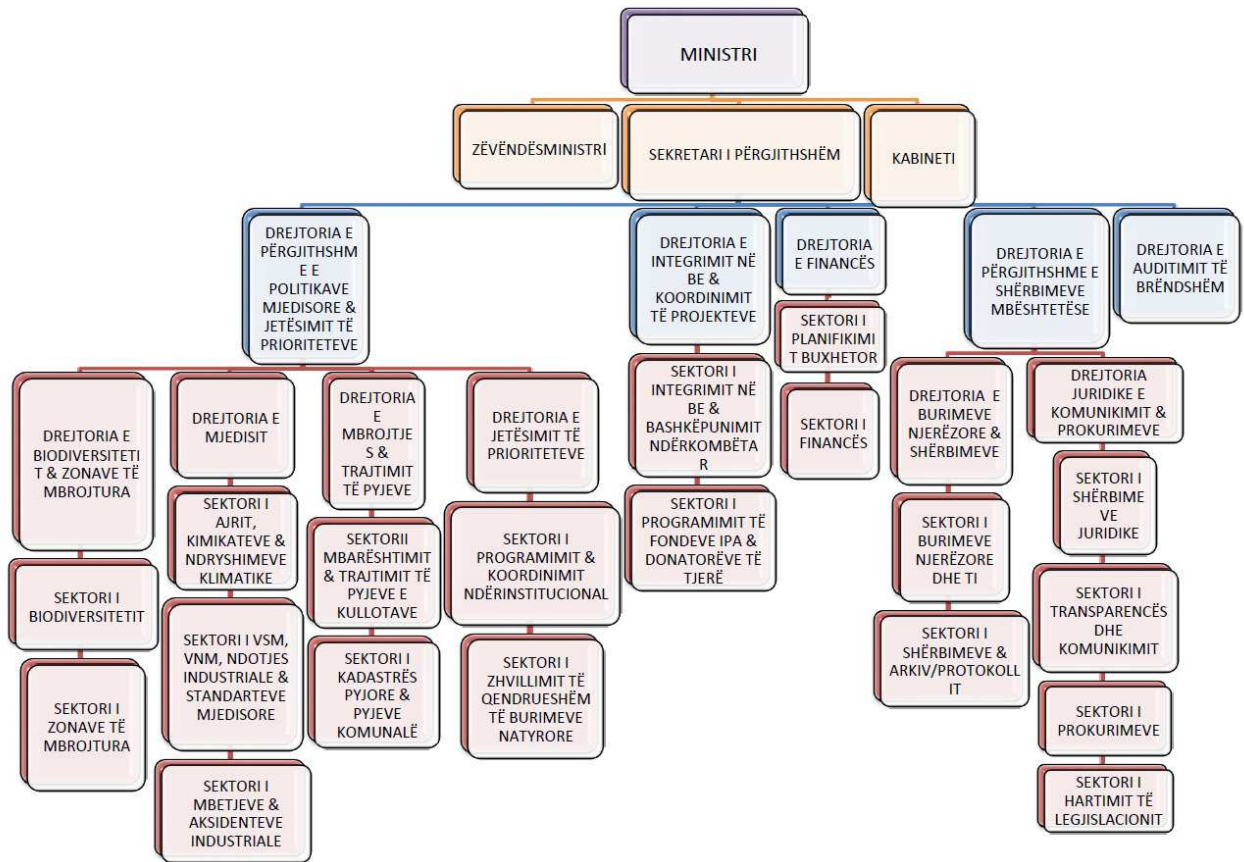


Figure 2: Organisational structure of the project beneficiary the Ministry of Environment [MoE] - Albanian





The European Union's IPA Programme for Albania



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