



## Research Article

© 2023 Artenida Duraku & Irida Agolli Nasufi

This is an open access article licensed under the Creative Commons Attribution-NonCommercial 4.0 International License (<https://creativecommons.org/licenses/by-nc/4.0/>)

### EU Integration of Chapter 27 “Environment and Climate change” in Albania

**PhD (C.) Artenida Duraku**

*Ministry of Tourism and Environment, Albania*

**Assoc. Prof. Dr. Irida Agolli Nasufi**

*Faculty of Social Sciences, University of Tirana, Albania*

DOI: <https://doi.org/10.2478/ajbals-2023-0010>

#### Abstract

This article will be focused on the Chapter 27 “Environment & Climate Change” and during this desk study the new EU Enlargement Methodology will be analysed with a focus on the Chapter 27 and its transposition in Albania. The aim of this article is to provide a comprehensive understanding of EU Integration and especially of the environmental sector. With the opening of the EU negotiations, the responsibility has been moved to the Government of Albania and to the Albanian’s citizens. The Ministry of Tourism and Environment is the leading authority for Chapter 27 - Environment and Climate Action.

Chapter 27 is included in cluster “Green agenda and sustainable connectivity” and it is considered as one of the most comprehensive and challenging to implement, including being the most-expensive chapter in terms of costs. This study will review the new enlargement methodology together with its application, which will be applied for the first time during the negotiation process and also will identify the level of transposition regarding the sub chapters of chapter 27 “Environment and Climate change”.

**Keywords:** EU integration, Environment, Chapter 27, Climate Change.

#### 1. Introduction

The Environmental sector in Albania is closely connected with social, economic and political developments through which the country has experienced. The natural potential of the country should have accompanied a greater economic development and the standard of living of the population, but this has not been the case, because of the country’s economic and social problems. Albania has already entered the path of reforms closely related with the EU integration. Sustainable development

and environmental protection are considered the main objectives, making the environmental policies to be drawn up based on the principles as well as the obligations derived from the European environmental legislation (Hanxhari, 2018). There are many benefits from further integration in the EU that could result in particular from the fact that full membership in the European Community will increase the credibility of government policy in accession countries (Piazolo, 2001). Closer integration with the EU in such sectors as trade, climate, energy, research, health, foreign and defense policy would make candidate countries feel as part of the EU "space" even while still on their way to membership. The examples of the EU's roaming agreement with the Western Balkan countries have demonstrated that the EU is already de facto applying elements of the gradual accession model. However, to be anchored at the institutional level and be fully implemented, this model should be accompanied by a parallel reform of the EU internal decision-making system, at least in the area of enlargement, to limit the ability of individual member states to use their veto at all stages of accession negotiations, as is now the case. Therefore, there is a need for candidate countries to try to affect member states' perceptions of their membership bids through active public diplomacy, encouraging tourism and people-to-people contacts with EU citizens, and engaging directly with the governments of skeptical EU members (Parandii, 2023).

The enlargement methodology "Enhancing the accession process, a credible EU perspective for the Western Balkans" was adopted by the EU Council in February 2020. There is no country that has conducted EU negotiations following the New EU Enlargement Methodology, thus the experience shall build up for both, for the candidate countries, as well for the European Commission (EC) and EU member states. In the new methodology there are steps/activities that are obvious such as: introductions of clusters for EU negotiations that make several chapters much connected and depended on each other; introduction of benchmarks on cluster and chapter levels; the need for preparation of roadmaps or action plans for chapters and benchmark implementation plans. Negotiations on each cluster open as a whole – after the country fulfils the opening benchmarks. Each chapter will be dealt with individually with respect to its provisional closure. Negotiations on the fundamentals open first and close last; progress under the fundamentals' cluster will determine the overall pace of negotiations. If there is sufficient progression with reform priorities, this should lead to closer integration with the European Union, through accelerated integration and increased investments and funding. As negotiations will start with some country based on the new EU Enlargement Methodology, the introduced practice by EC will need to be considered and adjust the national process and procedures accordingly.

## **2. Methodology**

The research method applied is desk study review: The purpose of the desk study review was to gain an overall understanding of the situation regarding Chapter 27 and

its level of transposition, gaps and challenges. The desk review analysis undertaken in the framework of this article focused primarily on reviewing and analysing the governmental documents, strategies and reports such as National Strategy on Climate Change and its two annexes and different reports submitted by SANE 27 project (Supporting Albania Negotiations in Environment), that is a project financed by Swedish Embassy in Albania and annual reports from European Commission and dates from the Ministry of Tourism and Environment. The desk study review provided the authors with a better understanding of the situation of Chapter 27 and also helped to understand the gaps that have to be complemented in order to prepare adequate recommendations on how Albania should move forward regarding EU Integration especially towards Environment and Climate Change Chapter.

### **3. Accession negotiations - Summary of the accession negotiations process for Albania**

For Albania, EU membership is a key priority and the most important strategic ambition of the country. Stabilization and Association Agreement has been in force since April 2009. In June 2014, the European Council granted Albania candidate status. On March 25, 2020 the Council of Ministers decided to open accession negotiations with Albania and North Macedonia,<sup>1</sup> endorsed by the members of the European Council on 26 March 2022, as well as the approval by the Council on 18 July 2022 of the Negotiating Framework for the negotiations which lead to the First Intergovernmental Conference opening officially the accession negotiations. On 19 July 2022 the European Council presented the “Negotiating Framework”. It includes guidelines and principles for the accession negotiations with the candidate country and is an instrument developed by EC and approved by the European Council. Albanian Ministry of Tourism and Environment is leading authority for Chapter 27 - Environment and Climate Action. This role is assigned by the Order No. 94, dated 09.05.2019 of the Prime Minister “On the establishment, composition and functioning of Inter-Institutional working groups for the European Integration”. Chapter 27 is included in cluster 4, Green agenda and sustainable connectivity together with the following chapters:

14 - Transport policy;

15 – Energy;

21 - Trans-European networks.

### **4. Challenges regarding the implementation of Chapter 27**

There are a lot of challenges identified regarding the implementation of Chapter 27. This chapter is considered as one of the most comprehensive and challenging to implement, including being the most-expensive in terms of costs. Based on the

<sup>1</sup> “Council Conclusions On Enlargement And Stabilization And Association Process”, Council of the European Union, 2018 <https://www.consilium.europa.eu/en/policies/enlargement/albania/>

evidences provided from the Ministry of Tourism and Environment this chapter is organized with the participation of more than 28 institutions and 75 representatives in the line ministries such as Ministry of Infrastructure, Ministry of Health and Social Protection, Ministry of Defence and line agencies engaged in policymaking and implementation of the environmental *acquis* such as National Agency of Environment, National Agency of Water Resources, Institute of Public Health etc.

Chapter 27 requires technical capability of the Albanian administration to successfully negotiate environment and climate change Chapter of the EU *acquis*. To successfully run the negotiation it is needed a good understanding of the current legal, institutional and implementation situation in the country, strengthening the capacity and abilities to meet all the requirements, well developed regulatory and planning framework and strategies how, with which resources and by when full compliance with the EU legislation and standards will be achieved.

The EU *acquis* comprises over 200 legal acts, for negotiation purposes grouped into 75 main legal acts (directives and regulations) under Chapter 27 – Environment and Climate Change and covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control, risk management, chemicals, noise and climate change.

## 5. Negotiating framework

Negotiating framework (NF) establishes main requirements for EU negotiations. Few conditions are included in the NF and its Principles governing the negotiations and the Substance of the negotiations for Albania:<sup>2</sup>

1. Negotiations are based on Article 49 of the Treaty of the European Union<sup>3</sup> and takes account of all relevant Council conclusions (art 1 - intro) and as future Member State it is expected Albania to adhere to the values, listed in Article 2 of the Treaty, namely the respect of human dignity, freedom, democracy, equality, rule of law and respect for human rights, including the rights of persons belonging to minorities (art. 10 - intro);
2. Albania will have to apply the *acquis* as it stands at the time of accession and incorporating the enhanced enlargement methodology. Stronger focus is needed on the fundamental reforms and that progress on the fundamentals cluster will determine the overall pace of negotiations (article 11 - intro);
3. The negotiations will be based on Albania's own merits and the pace will depend on the Albania's progress in meeting the requirements for membership (article 2) and the pace of enlargement must take into account the Union's capacity to absorb new members (article 3);
4. Albania must accept the rights and obligations attached to the Union and its institutional framework, known as the *acquis* and bring its institutions, management

<sup>2</sup> EU Position Ministerial Meeting opening the Intergovernmental Conference on the Accession of Albania to the European Union (Brussels, 19 July 2022).

<sup>3</sup> Treaty of the European Union, available at <https://www.legislation.gov.uk/eut/teu/article/49>

- capacity and administrative and judicial systems up to Union standards;
5. Furthermore, in addition to legislative alignment, accession implies the timely and effective implementation of the *acquis*;
  6. Where considerable adaptations are necessary requiring substantial effort including large financial outlays, Albania may request and the Union may agree to the Albanian's request for transitional measures provided they are limited in time and scope and accompanied by a plan with clearly defined stage for application of the *acquis* (article 26). Consequently, appropriate transitional arrangements can be envisaged as part of an ongoing, detailed and budgeted plan for alignment and with prepared Directive specific implementation plans that are to be approved by the Albanian government through the negotiation positions;
  7. Where necessary, specific adaptations to the *acquis* can be agreed (and negotiated through Negotiating Position adopted by the country and approved by EU through common position).

In addition, Negotiating Framework is presenting the procedure following the new EU enlargement methodology, presenting the clusters and the chapters therein, as well as the possibility of the Members states and the Commission to withhold its recommendation to open and/or close cluster and chapters for negotiations. Also, NF includes possibility EU support to be increased as the country is closer in meeting the EU *acquis* requirements.

## 6. Steps to be taken by Albania regarding Chapter 27

These conditions will establish corresponding criteria on how the progress in the EU negotiations will be measured for Albania. Demonstration of:

1. Level of transposition and how transposition will be completed by the date of accession (Albania becoming an EU member state);
2. Institutional capacity and how required capacity will be developed before accession;
3. Level of implementation and plans to implement most of requirements before accession;
4. If necessary, transitional periods could be negotiated supported with the implementation plans (Directive Specific Implementation Plans);
5. If required, specific adaptations shall be identified (for example, geographical adaptations - nature sub chapter or adaptation periods – chemical sub-chapter) and timely agreed.

Negotiations under each chapter are based on two key elements:

- Screening process;
- Opening of Cluster and chapters within, negotiating and closing of the chapter (chapter is closed independently of the other chapters within one cluster-Cluster 4).

Also, for the negotiations the benchmarks are important that could be imposed either to open a cluster and/or chapter or to close one chapter. Consequently, the country

needs to prepare a plan for implementation of the benchmarks.

Screening has two stages:

- Explanatory meeting;
- Bilateral meeting.

During explanatory meeting the European Commission explains requirements of the environmental *acquis*. Differently from the other countries experience during negotiations, for Albania and North Macedonia part of screening – explanatory meeting has been organised before the official negotiations process started. Explanatory meeting took part in Brussels from May 13 – 17, 2019. During bilateral screening and then later during negotiations for Chapter 27, attention will be paid to the following aspects:

- Level of transposition/alignment;
- Plan for full transposition/alignment including legal acts to be adopted and schedule for adoption;
- Maturity of institutional system – nomination of competent authorities and their capacities, main stakeholders and their involvement;
- Institutional strengthening plans and capacity development measures in order to close institutional gaps;
- Level of implementation of requirements, remaining gaps, financing source and time bound plans for full implementation.

Bilateral screening meeting is a detailed examination by the Commission, together with Albania of the status of approximation (transposition, administrative capacity and implementation of EU *acquis*) for each major Chapter 27 directive and regulation in order to determine how well the country is prepared to comply with environmental *acquis*. Screening Report contains assessment of the degree of alignment and implementing capacity of the country and it gives an assessment whether the country is ready to open negotiations in the area or it needs to fulfil additional requirements such as an opening benchmark (which is then defined in the conclusion of the Screening report).

## 7. Results and discussions

The first international conference on environmental matters of the contemporary era was the United Nations Conference on the Human Environment, held in Stockholm in June 1972, with almost no head of state and government in attendance.<sup>4</sup> In the course of the almost four decades that have followed the Stockholm conference, the situation has been completely turned upside down: the EU is today the global ecological leader, extending its influence within the US borders, while it is the source of the vast majority of environmental laws of its member states. As Kelemen (2009) puts it: “On issues ranging from climate change, to biodiversity, to trade in toxic wastes, to the regulation of persistent organic pollutants, the EU has taken on a leadership role” (Laurent and Le Cacheux, 2010).

<sup>4</sup> For more info see: <http://www.unep.org/Documents.Multilingual/Default.asp?documentID=97>.

EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, shared responsibility and the integration of environmental protection into other EU policies.<sup>5</sup> Based on the last report of SANE 27, "Screening Preparatory assessment report", conducted during July 2021, Albanian legislation is well aligned with the EU environment and climate change legislation, though there are still many policies to be implemented. Regarding Chapter 27 transposition MoTE have a mid-level progress with 47.8 % an average value for the whole chapter. However, this average varies very much among sub-chapters with relatively high level of transposition (Horizontal legislation) and sub-chapters in the initial stage of transposition (Climate Change). On average, the Horizontal Legislation is at an advanced level of transposition (83.8 %);

The Air Quality sub-chapter legislation is partly transposed (95.8 %);

The Waste Management sub-chapter legal acts are partly transposed (54.8%);

The Water Quality sub-chapter legal acts are partly transposed (53.7 %);

The Nature Protection sub-chapter legal acts are partly transposed (31.9 %);

The Industrial Pollution Control sub-chapter legal acts are partly transposed (44.5 %);

The Chemicals sub-chapter legal acts are partly transposed (24.5%);

The Noise sub-chapter is at an advanced level of transposition (86 %);

The Climate Change sub-chapter is at an initial level of transposition (12.2 %). This is the only sub-chapter where for most of the legal act's transposition has not started yet.

Preparations for negotiations requires good understanding of transposition, institutional capacities and implementation in the country. It is needed to assess and to identify the remaining gaps and planning action in order to fulfil compliance before accession. The New EU Enlargement Methodology envisages possibility for EC to set benchmarks on Cluster and on chapter level as precondition to open the negotiations. It is expected the Screening report to cover all chapters within one Cluster and to provide opening benchmarks for different chapters that are within one Cluster. If benchmarks for opening a Cluster are not fully met by the relevant chapter within a cluster, no chapter can be open for negotiation. This is important to understand the need of coordination of efforts of all chapters belonging to one cluster. Furthermore, Chapters 23, 24, 5, 18 and 32 within Cluster of Fundamentals play an important role to move forward the EU negotiation process.

The Government of Albania has progressed with aligning its national agenda as set out in the National Strategy for Development and Integration for the period 2015-2020, (NSDI-II), with the 2030 agenda for Sustainable Development. The challenges include developing a national vision until 2030. The Agenda for Sustainable Development Goal implementation and monitoring efforts with the EU accession process and intensive efforts are made in regards to transposition of the EU acquis into the national legislation (UNECE, 2018).

---

<sup>5</sup> SANE27, "Screening preparatory assessment report". (November, 2021).

## 8. Recommendations

The competencies for Chapter 27 “Environment and Climate change” are distributed among several local and national institutions. In addition, coordination efforts are needed in order to achieve transposition and implementation of the chapter 27 *acquis*. The country should prepare a plan for meeting benchmarks on cluster and/or chapter level. It is necessary to develop a plan for meeting benchmarks on chapter level. Cooperation among chapters within one cluster is fundamentally important to meet benchmarks and to open negotiations. It is strongly suggested to identify the remaining gaps and to plan prioritised action in order to achieve higher level of approximation while preparing for Chapter 27 negotiations.

## References

- 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”, European Commission, (2020). Available at [https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-02/enlargement-methodology\\_en.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-02/enlargement-methodology_en.pdf)
- Communication on EU Enlargement Policy, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022DC0528> EU Position Ministerial Meeting opening the Intergovernmental Conference on the Accession of Albania to the European Union (2022, July 19), Brussels.
- European Commission (2022). Commission Staff Working Document Albania Report, Brussels.
- Hanxhari, O. (2018). Standardet mjedisore, Shqipëria përballë Bashkimit Europian. Tirana.
- Laurent, E. Le Cacheux, J. (2010). The EU as a global ecological power: The logics of market integration.
- Marrëveshja E Stabilizim Asociimit Ndërmjet Komuniteteve Europiane E Shteteve Të Tyre Anëtare Dhe Republikës Së Shqipërisë available at <https://integrimi-ne-be.puneteshjshme.gov.al/wp-content/uploads/2020/04/MSA-BE-Shqiperi-sq.pdf>
- Order No. 94, dated 09.05.2019 of the Prime Minister “On the establishment, composition and functioning of Inter-Institutional working groups for the European Integration”.
- Parandii, K. (2023). Eastern Europe joins the Western Balkans.
- Piazolo, D. (2001). The integration process between the Eastern and Western Europe.
- Screening Preparatory assessment report (2021). SANE 27.
- Proposal for a regulation of the European Parliament and of the Council establishing the Instrument for Pre-Accession Assistance (IPA3) (2018).
- UNECE (2018). Environmental Performance Reviews, Albania, Third review.