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POLICY PAPER

WASTE MANAGEMENT IN ALBANIA: AN OPPORTUNITY TO DEMONSTRATE COMMITMENT TO EU INTEGRATION

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Waste management is one of Albania's biggest environmental challenges, along with water and air pollution, land degradation, and biodiversity loss.¹ In 2011, the government drafted an ambitious National Strategy on Waste Management that aimed to align the country's legislation in this policy field to EU regulations. However, recent investments in the development of three waste incineration plants have raised serious concerns among environmental experts, civil society activists, local communities, as well as European Commission², because these type of systems release hazardous carcinogenic and toxic chemicals that pollute the air, water, and soil. Thus, building these incinerators can have serious implications for public health and the environment in Albania. In addition, the planning and construction of these plants have been non-transparent, possibly rigged, and not in line with international standards. This paper contends that the Albanian government has an opportunity to demonstrate its commitment to EU integration by reconsidering its current approach to waste management. By prioritising recycling over incineration, Albania can show that it is serious about fulfilling the obligations of EU membership deriving from Chapter 27: Environment.

THE ALBANIAN NATIONAL STRATEGY ON WASTE MANAGEMENT

In 2011, Albania launched its ambitious National Strategy for Waste Management, covering the 2010-2025 period, in which the government had hoped Albania would succeed in becoming an EU member state. That strategy sought to align Albania's legislation on waste management with the EU's Waste Framework Directive and the EU acquis. The legislative framework was based on the need to protect public health, the environment, and the economy, and aimed to turn waste management into a "priority issue"³. Like the EU's own waste management policy, Albania's strategy put emphasis on waste reduction, the recovery of resources, the maximisation of recycling, and re-use of waste⁴.

In 2012, The United Nations Economic Commission for Europe (UNECE) warned that the local expertise and the capacity of government institutions would not be sufficient to achieve the high standards that were set in Albania's waste strategy. To meet that standard, UNECE encouraged the Ministry of Environment, Forests, and Water Administration to strengthen its capacity, work towards increasing waste management expertise, and cooperate with other ministries and local stakeholders to

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- 1 UNDP, "Environment and Climate Change: In Depth", available at: <http://www.al.undp.org/content/albania/en/home/crisis-response.html>.
 - 2 Concerns about the waste management are expressed in progress reports and in other studies commissioned by the European Commission, for example: Hogg, Dominic and Vergunst, Thomas (2017). "A Comprehensive Assessment of the Current Waste Management Situation in South East Europe and Future Perspectives for the Sector Including Options for Regional Co-Operation in Recycling of Electric and Electronic Waste", Publications Office of the European Union, available at: http://ec.europa.eu/environment/enlarg/pdf/pilot%20waste/final_report_en.pdf.
 - 3 Center of Official Publications (2011), "National Strategy on Waste Management (2011 – 2025)", available at: http://www.qbz.gov.al/botime/fletore_zyrtare/2011/PDF-2011/36-2011.pdf
 - 4 Ibid.

implement the waste management strategy⁵. Seven years later, the 2018 Commission report on Albania revealed that the implementation of the National Strategy for Waste Management remained at an early stage⁶, with large discrepancies between the established legal framework and the reality on the ground. The Commission highlighted that Albania should increase the separation of collection by preventing waste generation, promoting recycling, and reducing bio-waste.

However, since 2013, the government abandoned the strategy on waste and actually commissioned the construction of three incinerators, one of which is now operational. The strategy does mention incineration as a means of waste management but states that this method has limited benefits and is a serious risk to the environment and human health⁷. The EU too holds that the incineration and disposal of waste are the least favourable options for waste management (see also Box 1) and “should be applied only after the other forms of waste management are fully exhausted”⁸.

The construction of these incinerators has caused the Albanian government to revise its 2011 national strategy, and the new draft, covering 2018-2033, is now available online⁹. The document still sets targets for recycling in line with EU legislation, but falls short of details on how the Albanian government plans to achieve them. The implementation of the new strategy is all the more an issue since the investment on incineration of 169 million euro is already quite large compared to the country’s GDP of 13 billion euro¹⁰ and to the annual budget for urban waste management, which was just over 2 million euro in 2018¹¹. This investment leaves little room for the creation of a better recycling system and the promotion of consumers’ waste prevention, for example, by re-using products.

5 UNECE (2012), “Second Environmental Performance Review of Albania”, available at: <http://www.unece.org/index.php?id=31558>.

6 EU Commission (2018), “Albania 2018 Report”, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>.

7 Center of Official Publications (2011), Op. Cit.

8 European Union (2010), “Being wise with waste: the EU’s approach to waste management”, available at: <http://ec.europa.eu/environment/waste/pdf/WASTE%20BROCHURE.pdf>.

9 Ministry of Tourism and Environment (2018), “National Strategy on Waste Management (2018 – 2033)”, available at: <https://www.mjedisi.gov.al/strategjia-e-mjedisit/>.

10 World Bank (2017), GDP (current US\$), available at: <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>

11 Ministry of Finance and Economy (2019), Tabela 1 – Buxheti 2018 (Institucionet me programe dhe shpenzimet e tjera), available at: <https://financa.gov.al/buxheti-2018-fillestar/>.

INCINERATION, THE LEAST PREFERRED APPROACH TO WASTE MANAGEMENT

The risks for public health and the environment

The current focus on incineration as a means of managing waste does not only contravene EU legislation, but it also raises serious concerns about its impact on the environment and public health in Albania. Incineration is seen as one of the main alternatives to landfills, which are known for their high potential of releasing methane and contaminating with chemicals the ground water, surface water, and soil. Advocates of incineration claim that this method is less damaging to the environment than landfills, arguing that it could reduce greenhouse gas emission¹². Indeed, compared to the landfill method,¹³ incineration is a better option. However, at present in Albania there are many other underused alternatives for waste management that are less damaging to the environment, including waste minimisation, recycling, and repeated use of products (re-use)¹⁴. For this reason, the EU Waste Framework Directive insists on waste prevention rather than incineration or disposal (see Box 1).

When carried out under controlled conditions and in modern facilities, incineration can be used to produce electricity or fuel for certain industrial processes. However, poor or incomplete burning of waste can lead to the release of hazardous carcinogenic and toxic chemicals¹⁵. Particularly dangerous is the fact that incineration releases toxic nanoparticles that are small enough to penetrate the lung membrane and enter the bloodstream¹⁶. Once in the bloodstream, they can pass into every body tissue, including the brain, which can cause neurodegenerative diseases such as Alzheimer's, Parkinson's disease, or Huntington's disease¹⁷.

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- 12 Kasper, Matt (2013), "Energy from Waste Can Help Curb Greenhouse Gas Emissions", available at: <https://www.americanprogress.org/issues/green/reports/2013/04/17/60712/energy-from-waste-can-help-curb-greenhouse-gas-emissions/>.
 - 13 The landfill method is when a site is designated for the burial or dumping of waste materials.
 - 14 The National Toxics Network (2014), "10 Reasons Why Burning Waste for Energy is a Bad Idea", available at: <https://ntn.org.au/10-reasons-why-burning-waste-for-energy-is-a-bad-idea/>.
 - 15 See the European Union (2010), Op. Cit. and the World Health Organisation available at: https://www.who.int/water_sanitation_health/medicalwaste/en/smincinerators3.pdf.
 - 16 Connett, Paul. (n.d.). "Why incineration is a very bad idea in the Twenty First Century", Global Alliance for Incinerator Alternatives, available at: <http://www.no-burn.org/why-incineration-is-a-very-bad-idea-in-the-twenty-first-century/>
 - 17 Oberdörster, G. Elder, A. and Rinderknecht, A. (2009). "Nanoparticles and the Brain: Cause for Concern?" *Journal of Nanoscience and Nanotechnology*, 9(8), 4996-5007. doi:10.1166/jnn.2009.GR02 and EU Joint Programme on Neurodegenerative Disease Research. (n.d.). "What is neurodegenerative disease?", available at: <http://www.neurodegenerationresearch.eu/about/what/>



Promoters of incineration mention the potential of the method for energy recovery, including the production of electricity, steam, or heating for buildings. However, energy recovery through incineration is “often not the most efficient way of managing used materials, particularly those that are difficult to burn or which release chemicals at high temperatures”¹⁹. According to Paul Connett, retired professor in environmental chemistry and toxicology, three to four times more energy is saved when the materials are recycled instead of burned²⁰. In terms of climate impact, incinerators release more CO₂ per unit of electricity than coal-fired power plants²¹. Moreover, energy from incinerators is not renewable. Many materials that are burned in incinerators can be recycled or re-used. Burning these resources discourages sustainable waste management solutions²².

Despite these risks, there are currently no regulations in place in Albania to monitor nanoparticles emissions from incinerators, despite their well-known negative consequences for public health. Over the years, technological advances have made it possible to capture these pollutants but everything depends on how well the plants are designed, operated, and monitored, and how effectively regulations are enforced. This is why new incineration plants are usually subjected to rigorous investigation of the health risk they can pose.

¹⁸ Image from Centre for Clean Air Policy (2012), retrieved via <https://ccap.org/>

¹⁹ European Union (2010), Op. Cit.

²⁰ Connett, Paul. (n.d.), Op. Cit.

²¹ The National Toxics Network (2014), Op. Cit.

²² Ibid.

Deficient project preparation

The EU legislation for incineration plants sets parameters for emissions and requires these to be monitored. Many in Albania worry that the operational incinerator in Elbasan, and the planned incinerators in Fier and Tirana, are not developed according to this legislation. Albania has no previous experience with the construction of waste incineration plants and there is no rigorous and transparent Environmental Impact Assessment procedure accompanying the building permits of the incinerators. In addition, measurement and control for the creation of a baseline of health indicators for the inhabitants of areas adjacent to the plant have not been carried out. The baseline should serve to set up a regular monitoring and evaluation system on the environmental impact of incinerators.

The incinerator plant in Elbasan is now fully operational despite the absence of ex-ante or ex-post monitoring and evaluation systems, and notwithstanding a lack of guarantees that EU standards were upheld during its construction and operation. Moreover, the feasibility study of the Tirana plant does not address any alternative treatments of urban waste. The framework of the National Strategy on Waste Management (2010-2025) clearly stipulates that incineration is an option only when all other possibilities have been exhausted. As such, the feasibility study cannot conclude that the establishment of a waste incineration plant is the most stable approach and the best solution²³.

According to an investigation carried out by news website HASHTAG, the Environmental and Construction permits for the Fier incinerator have been illicitly obtained²⁴, which has also caused doubts about the legality of the other construction permits. The area in which the incinerator in Fier is being built is certified agricultural land and the country's main cultivation site for the production of food destined to reach the national market (see Box 2). The contamination of air and groundwater that the Fier incinerator would cause is qualified as an environmental crime according to the Albanian Penal Code and is punishable with up to ten years in prison²⁵. However, as Albania lacks a national integrated environmental management system and monitoring data on air quality and greenhouse gas emissions, it is unclear whether the emissions from the incinerator will be properly monitored and evaluated²⁶.

23 Environmental Center EDEN (2019), "Deklaratë për median mbi incineritorin e Tiranës", available at: <http://www.eden-al.org/index.php/al/>.

24 HASHTAG (2018), "INCENERATORI I FIERIT – Qeveria miratoi ndërtimin mbi truallin e falsifikuar", available at: <https://hashtag.al/index.php/2018/02/21/inceneratori-fierit-qeveria-miratoi-ndertimin-mbi-truallin-e-falsifikuar/>.

25 Albanian Penal Code, Law 9/201 discusses air pollution and law 9/203 discuss pollution of water, available at: <http://www.qbz.gov.al/Kode/Kodi%20Penal-2017.pdf>.

26 UNECE (2018), Albania Environmental Performance Reviews, available at: https://www.unece.org/fileadmin/DAM/env/epr/epr_studies/ECE.CEP.183_Eng.pdf.

The incinerator of Fier is built approximately 700m from the Verri village, at the heart of the Myzeqe plain. The area is well-known for its fertile ground and considered as Albania's bread basket. Farmers in the wider region are concerned that the emissions from the incinerator will contaminate their crops with hazardous carcinogenic and toxic chemicals, while villagers are worried that the emissions will deteriorate the air quality therefore harming the local population.

The community has constantly raised its concerns over the potential consequences of the incineration process of this facility. In early 2018, residents of Verri initiated a petition against the construction of the incinerator, which was signed by 1,300 people. After that, the local community, together with AKIP (the Alliance against Waste Importing), sued at the Administrative Court two responsible ministries and the company building the incinerator, with the aim of discontinuing the project. Their case was dismissed within a few days, but AKIP and the residents made a second attempt, effectively halting the construction until a court decision is taken on the matter.

Box 2 The case of the waste incineration plant in Verri, Fier²⁷²⁸

The lack of transparency

Besides the general criticism regarding incineration as a means of waste management, environmentalists, civil society, and the general public are also concerned about the lack of public consultation around the planning and development of the incinerators in Albania²⁹³⁰. The Stabilisation and Association Agreement (SAA) between Albania and the EU entered into force in April 2009. According to the SAA, the award of public contracts on the basis of non-discrimination and reciprocity is a key objective, a broader and deeper assessment of the public procurement and competition/State aid framework in Albania is necessary.³¹ In 2014 and 2015, the government suddenly issued requests for tenders for the construction of three incineration plants. Companies were able to bid for these tenders, which included the rights and funding to carry out the project, and it was expected that the projects would be granted to the best offer. According to documents obtained by Voice of America, all the bidders for these tenders were part of a network of small companies registered offshore and with – what were then – unknown owners³². Voice of America and Exit.al have now been able to track down

27 Rama, Artan. (2017), "Waste Management, Government Failure, and Windfalls for Suspicious Businesses", Exit.al, available at: <https://exit.al/en/2017/10/02/waste-management-government-failure-and-windfalls-for-suspicious-businesses/>.

28 For more information on the court proceedings see the Facebook page of Alliance Against the Import of Waste (AKIP) at <https://www.facebook.com/AleancaKunderImportittepleshrove> and the news coverage on Hashtag: <https://hashtag.al/index.php/2018/12/12/incineratorine-fier-banoret-dhe-akip-ngrene-padi-ne-gjykate/>

29 See AKIP's posts via Facebook: @AleancaKunderImportittepleshrove

30 Environmental Center EDEN (2019), Op. Cit.

31 Qendra e Publikimeve Zyrtare (2006), "Fletorja Zyrtare e Republikës së Shqipërisë", available at: https://www.parlament.al/Files/Integrimi/marveshja_e_stabilizim_asociimit_be_shqiperi_23381_1.pdf

32 Bogdani, Aleksandra (2018), "Koncesionet e debatueshme të inceneratorëve në Shqipëri", Zëri i Amerikës", available at: <https://www.zeriamerikes.com/a/koncesionet-inceneratorret/4406473.html>.

these owners and found out that the majority of the companies were owned by the same group of people, most of whom are involved in the companies that eventually won the tenders³³³⁴. The publication of these documents revealed that the bidding and selection process for these tenders has been non-transparent and rigged. If that were true, that would mean that the government acted in non-compliance with the SAA agreement.

On top of that, it would mean that the government acted in favour of people in its close circles, rather than in the interest of the Albanian people. The opposition has already accused the government of granting its clients concessionary contracts. Zef Preçi, Director of the Albanian Center for Economic Research, and Lavdosj Ferruni, environmental activist, even go as far as accusing the government of 'clientele favouritism at the expense of Albanian taxpayers'³⁵. Especially troublesome, is that in developing countries with a small GDP, like Albania, the large investments for an incineration plant are a huge burden on the state budget. Most of the money invested in the incineration plants will end up in the pockets of the companies that built them³⁶. On top of the preliminary investment of 169 million euro for the construction of the plants³⁷, the burning of the waste will be paid by the 'polluter' – that is, the Albanian people. For the next 30 years, the 'polluter' will pay 29 eurocents per ton of waste for incineration without a possibility to negotiate the terms or the tariff³⁸.

After the companies won the rights and the funds for the projects, the lack of consultation with the public continued. Local communities remained uninformed about the location of the incinerators until a decision was already made, which has brought a lot of public protest and contestation³⁹. Consequently, inhabitants of surrounding villages have repeatedly asked to be more involved and informed. In Fier, where the construction of the incinerator has begun about two years ago, inhabitants of neighbouring villages have started petitions, requesting public consultations, and protesting several times against the plans for the incinerator. In January 2018, a protest was violently suppressed by police intervention⁴⁰. However, despite the existence of legislation that requires the local and central government to be transparent and respond to public calls for information, the government has not given any substantial information requested⁴¹.

33 Ibid.

34 Rama, Artan (2017), Op. Cit.

35 Bogdani, Aleksandra (2018), Op. Cit.

36 Connett, Paul (n.d.), Op. Cit.

37 €22M for the Elbasan plant, €25M for the Fier plant and €122M for the Tirana plant. See the National Strategy on Waste Management (2018 – 2033) for further reference.

38 Ministry of Tourism and Environment (2018), Op. Cit.

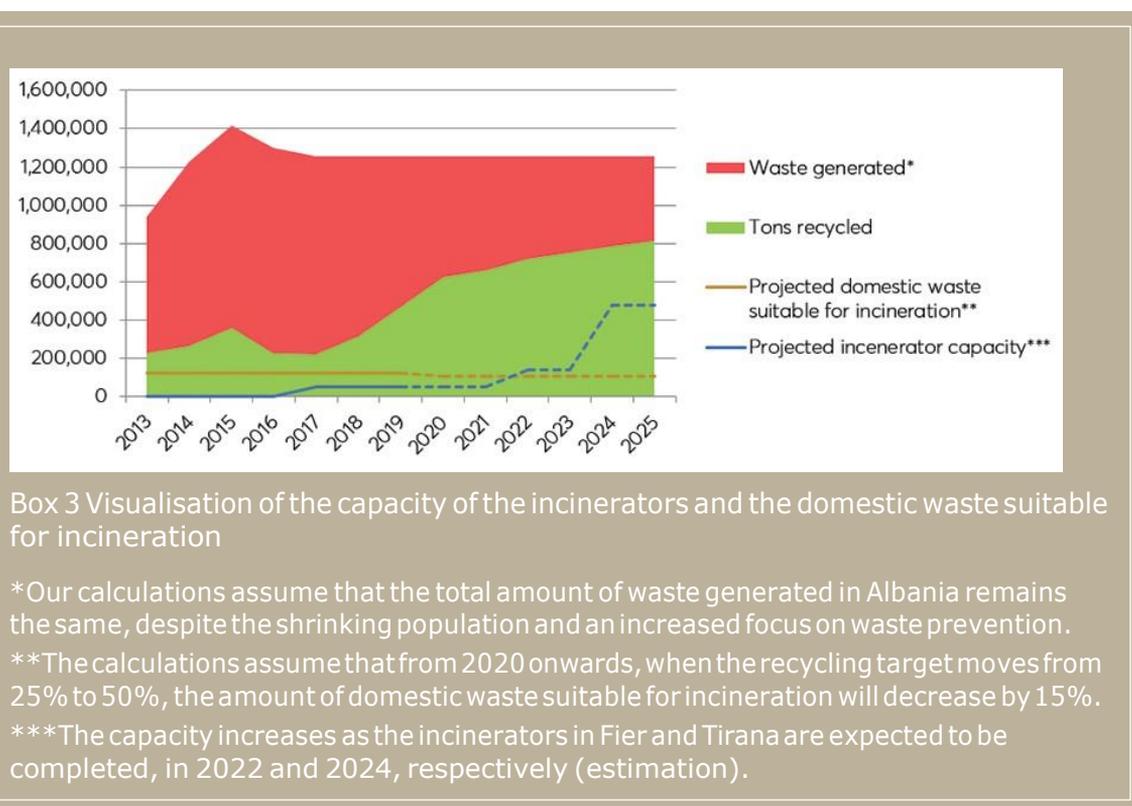
39 Balkan Web (2018), "U përleshën me policinë, pranga katër protestuesve në Fier (EMRAT)" available at: <https://balkanweb.com/u-perleshen-me-policine-pranga-kater-protestuesve-ne-fier-emrat/> and Koleka, Benet (2016), "Albanians protest law allowing refuse imports for recycling", available at: <https://www.reuters.com/article/albania-protests-waste/albanians-protest-law-allowing-refuse-imports-for-recycling-idUSL8N1C64N1>.

40 Exit.al (2018), "Police Beats Anti-Incinerator Protestors in Verri", available at: <https://exit.al/en/2018/01/22/policia-beats-anti-incinerator-protestors-in-verri/>.

41 National Registering Center (2014), The Law "On notification and public information", available at: http://www.qkr.gov.al/media/1308/lgji-146_2014-ne-anglisht.pdf.

The capacity of incinerators

On top of the previously presented arguments against the current approach of the Albanian government for waste management, another problem is that the combined capacity of the incinerators in Elbasan, Fier, and Tirana exceeds the amount of treatable waste produced in Albania (See box 3). The draft of the revised National Strategy of Waste Management (2018-2033) estimates that the combustible potential for the waste generated in Elbasan, Fier, and Tirana is only 26% (or 123,000 tons) of the projected capacity of these incinerators⁴². This amount is unlikely to increase over the next few years as the government has planned to re-use and recycle more waste in order to meet EU standards on waste management. The draft strategy on waste management (2018-2033) has set recycling targets of 50% in 2020 and 65% in 2025, compared to 17% in 2017⁴³. Local NGOs rightfully note that in order to reach the capacity of the incinerator in Tirana, the entire district of Tirana would have to stop recycling for the next 30 years⁴⁴. The draft strategy recognises that the current approach to waste management makes it difficult for Albania to achieve the EU's mandatory recycling targets. To bridge the large gap between the capacity of the incinerators and the waste generated in Albania (it is currently estimated that 74% of the incinerator's capacity will remain unused), the government proposes to import waste from other municipalities or from abroad. This would create even more unnecessary emission of hazardous carcinogenic and toxic chemicals into Albania's water, air, and soil.



⁴² Ministry of Tourism and Environment (2018), Op. Cit.

⁴³ Ministry of Tourism and Environment (2018), Table 2, page 17, Op. Cit.

⁴⁴ Environmental Center EDEN (2019), Op. Cit.

THE WAY FORWARD

This paper argues that the government's focus on incineration as a means of waste management – instead of prevention, re-use, and recycling – goes against the standards that are set in the acquis and could be a severe blow to Albania's EU accession process. Not only is incineration harmful for public health and the environment, but these projects have also been marred by controversies such as undue influence peddling. Hence, this paper puts forward a number of recommendations for the short- and long-term, to help improve Albania's approach to waste management and align it more with EU standards. These include:

- **The Ministry of Tourism and Environment should specify how it expects to meet the targets for recycling as stated in the draft of the National Strategy on Waste Management for 2018 -2033.** Any budget that would become available after reconsidering Tirana's waste incinerator, should be redirected towards investments in more sophisticated methods of recycling. A better system for the re-use and recycling of waste is better for public health and contributes to a more sustainable and circular economy – all of which demonstrate the government's commitments towards upholding EU standards.
- **The European Commission should conduct a general evaluation of the Albanian government's incinerators tender procedures** as a response to complaints concerning the possible violation of the SAA (Articles 71, 74/3 and 126) and to questions raised by media on possible public-private partnership helped by the lack of transparency, the indifference on standards for fair competition and the distortion of the free market. If there was indeed a breach of the Agreement, a solution should be sought that is acceptable for both parties and is respectful to public health in Albania.
- **The Albanian government should consider cancelling, or at least sizing down, the planned waste incineration plant in Tirana Municipality.** Not only is the construction of this waste incinerator the most expensive among all three plants, it is also the project that has least progressed of the three projects. By cancelling this €122 million project, by far the largest expenditure of the incineration plants, the government will have sufficient budget available for the implementation of an improved National Strategy on Waste Management.
- Although the case of the incinerator in Fier is still in trial at the administrative court, **we encourage the prosecution office to open a separate case that deals with the unlawful decision to allocate agricultural land for the construction of an incineration plant.** There is evidence that the building permit and Environmental Impact Assessment suffer major flaws that go against domestic legislation.
- **The Ministry of Tourism and Environment should revise the draft of the National Strategy on Waste Management for 2018 -2033.** The latest revisions of the national strategy go directly against the previous standards that were set in the 2011 National Strategy on Waste Management. Although this strategy was somewhat ambitious at the time, the government should aim to meet the standards over the next decade, as they also are well-aligned with the requirements of the acquis.

- **Municipalities and other relevant public institutions should guarantee consultation processes with local communities**, as stipulated by law Nr. 146/2014 "On Notification and Public Consultation", offering meaningful opportunities for project managers to get input from local communities. Public consultations empower local communities and enable them to participate in the decision-making process, in a true democratic spirit.

Albania finds itself in a European context in which greener solutions to waste disposal, such as recycling and composting, are the norm. Establishing an 'incineration culture' in Albania goes thus against the national aspiration of achieving European integration with the European Commission having already expressed its discontent on the country's choice to rely on incineration.⁴⁵ Aside from the more visible environmental issue, signs of corruption and poor impact assessment have created divisions between authorities and the local communities affected by the construction of these incinerators. Therefore, by reconsidering its current approach to waste management, the Albanian government has the opportunity to demonstrate its commitment to fulfilling the formal obligations under the Stabilisation and Association Agreement deriving from articles 71, 74/3 and 126, but also – as an aspiring EU member state - to show its devotion to the fundamental principles of the European Union.

⁴⁵ EU Commission (2018), "Albania 2018 Report", available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>



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