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## THE IMPORTANCE OF NATURE CONSERVATION IN THE EU INTEGRATION PROCESS

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EU Policy Hub

### INTRODUCTION

Albania holds an important part of Europe's natural heritage and represents one of the first countries in the continent with the highest portion of key biodiversity areas compared to the total surface of the country. Nature conservation, despite not receiving the required attention among the overall integration priorities, represents an important condition and obligation for the country to fulfil within the frame of the EU integration process. In the field of nature and biodiversity, Albania is obliged to identify and protect its natural heritage with high conservation interest for the European Union, through identifying the potential Natura 2000 sites, based on the strict implementation of the two European directives, respectively [Birds Directive](#) and [Habitats Directive](#). The accomplishment of such obligation includes two main aspects, namely the approximation of the national legislation for nature and biodiversity conservation with the European Union legislation and related enforcement.

This policy brief aims to emphasise the importance of conservation and sustainable management of the natural heritage of Albania, based on the standards and the directives of the European Union, as an obligation within the integration process. In

addition, the aim is to highlight the existing problems in the implementation of the *acquis* for nature and biodiversity conservation in Albania and to emphasize the respective recommendations, in order to avoid every potential drawback to the country's integration process in the European Union.

### NATURAL HERITAGE OF ALBANIA AND ITS IMPORTANCE FOR THE EUROPEAN UNION

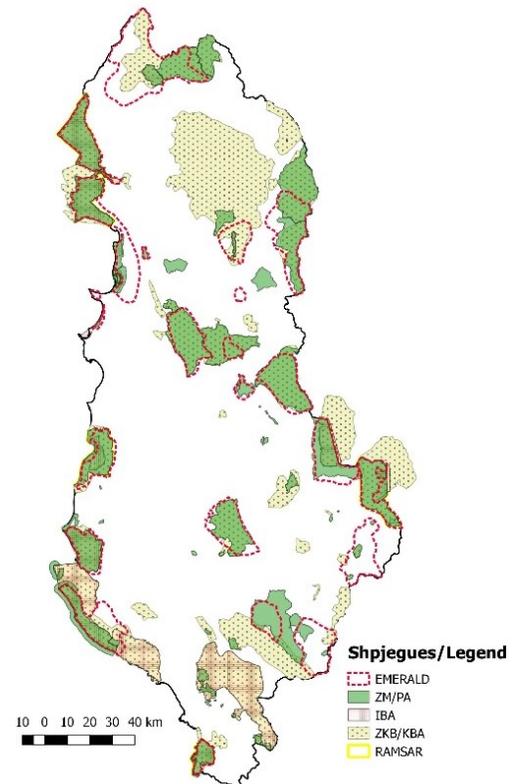
Albania represents a very rich country in terms of biodiversity, considering its small surface. This is due to diverse relief, natural landscapes and habitats. It is reported that Albania counts a total number of [7233 plant taxon, representing 32% of the floristic diversity of Europe](#). In addition, Albania holds as well, a very rich fauna diversity with a confirmed number of [over 5450 species of different groups, among which around 110 species](#) are rare and with high conservation interest at global level.

For conservation of country's biodiversity and natural heritage, Albania has established its [National Network of Protected Areas](#), which includes a number of 800 protected areas (including here the monuments of nature), occupying around 16% of the total territory of the country.

One part of the National Network of Protected Areas and also considerable number of other high nature value ecosystems, are part of different international ecological networks. Prespa Lakes, Karavasta Lagoon, Butrinti Lake - Çuka Channel - Stillo Cape and Skader Lake - Buna River are the four Albanian wetlands of international importance recognized by the [RAMSAR Convention](#), ratified by Albania in year 1996. The transboundary area of Ohrid Lake and Prespa Lakes has received by UNESCO the status of the [Biosphere Reserve](#). Likewise, the beach forests of Gashi River, in the region of Kukës, and the beach forests of Rajca (central part of Shebenik-Jabllanicë National Park) are inscribed in [UNESCO's World Heritage List](#). Also, the transboundary areas along the ex-iron curtain of the communist times are included into the [European Green Belt Network](#). Moreover, BirdLife International has recognized a number of [16 Important Bird Areas](#) (IBA) in Albania which are recognized by the Albanian government and are lastly included in the new law for Protected Areas of Albania ([Law 81/2017](#)) as "Protected Areas of International Importance". Furthermore, the [Critical Ecosystem Partnership Fund](#) (CEPF), currently one of the biggest international consortiums for nature conservation, through a scientific based and participatory approach has identified a number of 29 Key Biodiversity Areas (KBA) in Albania. Last but not least, Albania has an [Emerald Network composed of 25 sites](#), approved by the Bern Convention in December 2012. The [Emerald Network](#), includes areas of Special Conservation Interest (ASCI), identified in the countries which have ratified the Bern Convention, in order to

comply the obligations sourcing from it. Emerald Network is the equivalent network of protected areas Natura 2000, that European Union has established, as well, to fulfil the requirements of the Bern Convention.

**Map 1:** Areas of High Nature Value in Albania recognized at national and international level.



*Source:* Elaborated by the author.

In the map we present all the above-mentioned surfaces or the areas of high nature values recognized at national and/or international level.<sup>1</sup> From the map, it can be easily noticed that more than half of the country's territory, exactly 53.4% (15,342 km<sup>2</sup>) is recognized as Key Biodiversity Area by the CEPF and if adding to this figure the difference of the remained surface out of

<sup>1</sup> The map is prepared for this policy brief exploiting the shape files of the respective areas. The areas mentioned in the text but not reflected

in the legend of the map are included within the boundaries of the areas which are reflected on the legend of the map.

the KBAs network, but within the other ecological networks (such as Emerald, RAMSAR, IBA, National Network of Protected Areas etc.) the surface goes to around 60% of the country's total surface<sup>2</sup>. The figure shows clearly that [Albania is one of the top countries in Europe with the highest portion of the key biodiversity areas](#) (recognized by national and international ecological networks), compared to its total surface.

### **STATE OF THE IMPLEMENTATION OF ACQUIS COMMUNITARIAN FOR NATURE AND BIODIVERSITY CONSERVATION IN ALBANIA AND THE RESPECTIVE CONCERNS**

In the frame of country's integration process into the European Union, in the field of environment protection and more specifically in the aspect of nature and biodiversity conservation, Albania is obliged to approximate its national legislation with the European Union legislation through the transposition of the EU Directives on Birds and Habitats. The [Birds Directive](#) aims at the conservation of wild species of birds and their habitats in the territory of the European Union through identification and designation of 'Special Protection Areas' (SPA). On the other hand, the [Habitats Directive](#) aims at the conservation of a high number of wild fauna and flora species which are rare, endangered or endemic. This directive ensures also the preservation of around 200 different habitat types. The implementation of the Habitats Directive requires the identification and designation of Special Areas of Conservation (SAC). Special Protection Areas and Special Areas of Conservation compose the European Union Network of Protected Areas called Natura 2000.

Concerning the approximation of the national legislation on nature and biodiversity conservation, [in the document of strategic policies for biodiversity conservation](#) it is stated that Albania has made a progress estimated at the level of 85%. In addition, in January 2017, the Parliament of Albania approved the new Law on Protected Areas ([No 81/2017](#)), which represents to a wide extent the approximation of the national legislation on nature and biodiversity conservation with EU's acquis. This law dedicates a specific chapter (namely chapter V) to the protected areas of international importance and particularly to Natura 2000 network of protected areas.

Based on the description above, in the field of nature and biodiversity conservation, it is understood that Albania has made significant progress in accomplishing one of the main obligations, the one related with approximation of the national legislation with the legislation of the European Union. However, what is the state of progress for the second obligation: that of the identification of the Natura 2000 sites in Albania?

Referring to the [last report of the European Commission for Albania](#), within 2017, it is expected the finalization of the evaluation of five selected areas based on the criteria of Birds and Habitats Directive. This statement indicates that: firstly, the process of the identification of the sites in Albania complying with the criteria from Birds and Habitats Directives, is at early stages; and secondly, the time of the finalization of the complete list of the potential Natura 2000 sites is far. Why?

The Natura 2000 process requires a careful evaluation of the whole territory of the country based on a solid scientific

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<sup>2</sup> The figure is calculated through GIS software through the shape files of the respective areas.

approach. Actually, through a 3.5-years project there are being assessed only five selected areas. This assessment is being made in the framework of IPA 2013 project entitled "[Natura 2000 Protected Areas in Albania](#)", which is being implemented since 2015. Even though the title gives the impression that the main aim of this project is the identification of potential Natura 2000 sites in Albania, the real objective is almost completely different. This creates the concern that the process of identifying the Special Protection Areas and Special Areas of Conservation based respectively on the Birds and Habitats Directives is getting underestimated, causing delay to this process and uncertainty on its successful finalization. The main aim of the mentioned project, differently from what was and it is expected (identification of Natura 2000 sites), is to strengthen the management of the protected areas in Albania through the implementation of the management plans. Within this project, the attention is focused only in one part of the national network of the protected areas.

The implementation of the Natura 2000 process requires the evaluation of the whole territory of the country and not concentrating the efforts only in the network of protected areas. The implementation of the right approach would have had enabled the identification in Albania of the sites of high conservation interest for the European Union based on the Birds and Habitats Directives. For example, as it is the case of Drino valley situated in the region of Gjirokastra and the Munella Mountain situated in the regions of Lezhë, Shkodër and Kukës. In the first area, along the pre-migration season happens a large gathering ([around 2% of the global population](#)) of a high

conservation interest species at European level ([listed in Annex I of the Birds Directive](#)) the Lesser Kestrel (*Falco naummani*). On the other hand, the area of Munella Mountain is home for around 15 % of the global population of the Balkan lynx (*Lynx lynx balcanicus*)<sup>3</sup>. None of these areas are part of the national network of protected areas of Albania, likewise there could be other areas with such biodiversity values which are not yet identified. This is due to the lack of data and the lack of the opportunities to collect data based on scientific methods.

The IPA funds given to a potential candidate country for implementing the Natura 2000 process represent a unique opportunity for the benefiting country collect data on the biodiversity components based on strict scientific methodology in order to identify areas of high conservation interest. The approach followed for the current implementation of the Natura 2000 process does not enables the achievement the respective aim. The identification and preparation of the preliminary list of potential Natura 2000 sites stands as a second objective of this project. The concerns raised up here are: when will the final list be prepared and how is this going to be achieved (namely the identification of the Natura 2000 areas)?

Taking into consideration that the above-mentioned IPA project is focused only in the national network of protected areas and the rest of the territory remains uncovered, related to the second question: one way could be to gather secondary data. Based on reliable secondary data, normally, it could be possible to prepare a preliminary list of potential Natura 2000 sites for the country. However, the questions which raise up here are: (i) are

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<sup>3</sup> PPNEA (2017) Biodiversity Assessment of the Munella Mountain area and justification for its

protection. Survey report. Not yet available online.

there enough reliable data available for this purpose; and (ii) are these data available for all natural ecosystems in Albania that should be subject of the evaluation? Definitely the answer for at least the second question is “no”.

A second alternative for achieving the desired objective is to ask for another IPA fund and implement a strict evaluation process. Again, two questions are raised also here: (i) would it be feasible to receive another fund, in a situation when Albania has used once this opportunity; and (ii) if the answer of the first question is “yes”, when this fund could be allocated again? From these two simple questions and from what is described above, the least concern felt is the delay in the implementation of the Natura 2000 process in Albania and in addition the uncertainty that this process is getting done and will be done properly.

The successful implementation of the Natura 2000 process, in terms of quality and time, represents one of the most important achievements for preservation and sustainable management of nature and biodiversity in Albania. The EU integration is one of the first national priorities of the country. Once Albania, identifies and proclaims the list of potential Natura 2000 sites, then it is obliged within the integration process to protect and manage these areas based on the standards and laws of the European Union. In the context of Albania, this would create the strongest “umbrella” for protecting these areas from the numerous and serious threats. In this way, also the obligations sourcing from the [Stabilization-Association Agreement](#) in the field of nature conservation are achieved. The recognition of these areas as potential Natura 2000 sites, directly assures a better protection and management also based on

the benefits (in terms EU funds for nature conservation) that this status provides.

### **CONSERVATION AND MANAGEMENT PROBLEMS OF AREAS OF SPECIAL CONSERVATION INTEREST IN ALBANIA**

Considering that the process of the identification of potential Natura 2000 sites is under implementation and from what mentioned above, the finalization of this process it is expected to be delayed with at least 3-4 years<sup>4</sup>, then it is reasonable that the Emerald network to be treated with the same attributes as the potential Natura 2000 sites.

The Emerald network includes Areas of Special Conservation Interest (ASCI) identified in the countries which have ratified the “Convention on the Conservation of European Wildlife and Natural Habitats” known differently as the “Bern Convention”. Identification and reporting of the Emerald sites are done from the signing countries to fulfil the obligations sourcing from the Bern Convention. In this line, the Natura 2000 network is the instrument that European Union has established to comply with the requirements of the Bern Convention. In this logic, since the Natura 2000 process it is under development and the list of the potential Natura 2000 sites is not yet prepared, it is the Emerald network where Albania should apply the management rules and standards of the European Union.

The Emerald network, despite being the first from the importance (at least in the frame of the country’s integration process in the EU), unfortunately is the last regarding the attention which receives. The areas of the Emerald network receive a special level of conservation and management actions only when one part or

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<sup>4</sup> Lifetime of the current IPA 2013 project, currently under implementation in Albania

the whole surface of their territory it is overlaid with the national network of protected areas.

The surface of the Emerald network, that is situated outside the boundaries of the national network of the protected areas, does not receive any special conservation or management attention compared to the common (not part of any ecological network) territory of the country. These areas are almost out of the informed management, monitoring and sustainable development approach. In many cases these areas are threatened from different legal and illegal activities such as: (i) hunting; (ii) logging of forest surfaces; (iii) fires; (iv) pollution of water, habitats and landscape; (v) construction of hydropower plants and other objects. These activities have caused habitat degradation and loss of biodiversity in the Emerald areas including species of high conservation interest for the European Union listed in the annexes of Birds and Habitats Directives.

The above mentioned activities might be legal or illegal. In general, for the illegal activities it is reported the good will of the government to control them through proposing and designing concrete measures and the comparing statistics of the occurrence of the illegal activities from one year to the other. On the other hand, for the legalized activities (in discrepancy with the obligations that source from the Stabilisation and Association Agreement), theoretically and practically the government cannot justify. This represents a direct precedent of the violation of the country's integration process in the European Union.

There are not few the cases when inappropriate investment and development

plans are presented in particular sites of the Emerald network and in the meantime these areas happened to be inside the boundaries of the national network of the protected areas. These plans mainly consist in the destruction of considerable surfaces of the natural habitats for the purpose of building massive tourism resorts or infrastructure. The most actual examples are the presentation of such plans for some of the best natural areas, symbols of the Albanian nature and biodiversity, likewise is the National Park Divjakë-Karavasta and the Protected Landscape Vjosë-Nartë.

The National Park Divjakë-Karavasta is the symbol site of the Albanian nature and the most important wetland in the southern Adriatic. This area is habitat for more than [245 species](#) of birds and represents the area with the highest avifauna diversity in Albania. The National Park Divjakë-Karavasta is home for the only colony of the Dalmatian pelican (*Pelecanus crispus*) in Albania, which is a species of high conservation interest at global level, holding the status "Vulnerable" based on the Red List of the Endangered Species of the International Union for Nature Conservation (IUCN). Dalmatian pelican (*Pelecanus crispus*) is also a species of high conservation interest for the European Union, listed in the Annex 1 of the Birds Directive. Last but not least, this species is part of the [Red List of the Albanian flora and fauna](#) holding the highest conservation status "Critically Endangered". In Divjakë-Karavasta, it is found around [2% of the European population](#) of this species or 52 breeding pairs<sup>5</sup>. Considering only this fact, it can be easily understood the high importance that this area has for the Europe's natural heritage.

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<sup>5</sup> Protection and Preservation of Natural Environment in Albania (PPNEA), unpublished data.

In addition, this area is also home for the [only heronry colony in Albania](#), which includes the (i) Pigmy Cormorant (*Phalacrocorax pygmeus*); (ii) the Night Heron (*Nycticorax nycticorax*); (iii) the Squacco Heron (*Ardeola ralloides*), and most likely also the (iv) Little Egret (*Egretta garzetta*); (v) the Great White Egret (*Egretta alba*); (vi) the Grey Heron (*Ardea cinerea*), and the Great Cormorant (*Phalacrocorax carbo*). All these species are of high conservation interest for the European Union as are listed in the annexes of the Birds Directive. Holding such biodiversity values, this area is part of all the ecological networks that Albania participates and without doubt a future Natura 2000 site.

In early 2017, it was introduced the project "[Divjaka Resort Albania](#)", on which have been organized several public hearings with the participation of different stakeholders, including here, civil society organizations, government organizations and local inhabitants. This project consists in building a massive tourism resort inside the boundaries of the Divjakë-Karavasta National Park, in the meantime an Emerald site. Within this project is foreseen the destruction of natural surface of 3342 ha, where are included 200 ha of beach area, 1050 ha of forestry area, 820 ha of agricultural land and 1270 ha of lagoon area. The project will extend in a coastline of [12 km, where a touristic resort of around 90 ha will be built, including 370 villas, 2400 apartments and hotels with a total capacity of 4300 beds.](#)

It cannot be denied that such a project has a significant impact in the natural ecosystem, landscape and population of the high conservation interest species at national, European and global level. It is now confirmed that [the main reason for the decrease of the population of the Dalmatian pelican](#) to the level of Critically

Endangered is the disturbance and the habitat destruction. The conservation work realized only along the last years aiming the alleviation of the mentioned threats, enabled the recovery of the Dalmatian pelican population and the decrease in the global conservation status from "[Endangered](#)" to "[Vulnerable](#)". Elimination of these threats also in the Divjake-Karavasta National Park, as well, resulted in almost [doubling the number of breeding pairs](#) in the last colony of this species in Albania only in few years.

Unfortunately, if the mentioned investment will be realized, none of the main threatening factors (habitat destruction and disturbance) can be avoided. Both threats are manifested along the construction and operation phase of this project. The habitat destruction can be illustrated with a very simple example, the one of changing the natural habitat and landscape into an urban area, whereas the disturbance is generated from the presence of workers and heavy machineries in the area particularly along the construction phase. Re-bring these threats in the area can result in vanishing the last colony of the Dalmatian pelican and the last heronry colony in Albania and destruction of a future Natura 2000 site.

Allowing or legalizing investment projects of this kind, which consist in changing considerable surfaces within areas of special conservation interest, threatening the natural habitats and species, constitutes a violation of the rules and standards of the European Union for the preservation and management of these areas. A good part of the EU countries have been penalized because of not implementing the guidelines of the Birds and Habitat Directives. BirdLife International in year 2014 has [compiled a summary report](#) with the cases of violation of the Birds Directive treated by the

European Court of Justice. One of the cases closer to Albania in terms of context and geography is the [case of Bulgaria](#). In October 2009, the European Commission sent four warnings to Bulgaria for violation of the European Directives of Birds and Habitats, due to similar projects. One of these projects consisted in the construction of a skiing centre in the protected area of Pirin Mountains. This project had been partly approved by the Bulgarian government before realizing a strict evaluation on the impact that the project could have on the species and habitats of high conservation interest for the European Union.

In the framework of the integration process, Albania is obliged to progress towards the approximation of the national legislation with the EU and to guarantee its enforcement. Legalizing projects of this kind constitutes real examples of regress to the country's integration process in the European Union.

### Conclusions and Recommendations

Albania holds an important part of the Europe's natural heritage and in the framework of the integration process it is obliged to preserve and sustainably manage it based on the guidelines from the Directives of the European Union. The analysis carried out for this policy brief shows problems and delays in complying with the integration obligations in the field of nature and biodiversity conservation. If measures are not properly taken, the country risks facing consequences in the frame of the EU integration process, which is in the meantime the first national priority. In order to avoid such potential consequences, it stands very important for the **Albanian government** to take into

consideration at least the following **recommendations**:

- a) Firstly, to accelerate and finalize the process of unification of the national legislation for nature and biodiversity conservation with the legislation of the European Union, through a clear transposition of the European Union Directives on Birds and Habitats.
- b) Secondly, to properly realize in time and quality the process of the identification of potential Natura 2000 sites, through the strict implementation of both the above mentioned directives. Focusing only in the implementation of one of the directives is a totally unjustifiable deficiency in this process which cannot guarantee a complete and reliable result at the end.
- c) Last but not least, until the finalization of the list of potential Natura 2000, it is the Emerald network which should be managed based on the rules and standards of the European Union. The Albanian government (that has proposed to the Bern Convention the list of the Emerald sites in Albania) should pay special attention, in order not to legalize or allow investment projects in these areas which violate the rules and standards of the European Union. If the natural habitats and species with high conservation interest for the European Union are damaged or destructed as a consequence of the investment projects legalised by the Albanian government, then, this constitutes an unjustifiable abuse to the integration criteria and direct violation of the integration process.