



**PILLAR IV
EUROPEAN UNION AND INTEGRATION**

Transposition of the Water Framework Directive in Albania: Gaps and path forward
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I. ABSTRACT

Aiming to harmonize its water management legislation with the EU *acquis*, the Albanian Government transposed the European Union Water Framework Directive into its national legislation with the 2012 Law on Integrated Water Resource Management. The Law has been followed by implementing sub-legal acts and recently amended by Law 6/2018. Although this transposition has addressed much of the Water Framework Directive, it is still incomplete. The law and subsequent by-laws have largely focused on institutional design, but failed to provide the necessary technical specifications related to water management at the river basin level as foreseen in the Water Framework Directive. As a result, there is insufficient guidance to set Environmental Objectives, establish a Programme of Measures to achieve those objectives, create River Basin Management Plans or adequately protect water sources. These gaps could be filled with sub-legal acts that pay attention to the standards set in the Water Framework Directive, in particular its Annexes. This article examines Albania's Law on Integrated Water Resource Management, its amendments and the subsequent sub-legal acts, comparing it to the requirements of the Water Framework Directive. The article is organized into three parts. First, it lists the laws and by-laws that Albania has passed in order to transpose the Water Framework Directive. This exposes a focus on rearranging the agencies responsible for water management, rather than fully developing the standards. Second, it highlights the differences between the Water Framework Directive and Albania's water management legislation. Last, the article concludes with recommendations for the Albanian Government about the steps necessary to complete the transposition of the Water Framework Directive.

KEY WORDS: *Integrated Water Resource Management, Water Framework Directive (WFD), river basin management plans, surface water, groundwater, water related protected areas, technical specifications.*

ABBREVIATIONS:

DCM	Decision of Council of Ministers
EU	European Union
Law 111/ 2012	Law No. 111/2012 "On Integrated Water Resource Management"
MTE	Ministry of Tourism and Environment
SAA	Stabilization and Association Agreement
WFD	Water Framework Directive - Directive 2000/60/EC of the European Parliament and of the Council "establishing a framework for the Community action in the field of water policy"
WRMA	Water Resource Management Agency



II. WATER MANAGEMENT IN ALBANIA

Albania seeks to join the European Union, and as such, has transposed the EU Water Framework Directive (WFD) into the Albanian legal order.¹ This Directive is particularly relevant to Albania beyond its aspiration for EU accession, as the country relies heavily on its own water resources. Albania is rich in fresh water sources, such as natural springs, rivers, lakes, and groundwater aquifers. Its resources of fresh water are estimated to be about 8,700 cubic meters per capita per year, among the highest in Europe.² Water resources are primarily used for drinking water, energy production, agriculture and industry.³ Despite water abundance, the country is prone to frequent water insecurity, particularly during summer when droughts are present.⁴

There are three reasons for this water insecurity. First, water is unevenly distributed throughout six river basins.⁵ Of the six basins, the Drin-Buna River Basin has the largest total renewable water sources. The other river basins contain far less water.⁶ Second, water is available at irregular intervals, depending on precipitation and temperature. Only 14% of precipitation falls between June and August, when temperature is at its peak.⁷ This is also the time of the year with the highest water demand.⁸ Water is also increasingly devoted to dams and hydroelectric energy production. Third, the degradation of water quality - especially in highly populated areas along the coastal area⁹ - further limits the available water resources. The monitoring of surface water quality in the six river basins in Albania, for the last three years (2014-2016) has indicated that none of the river basins was rated as having 'very good' water quality. Only the Vjosa River Basin was rated as having 'good' water quality. The rest of river basins were rated as having 'moderate' to 'very poor' water quality.¹⁰ These conditions are attributed mainly to discharges of untreated urban and industrial wastewater into freshwater bodies and run-off of fertilizers and pesticides from agriculture.¹¹

With Albania's European aspirations and a heavy dependence on water resources, Albania transposed the Water Framework Directive ("WFD")¹² into its national legislation in 2012, by drafting Law No. 111/2012 "On Integrated Water Resource Management". The Government subsequently issued sub-legal acts in the form of Council of Minister Decisions to further implement Law No. 111/2012. In addition, the Parliament has recently issued Law No. 6/2018 amending Law No. 111/2010.¹³

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 (Water Framework Directive, or "WFD").

² Masterplani Kombëtar i Furnizimit me Ujë të Pijshëm dhe Largimit e Trajtimit të Ujërave të Përdorura, Vlerësimi Strategjik Mjedisor,Raporti Final, Tetor 2017, Agjencia Kombëtare e Ujesellës-Kanalizimeve (prepared by IC Consulenten)

³NEA, State of the Environment Report, 2016

⁴ Ministry of Agriculture, Rural Development and Water Management, draft-National Water Strategy, 2016

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹Masterplani Kombëtar i Furnizimit Me Ujë të Pijshëm dhe Largimit & Trajtimit të Ujërave të Përdorura, Vlerësimi Strategjik Mjedisor,Raporti Final, Tetor 2017, Agjencia Kombëtare e Ujesellës-Kanalizimeve (pregatitur nga IC Consulenten)

¹⁰ The National Environmental Agency reports that for year 2016, Shkumbini and Mati RBs have moderate water quality, Drin-Buna RB poor and Ishëm-Erzeni and Semani RBs have very poor water quality.¹⁰ Water monitoring along the years has also indicated that water quality has not improved from 2014 to 2016.

¹¹ NEA, State of the Environment Report, 2016

¹² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

¹³Law No. 6/2018 On amendments to Law 111/2012 On the Integrated Water Management Water Resources (Ligji nr. 6/2018 Përdisa ndryshime dhe shtesa në Ligjin nr.111/2012, "Për menaxhimin e integruar të burimeve ujore")



Since 2012 the Government has made several attempts to manage water sources in compliance with the WFD. The Government has established water management institutions at central and river basin level. However, because the legislative development has mainly focused on the administrative aspects of water management, Albania has not yet approved any river basin management plans¹⁴ and still promotes traditional sectorial management of water resources. Most of the river basin agencies' efforts are concentrated on issuing water permits for various water uses. Little effort is focused on protecting water resources.

III. TRANSPOSITION OF DIRECTIVE 2000/60/EC INTO NATIONAL LEGISLATION: LAW 111/2012 AND ITS AMENDMENTS AND BY-LAWS

The European Union (EU) exerts great influence over the legislation of its members and neighboring countries. The EU has a policy of legislative approximation, which means that laws throughout the European Union, and also candidates for membership, should be as consistent as possible and conform to certain standards. For Western Balkan countries, since the 2000 European Council of Feira, the process of legislative integration occurs through Stabilization and Association Agreements (SAAs). Each agreement is adapted to the particular country and creates a free-trade area between the European Union and that country, and can serve as the basis for the accession process. Countries participating in SAAs, such as Albania, seek to align their laws with those of the EU. When a state becomes a candidate country for European Union membership, it is eligible to open negotiations of chapters of the EU *acquis*.

In 2014, Albania became a candidate country. If accession negotiations begin, the European Union and the country will systematically move through all of the legislation and institutions to determine compatibility, with the expectation that laws that do not comply with EU directives will be changed. This legislative approximation policy is not meant to "copy and paste" laws, but to apply standards that ultimately result in very similar looking laws.

The WFD is one of the directives with which Albania will have to comply. The WFD provides a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater. Further, it seeks for there to be a sufficient supply of good quality surface-and ground-water necessary for sustainable, balanced and equitable water use.¹⁵ Enacted in 2000, the WFD introduced a new era for European water management, focusing on states to understand and integrate all aspects of their water resources, so that they are managed effectively and sustainably.¹⁶ Still today, WFD remains among the most comprehensive legal acts in terms of water protection.

As mentioned previously, Law on Integrated Water Resource Management transposed the WFD into the Albanian legislation.¹⁷ This law resulted from two European Union projects assisting the Ministry of

¹⁴ To the author's knowledge, the Government is in the process of drafting river basin management plans for Drin-Buna and Semani River Basins. However, as of the date of this article, none of the river basins has a river basin management plan.

¹⁵ WFD, Article 1

¹⁶ Teodosiu, C., Barjoveanu, G., Teleman, D., 2003. Sustainable water resources management 1. River basin management and the EC Water Framework Directive. Environ. Eng

¹⁷ Law No. 111/2012 On Integrated Water Resource Management, promulgated on December 3, 2012, Flet. Zyrt., 2016, Nr. 157, p. 8498.



Environment in its drafting.¹⁸ The purpose of Law 111/2012 includes protecting and improving the water environment, ensuring sustainable water use and fair distribution, protection from pollution and overexploitation, and the establishment of the central and local institutional frameworks required to implement national policies of water management and protection. The Law introduces key aspects of the WFD. Primarily, it introduces the management and protection of water resources not at the national level, but at the level of each river basin. This new concept requires a new administrative arrangement of institutions. It also requires new environmental objectives set specifically for each water body within a river basin district, a Plan of Measures based on water monitoring and the characteristics of each River Basin District, the review of the environmental impact of human activity and the economic analysis of water use. Law 111/2012 also focuses on drinking water protection, and introduces the concept of “protected areas” as the main tool to protect water resources from industrial, agricultural or waste water discharges. Similar to the WFD, the Law requires the production of a River Basin Management Plan for each river basin.

After the passage of Law 111/2012 in 2012, the Albanian Government has issued by-laws (Decisions of the Council of Minister) and Law No. 6/2018 to implement Law 111/2012. By-laws principally regulate the arrangement of institutions at the national and river basin level, transboundary water management, water inspection, drinking water, water quality and water use (see Table 1 in Annex I for a detailed list of by-laws). The majority of the sub-legal acts have been concentrated on changing the institutional arrangements, which have been recently rearranged by Law No. 6/2018. This has resulted in continuous changes to the responsible institutions to manage water at the national level, especially at the ministry level. Initially, the Ministry of Environment was in charge of water management. From 2013 to 2016, Ministry of Agriculture became responsible for water management. Following the 2017 elections, the Ministry of Tourism and Environment became responsible for water management, a responsibility that the new Law No. 6/2018 assigns to the newly established Water Resource Management Agency. Only three of the twenty sub-legal acts establish substantive standards (DCM No. 379 concerning Drinking Water quality, DCM No. 246 concerning Surface Water standards and DCM No. 267 concerning the Priority Substances in Water facilities). Only two of them establish administrative standards (DCM No. 662 concerning water tariffs and DCM No. 416 concerning standard procedures for water use permits).

IV. DIFFERENCES BETWEEN WFD AND THE NATIONAL WATER MANAGEMENT LEGISLATION

Transposition of the WFD in Albania has been an important milestone towards approaching water management in an integrated way at river basin level. However, a comparison of the WFD with Albania's national legislation highlights several gaps that consist principally of: i) incomplete transposition of some aspects of water management and ii) non-transposition of technical requirements (Detailed information on transposition level of WFD key requirements into the national water management legislation in Albania is provided in Annex II. These gaps that will be presented below continue, even after five years of by-laws, making water management at river basin level difficult and impracticable.

i) Incomplete transposition: drinking water protected areas

The most relevant transposition of the WFD that is incomplete relates to drinking water protected areas (groundwater sources). Unlike WFD, the Law 111/2012 fails to correctly designate drinking water bodies

¹⁸Implementation of National Plan for Approximation of Environmental Legislation (INPAEL 2009-2011), and then Strengthening Environmental Law Enforcement in Albania (SELEA 2012-2014)



as protected areas. Article 7.1 of the Directive defines as drinking water bodies all bodies of water used for the abstraction of water intended for human consumption providing more than 10m³ a day as an average or that serve more than 50 persons as well as bodies of water that are intended for such a use in the future. WFD designates these bodies of water as drinking water protected areas. This requirement is further clarified by the European Community's Common Implementation Strategy, N. 16, on Guidance on Groundwater in Drinking Water Protected Areas.¹⁹

While Law 111/2012 defines the drinking water bodies similar to WFD, it fails to designate them as drinking water protected areas. Article 34 of the Law on Integrated Water Resource Management recognizes that groundwater protected areas are an important instrument to protect surface and groundwater. In fact, the Law follows the language of Article 7.1 of the Directive to protect all drinking water. However, Article 47 of the Law fails to designate these drinking water bodies as protected areas. Instead, it takes a much more limited approach. Rather than designating as a protected area any water body that is used and/or is planned to be used in the future as a source of drinking water, Article 34 of Law 111/2012 designates "safeguard zones" around water wells that are used to extract water intended for human consumption as protected areas. Safeguard zones are smaller areas within a groundwater body where additional protecting measures can be focused.²⁰ But, safeguard zones are not meant to replace the designation of the groundwater bodies as protected areas since they might not guarantee the protection of a whole drinking water body. Consequently, by failing to designate groundwater drinking water bodies as protected areas, the Government misses an opportunity to further ensure that these wider sources of drinking water are under protection from pollution or industrial use.

ii) Non-transposition of the WFD technical requirements

The main gap between the WFD and the related Albanian legislation are the technical requirements (Annex II). The Albanian government has not transposed the technical requirements in key areas related to: (i) the establishment of the environmental objectives for surface water, groundwater and water related protected areas found in Annex V of the WFD; (ii) requirements on how to conduct an analysis of river basin characteristics, assess the impact of human activity on the status of surface waters and on groundwater, and analyze the economic aspect of water use found in Annexes II and III of the WFD; (iii) the monitoring criteria for surface water, groundwater and water related protected areas found in Annex V of the WFD; (iv) measures to include in the Programme of Measures found in Art. 11 of the WFD, and (v) the content of the River Basin Management Plan found in Annex VII of the WFD. All of the technical requirements serve as guidance for Albania to plan the management of its water in an integrated and sustainable way in compliance with WFD.

It is common legal practice in Albania that when transposing an EU directive, technical requirements are issued as a secondary law. Thus, while the Law on Integrated Water Resource Management does not provide these technical requirements, it would be normal for the Council of Ministers to issue Decisions that set these standards. However, up to date Albania has yet to issue any by-laws that regulate these standards. This has created a vacuum that makes it difficult to create River Basin Management Plans in Albania for its six river basins.

¹⁹Common Implementation Strategy for the Water Framework Directive (2000/60/EC), Guidance Document No. 16 Guidance on Groundwater in Drinking Water Protected Areas

²⁰Same place



V. CONCLUSIONS

The importance of transposing the WFD into national legislation is twofold. First, Albania depends heavily on its own water resources, and the Water Framework Directive provides an important methodology for Albania to preserve its water resources. Second, Albania will be required to comply with all EU directives as it seeks membership in the European Union, including the WFD. Any laws that fail to fully implement a directive will require amendments.

Law 111/2012 - and its sub-legal acts - is a good attempt to incorporate EU Water Framework Directive into Albanian law.²¹ The Law has introduced key water management concepts such as Environmental Objectives, Programme of Measures, and River Basin Management Plans. After the Law's endorsement in 2012, the Albanian Government has issued a number of by-laws to implement Law 111/2012. The by-laws principally regulate the arrangement of institutions at the national and river basin level, transboundary water management, water inspection, drinking water, water quality and water use.

However, the transposition of the WFD is still incomplete. There is incomplete transposition of a major aspect of water protection. Concretely, Law 11/2012 and its by-laws fail to designate drinking water bodies as protected areas. Further, the Law and its by-laws do not transpose many technical requirements. Without those technical requirements, it is difficult to implement the WFD. Specifically, Albania has not transposed the technical requirements related principally to i) the establishment of Environmental Objectives, ii) the requirements on how to conduct an analysis of river basin characteristics, assess the impact of human activity on the status of surface waters and on groundwater, and analyze the economic aspect of water use, which are fundamental to establish a programme of monitoring and Programme of Measures, iii) the monitoring criteria for surface water, groundwater and water related protected areas at river basin level, and iv), the required content of a River Basin Management Plan. Most of the technical requirements are found in the Annexes of the WFD. Rather than fully develop the technical requirements of the Water Framework Directive, however, a large number of the sub-legal acts focuses on rearranging the agencies or ministries responsible for water resources.

In order for Albania to start managing water sources in an integrated and sustainable way in compliance with the WFD, future development of the water management legislation should focus in incorporating the annexes II, III, V, and VII of the WFD in order to establish the necessary technical specifications. Without the transposition of these annexes, today the laws provide insufficient guidance or standards to set Environmental Objectives, establish a Programme of Measures to achieve those objectives, create River Basin Management Plans or adequately protect water sources. These gaps could be filled with sub-legal acts that are drawn from the Annexes of the WFD.

²¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

Annex I

Table 1: By-laws issued since 2012²²

Institutional Arrangement	
Institutions	By-laws (Decisions of the Council of Ministers)
National Water Council (NWC)	<p>By-laws (Decisions of the Council of Ministers)</p> <ol style="list-style-type: none"> 1. DCM No. 1080, dated 18.12.2013 <i>On the establishment and functioning of the National Water Council</i> (repealed).²³ 2. DCM No. 268, dated 6.4.2016 <i>On the approval of the Regulation “On functioning of the National Water Council”</i>.²⁴ 3. DCM No. 590, dated 18.10.2017 <i>On the composition of the National Water Council</i>.²⁵
Technical Secretariat of NWC (TSNWC)	<ol style="list-style-type: none"> 1. DCM No.524 dated 20.7.2016 <i>On the organization and functioning of the TSNWC</i>.²⁶ 2. DCM No. 230, dated 23.4.2014 <i>On the establishment of the TS of the NWC</i>.²⁷
The Ministry responsible for water management	<ol style="list-style-type: none"> 1. DCM No. 939, dated 9.10.2013 <i>On the field of responsibilities of the Ministry of Agriculture, Rural Development and Water Management</i>.²⁸ 2. DCM No. 945 dated 9.10.2013 <i>On the field of responsibilities of the Ministry of Environment</i>.²⁹ 3. DCM No. 232, dated 23.4.2014 <i>Amendments to DCM N. 945 dated 9.10.2013</i>.³⁰ 4. DCM No. 91 dated 04.02.2015 <i>Amendments to DCM N. 945 dated 9.10.2013 On the field of responsibilities of the Ministry of Agriculture, Rural Development and Water Management</i>.³¹ 5. DCM No. 509, dated 13.9.2017 <i>On the field of responsibilities of the Ministry of Tourism and Environment</i>.³²

²² The by-laws list was prepared on March 2018

²³Official Gazette Extra No. 98, 2013, p. 3

²⁴Official Gazette No.77, 2016, p. 4434

²⁵Official Gazette No.187, 2017, p. 9225

²⁶Official Gazette No. 141, 2016, p. 11277

²⁷Official Gazette No. 61, 2014, p. 2362

²⁸Official Gazette No. 167, 2013, p. 7432.

²⁹Official Gazette No. 167, 2013, p. 7439.

³⁰Official Gazette No. 61, 2014, p. 2364.

³¹Official Gazette No. 16, 2015, p. 713.

³²Official Gazette No. 166, 2017, p. 7572.

Transboundary Water Management

Special Commission for Trans-boundary Water Management

1. DCM No. 177, dated 26.03.2014 *On establishment, composition, functions, responsibilities and duties of the Special Commission on Transboundary Water Management.*³³
2. DCM No. 223, dated 11.3.2015 *On some amendments in DCM no. 177, dated 26.3.2014, "On establishment, composition, functions, responsibilities and duties of the Special Commission on Transboundary Water Management.*³⁴

Water Inspection

The Public Environment, Forest and Water Inspectorate (PEFWI)

1. DCM N. 386, dated 6.5.2015 *On the establishment and organization of the Water Inspectorate.*³⁵
2. DCM n. 659, dated 10.11.2017 *Amendments to DCM n. 103, dated 4.2.2015 "On the establishment and organization and functioning of the Environment and Forest Inspectorate" amended.*³⁶

Other by laws

Drinking Water

1. DCM No. 379, dated 25.05.2016 *On the Quality of Drinking Water*"(Directive 98/83/EC).³⁷

Water Quality

1. DCM No. 246 dated 30.4.2014 *On Environmental Quality Standards for surface waters.*³⁸
2. DCM No. 267, dated 30.04.2014 *On approving the list of priority substances in water facilities.*³⁹ DCM No. 504, Date 06.07.2016 *On the establishment of the National Water Supply and Sanitation Agency.*⁴⁰

Water Use

1. DCM No. 416, dated 13.05.2015 *On the approval of general and special conditions, accompanying Documentation, period of validity, application forms for authorizations and permitting, procedures for decision making and types of authorization and permits for use of water resources.*⁴¹
2. Decision n. 662, dated 21.9.2016 *On the approval of drinking water and discharge water tariffs.*⁴²

³³Official Gazette No. 42, 2014, p. 1044.

³⁴Official Gazette No. 40, 2015, p. 1817.

³⁵Official Gazette No. 78, 2015, p. 3477.

³⁶Official Gazette No. 203, 2017, p. 10571.

³⁷Official Gazette No. 95, 2016, p. 5374.

³⁸Official Gazette No.65, 2014, p. 2440.

³⁹Official Gazette No. 71, 2014, p. 2639.

⁴⁰Official Gazette No. 129, 2016, p. 10420.

⁴¹Official Gazette No. 167, 2013, p. 7432.

Annex II Transposition level of WFD into the national water management legislation

WFD key articles	Requirements of WFD key articles	Transposition level of the requirements of WFD key articles	Institutions responsible for fulfilling WFD key requirements and the legal bases
Coordination of arrangements within river basin district (Art. 3)	Identify the river basins	Transposed	Law No. 111/2012 DCM No. 342/2016 ⁴³
	Institutional Arrangement at national and river basin level	Transposed	Water Resource Management Agency- WRMA (Law No. 6/2018, Other Laws -see Table 1)
Environmental Objectives (EOs) (Art. 4 & Annex V)	Establish EO s for surface water, groundwater and water related protected areas	Not transposed ⁴⁴ (EOs introduced as a concept only)	WRMA and its river basin management offices (Law No. 6/2018, art. 27)
Characteristics of the river basin district, review of the environmental impact of human activity and economic analysis of water use (Art. 5)	Introduce the obligations to conduct i) an analysis of RB characteristics, ii) a review of the impact of human activity on the status of surface waters and on groundwater, and iii) an economic analysis of water use	Transposed	River Basin Administration Office - RBAO (Law No. 6/2018, art. 26)
	Provide technical specifications on how to fulfil the above tasks (Annex II and III)	Not transposed	The Ministry of Tourism and Environment - MoTE (Law No. 6/2018, art. 26)

⁴²Official Gazette No. 167, 2013, p. 7432.

⁴³ DCM No. 342 dated 4.05.2016 “On the approval of the territorial and hydrographic river basin borders in the Republic of Albania, the head office location and composition of the council for each of them”

⁴⁴ Up to date, the country has taken steps to draft only two river basin management plans: Semani and Drin-Buna river basin

WFD key articles	Requirements of WFD key articles	Transposition level of the requirements of WFD key articles	Institutions responsible for fulfilling WFD key requirements and the legal bases
Register of Protected Areas (Art. 6)	Establish a Register of Protected Areas in compliance with Art. 7 and Annex IV	Partially transposed <i>The register of protected areas does not include drinking water protected areas identified in art. 7/1</i>	WRMA and MoTE (Law No. 6/2018, art 24/3) WRMA and RBAOs draft, manage and update the register of the protected areas (Law No. 6/2018, art 24/4)
Drinking water bodies (Art. 7)	Identification of drinking water bodies at river basin level	Transposed	WRMA (Law No. 6/2018, art. 34/1)
	Monitoring of drinking water bodies (those that provide more than 100 m ³ a day as an average)	Transposed <i>(The law does not define which water bodies shall be monitored)</i>	RBAO (Law No. 6/2018, art. 54)
	Establish safeguard zones to protect drinking water bodies	Transposed	WRMO in collaboration with other line institutions (Law No. 6/2018, art. 40/1, and (DCM No. 379/2016) ⁴⁵)
Monitoring of surface water status, groundwater status and PAs (Art. 8 & Annex V)	Establish (develop and implement) monitoring programmes for surface waters, groundwater and PAs	Transposed	WRMO and MoTE (Law No. 6/2018, art. 52/2) River Basin Council implements it (Law No. 111/2012, art. 85/1)
	Establish monitoring criteria	Not transposed	MoTE (Law No. 6/2018, art. 53)
Recovery of costs for water services (Art. 9)	Apply the principle of recovery of the costs of water services	Transposed	Law No. 111/2012

⁴⁵ DCM No. 379, dated 25.05.2016 “On the Quality of Drinking Water”

WFD key articles	Requirements of WFD key articles	Transposition level of the requirements of WFD key articles	Institutions responsible for fulfilling WFD key requirements and the legal bases
The combined approach for point and diffuse sources (Art. 10)	Control water discharges (based on a combined approach for point and diffuse sources)	Transposed only for point sources <i>(Law 111/2012 focuses only on point source pollution, not on diffuse sources)</i>	Institutions identified in the other national laws (Law No. 111/2012 and other laws related to environmental protection)
Programme of Measures (PoM) (Art. 11)	Establish PoM for each river basin based on: i) water monitoring results ii) an analysis of water body characteristics, a review of the impact of human activity on the status of surface waters and on groundwater, and an economic analysis of water use.	Transposed	WRMA and RBAOs (Law No. 6/2018)
	Include the list of basic and supplementary measures in the PoM	Not transposed	
Transboundary waters (Art. 12)	Establish a Special Commission for Transboundary Water Management	Transposed	National Water Council (NWC), Council of Ministers (CM) (Law No. 6/2018, art. 13, DCM No. 223/2015, ⁴⁶ and DCM no.177/2014 ⁴⁷)
RBMP (Art. 13 & Annex VII)	Produce a RBMP for each river basin.	Transposed	WRMA (Law No. 6/2018)
	Provide information on the RBMP content	Not transposed	NWC (Law No. 6/2018, art. 10/2)

⁴⁶DCM No. 223, dated 11.3.2015 “On some amendments in DCM no. 177, dated 26.3.2014, ““On establishment and composition, functions, responsibilities and duties of the Special Commission on Transboundary Water Management”

⁴⁷DCM no.177, dated 26.03.2014 “On creation and composition, functions, responsibilities and duties of the Special Commission on Transboundary Water Management”

WFD key articles	Requirements of WFD key articles	Transposition level of the requirements of WFD key articles	Institutions responsible for fulfilling WFD key requirements and the legal bases
Public information and consultation (Art. 14)	Encourage the active involvement of the interested parties in the production, review, and updating of the RBMP	Transposed	WRMA (Law No. 111/2012, art. 91)
Strategies against water pollution (Art. 16 & Annex VIII)	Adopt specific measures against pollution of water by individual pollutants or groups of pollutants presenting a significant risk to or via the aquatic environment, including such risks to waters used for the abstraction of drinking water	Not transposed	
	Set a list of priority substances	Transposed	MoTE (DCM No. 267/2014 ⁴⁸)
	Establish environmental quality standard for these substances	Transposed	MoTE (Law No. 111/2012, art. 29, Law No. 6/2018, art. 20, and DCM No. 246/2014 ⁴⁹)
Strategies to prevent and control pollution of groundwater (Art. 17)	Adopt specific measures to prevent and control groundwater pollution (amended by Directive 2006/118/EC)	Not transposed (<i>WFD daughter Directive 2006/118/EC related to groundwater also not transposed</i>)	
Penalties (Art. 23)	Determine effective, proportionate and dissuasive penalties applicable to breaches of the national provisions adopted pursuant to this Directive.	Transposed	Water Inspectorate (Law No. 111/2012, art. 96, and DCM No. 659/2017 ⁵⁰)

⁴⁸DCM No. 267, dated 30.04.2014“On approving the list of priority substances in water facilities”

⁴⁹DCM No. 246 dated 30.4.2014 “On Environmental Quality Standards for surface waters”

⁵⁰DCM n. 659 dated 10.11.2017 On amending DCM n. 103, dated 4.2.2015, “On establishment and organization on Environment and Forest Inspectorate” amended