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• **L A W**
No. 7501 dated 19. 07. 1991

CONCERNING THE LAND

Based on articles 16 of the Law No. 7491 dated 29. 04. 1991 "On basic constitutional provisions", upon proposal from the Council of Ministers,

The Peoples Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

Article 1

In the Republic of Albania, the land is classified into:

a) Agricultural land occupied by agricultural crops and orchards, vineyards and olive groves situated in any place, in villages, in cities, or any other inhabited area, irrespective of their size;

b) Land occupied by forests, pastures and meadows;

c) Non-agricultural land; occupied by economic, socio cultural, military buildings and related facilities; by living premises and yards; land occupied by public facilities (roads, highways, airports, railways, public grounds, parks, gardens, sports grounds, cemeteries); rocky areas, coastal sandbanks, beaches, wetlands (lakes, reservoirs, ponds), canals, rivers, streams, marshlands, gravel lands, the grounds of historical buildings and monuments, as well as archaeological sites.

Article 2

The state distributes land to physical and legal entities whereupon they become entitled to ownership rights and other rights as provided by law.
It is prohibited to sell or buy land.

Article 3

The state grants ownership or lease rights over agricultural land to legal and physical entities free of charge.

Article 5

Foreign physical and legal entities may acquire construction grounds at established lease rates. The purpose and duration of the lease are subject to contractual agreements.

Lease rates are determined on the basis of value of lease object, location of the ground and other economic considerations in accordance with criteria developed by

the Council of Ministers.

Article 5

Households who used to be members of former agricultural cooperatives, following the distribution of land; are entitled to become separate subjects whereupon they become owners of the agricultural land awarded to them. The size and location of the land to be allocated to each household is the competence of the Land Commission.

In mountainous and hilly areas, where households cannot be awarded sufficient land for their livelihood, the state institutes measures to provide supplementary living resources through subsidies, investments for job openings, social welfare programs and controlled movements of the population based on the program of measures to be endorsed by the Council of Ministers.

Article 6

Households in the villages who were not members of the agricultural cooperatives and households working and living on state owned farms are also awarded land in sizes to be determined in accordance with established criteria, which they can utilize to make their living.

Article 7

To distribute land to physical and legal entities, both in ownership and utility title, and to address problems created in the recent times, the following commissions are established: The State Commission on land at the Ministry of Agriculture and Food, Land Commissions at the Executive Committees of the People's Council; and Land Commissions at the People's Councils in the villages.

The duties and rights of these commissions are defined by Decision of the Council of Ministers.

Article 8

The distribution of land, either in ownership or utility title, will take count of neither former ownership, nor the land boundaries and sizes before collectivization.

Article 9

The specialized authority in possession of data concerning the land is the cadastre at the executive committees of the people's councils at the districts.

Article 10

The land that passes into the ownership or utility of physical and legal entities is registered in the cadastre.

In any case, subsequent changes to the first registration are always registered in the

cadastre.

Article 11

The legal and physical entities, who already enjoy or gain ownership or utility title, are obligated to use the land for agricultural purposes alone, to preserve and increase the production capacity of the land, as well as to construct works to protect and administer it in an orderly fashion.

Article 12

The owners and users of agricultural land are obligated to protect electricity and irrigation facilities, equipment and installations. No owner or user has the right to obstruct other owners and users from utilizing these equipments and installations. The structures of government at the central and grass root level have the power to dissolve disagreements that may arise.

Article 13

Dwelling houses, buildings for economic, socio economic and any other activity are constructed within the boundary line (the yellow line). Construction land is acquired with or without payment in accordance with criteria established by the Council of Ministers. Any kind of construction on agricultural land outside the boundary line is prohibited except when the competent authorities issue a special decree to the contrary. The full value of constructions and installations must be included in the cost of land.

Article 14

In accordance with regulations developed by the Council of Ministers, buildings and establishments serving the purposes of agriculture and stock breeding activity may be constructed on agricultural land.

Article 15

If over a period of one year, a physical or legal entity with utility rights does not use the land for agricultural or stockbreeding purposes, such right shall be withdrawn.

Article 16

The physical and legal entities that have obtained ownership or utility title for construction and other economic activities, if failing to honor the contractual deadline for completion of the activity, will be obligated to pay a fine equaling the average annual rent of the land.

Article 17

Industrial and mineral waste and waters containing chemical substances harmful to farming will be channeled and collected in specially designated sites to protect the land, the plants and water from pollution and to avoid threats to human, animal and fowl health. Sites for waste collection are approved as part of the construction ground for the object. If waste collection sites are not foreseen in the application, the application will not be considered.

It is prohibited to dump or bury any dangerous waste, locally produced or imported.

Article 18

Upon endorsement of the projects and construction grounds by the relevant authorities, the land passes into ownership or lease of the entity undertaking the construction, but in any case not earlier than three months before the start of construction operations. Changes in the cadastre are effectuated following the start of such operations.

Article 19

Ownership or utility title is taken away from legal or physical entities when so required by important state interests in accordance with decisions made by the relevant authorities. If in the name of indispensable state needs, the construction takes place on land belonging to physical or legal entities, the state is obligated to compensate the entities with equal size land and in cases of impossibility of in-kind compensation, the state will indemnify the value of investment and the real value of the land. Indemnification disagreements are taken to the courts.

Article 20

Damages caused in orchards, olive groves, vineyards, agricultural crops, in objects serving economic, social and cultural purposes, are indemnified by the subject causing the damage. The amount of indemnification is estimated by the executive committee of the people's council of the region as per the real value of the damage. The court dissolves disagreements on the amount of indemnification.

Article 21

Organs of the local power of the respective jurisdiction must prevent any act of occupation or damage to the land under their jurisdiction and acts that come into conflict with this law and related by-laws.

In cases of occupation or damage to the land, members of the people's council at the respective jurisdiction, the owners or users of the land, the cadastre and city planning employees and people's police are obligated to hold a report demanding the violator to return the land to its former condition within 3 days, otherwise the report is sent to the following bodies to take respective steps:

- The people's council of the village, the quarter, the city or the area, who within two days must make a decision to demolish the object and return the land to its former condition. The decision is executed by the body having made it within 5 days from the date of the respective decision-making. Expenses for returning the land to its former condition are charged to the violator.

- The office of the cadastre to institute the administrative punishment when the violation is not a criminal offence.
- The investigating authority when the violation is a criminal offence or the decision of the respective people's council has not been implemented.
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Article 22

When the land is seized, occupied or damaged by a third entity, the owner or user is entitled to institute court proceedings.

Article 23

Persons who: violate the provisions of this law and relevant by-laws passed by the Council of Ministers; do not utilize the land themselves, but turn it in to third parties; do not protect the land; set up illegal buildings; fail to service the land as scheduled in the contractual agreement; and fail to notify the cadastre office on changes in the condition of the land, in ownership or utility title, on no legitimate grounds, within the prescribed time limits, when these violations do not qualify as a criminal offense, are punished as administrative infringements with fines from 2000-5000 leks by cadastre chief-of-party in the district.

Punishment may be appealed within 10 days of its communication with the Chairman of the Executive Committee of the People's Council in the District whose decision is final.

Persons who, in violation of the legal provisions, seize the land or abuse it in any manner are subject to judgment in accordance with provisions of the Criminal Code.

Article 24

Criteria for distribution, registration, change, transfer of ownership, appraisal or leasing the land, as well as the responsibilities of the cadastre offices are deliberated by the Council of Ministers.

Article 25

Agricultural land owned in accordance with the provisions of this laws, will be subject to regulation by the heritage legal provisions to be endorsed.

Article 26

Law No. 5686 dated 21. 02. 1987 "On protection of land" and all by-laws coming into conflict with this law are hereby repealed.

Article 27

This law enters into force immediately.

PRESIDENT OF THE REPUBLIC
Ramiz Alia

L A W
No. 7715 dated 2. 06. 1993

CONCERNING SOME CHANGES AND ADDITIONS TO LAW NO. 7501
DATED 19. 07. 1991 "ON THE LAND"

- Based on article 16 of Law no. 7491 dated 29. 04. 1991 "On basic constitutional provisions" upon proposal from a group of deputies,

The People's Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

Article 1

To make the following changes to article 1 letter "c":

Delete the word "etc." after the words "their yards".

Delete the word "etc." after the words "historical and archaeological" and add the words "and all other pieces of land not included in points "a" and "b" of this article".

Article 2

In article 2, after the words "the right of ownership" the following words are added "over the plot of land".

Article 3

After article 3, add article 3-a reading as follows:

"Owners of the agricultural land may lease it to physical or legal entities, national or foreign.

The provisions of the Civil Code relative to lease contracts will apply for purposes of regulating lease of the agricultural land".

Article 4

At article 4, paragraph one, the word "ground" must be replaced with the word "land" and after the words: "... for construction..." Add the words "and other economic activities".

Article 5

Article 7 is changed as follows:

"For purposes of granting land in ownership or utility title to physical or legal entities, as well as to prevent social disturbances, are established: the State Commission on

Land at the Ministry of Agriculture and Food, the commission for land distribution at the council of the region; the commission for land distribution at the commune; and the commission for land distribution at the village.

The duties and rights of the commissions are defined by decision of the Council of Ministers.”

Article 6

Add the following paragraph at article 10 reading:

“If in a village the distribution of the land patents is complete and any physical or legal person refuses to accept the patent, the commission notifies the person in writing within 15 days from completion of patent distribution to present himself to pick it up. If within one month from the day of receiving notification, the subject will not pick the patent up, or in the case of subjects who, having accepted it initially, notify in writing of the desire to relinquish the title, these subjects instantaneously lose the right to ownership or to utilization.

Article 7

- At article 19, after the words “... various constructions” the words “and other economic activities ...” are added.

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Article 8

Article 21 is changed as follows:

“Local government bodies, within their jurisdictions, must prevent the seizure or exploitation of land in manners that conflict with this law and relevant by-laws to implement this law.

In cases of seizure, damage and illegal constructions by physical and legal persons, the village burgomasters, land distribution commissions until such time as they remain in force, cadastre employees, legal city-planning employees and police members are obligated to denounce the violations of this law.

The owners and users of the land who have acquired the land patent are also entitled to the right to denounce violations described in this article.

Denunciation is made within 2 days of the violation by handing in a report to the commune or municipality council of the jurisdiction where the violation has taken place.

The council of the commune or municipality, within 15 days from receiving notification, is obligated to convene and deliberate on:

- a)** The release and restitution of land to its former condition within 3 days;
- b)** Demolition of the illegal object and restitution of the land to its former condition within 5 days; (expenses incurred by returning land to its former condition are charged to the violator. With regard to points “a” and “b” action is also taken when such changes are made as may conflict with the destination of agricultural land.);
- c)** Punishment by a fine of 5 leks per m²;
- d)** Indemnification of the economic damage caused by the violator to the physical and legal entity who has obtained the land either in ownership or in utility title.

When the land is not title of physical or legal entities, indemnification is due to the municipality or commune.

For points “c” and “d” action is taken when the seized land is still utilized for agricultural purposes.

The decision of the commune or municipality is final.

Public Order structures in the area of their jurisdiction are obligated to execute the decision of the council of commune or municipality within 5 days.

When the violator is an inhabitant of another district, the public order structures of the jurisdiction where the violator lives are obligated to implement the decisions.

- In the event that, after the administrative measures described by this article, the violator refuses to implement the decision, the council of the commune or municipality denounces the issue with the judicial authorities of the district.

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Article 9

- At article 23 delete words: “... do not utilize the land themselves, but give it out to third parties” and the words: “... set up illegal buildings”.

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Article 10

- This law enters into force immediately.

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Promulgated with Decree No. 574 dated 26. 06. 1993 of the President of the Republic of Albania, Sali Berisha.

L A W
No. 7763 dated 25.10.1993

CONCERNING

**• SOME ADDITIONS TO LAW No. 7715 DATED 2. 06. 1993 “ON
SOME CHANGES AND ADDITIONS TO LAW No. 7501, DATED 19. 07.
1991 “ON THE LAND”**

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- Based on article 16 of the law no. 7491 dated 29. 04. 1991 “On Basic Constitutional Provisions” upon proposal from a group of deputies,

The People’s Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

Article 1

Paragraph 14 of article 8 of Law no. 7715, dated 2.06.1993 is changed as follows:
-The decision of the Municipality or Commune Council is executive title of final instance.

Article 2

After paragraph 14 of article 8, the following paragraph is added:
-For purposes of executing decisions by the Municipality or Commune Council as per letters “c” and “d” in cases of the violator failing to effectuate the voluntary clearance of the fine, the Bailiff’s office at the District Court is charged with executing the decision.

Article 3

The last by one paragraph of article 8 is changed as follows:

- In cases the violator resides in another jurisdiction, the task to execute the decision to punish the violator is charged to structures defined in article 2 of this law in the area of jurisdiction where the violator resides.

Article 4

- The Ministry of Justice is hereby tasked to establish Bailiff’s offices in every district for the purpose of executing such decisions.

Article 5

- This law enters into force immediately.

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Proclaimed by decree no. 685 dated 9. 11. 1993 of the President of the Republic
of Albania, Sali Berisha.

L A W
No. 7855 dated 29. 07. 1994

CONCERNING
SOME ADDITIONS TO THE LAW NO. 7501 DATED 29.04.1991 "ON
THE LAND"

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Based on articles
16 and 23 of law no. 7491, dated 29. 04. 1991 "On Basic Constitutional Provisions"
upon proposal from a group of deputies,

The People's Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

Article 1

After article 5 of Law No. 7501, dated 19. 07.1991 "On the land", article 5-a is added
reading as follows:

"The Land Commissions at the villages deposit the documentation on land
distribution with the cadastre office of the district in accordance with endorsed
provisions and criteria".

Article 2

After article 23, article 23-a is added reading as follows:

"Commissions acting in violation of article 1 of this law and other legal and sub legal
acts setting the criteria for compiling documentation relative to land distribution, when
such acts do not qualify as criminal offences, every member of the commission of
any instance, depending on the degree of responsibility, is punished for his/her
administrative infringement with fines of 2000 up to 5000 leks.

The chairperson of the district council administers fines in his capacity as the
chairman of the district's land commission.

Decision by the Chairman is final.

Article 3

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If the chairman
and secretary of land commission still refuse to comply with requirements for
documentation submission, the District's Land Commission is entitled to press
charges on count of abuse of power.

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Article 4

• This law enters
into force immediately.

• **Proclaimed by decree no. 909 dated 16. 08.1994 of the President of the
Republic of Albania, Sali Berisha**

REPUBLIC OF ALBANIA THE ASSEMBLY

L A W No. 8752 dated 26. 03. 2001

CONCERNING THE CREATION AND OPERATION OF LAND PROTECTION AND ADMINISTRATION STRUCTURES

Based on articles 78 and 83 point 1 of the Constitution, upon proposal from the
Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
HAS DECIDED AS FOLLOWS:

CHAPTER I GENERAL STIPULATIONS

Article 1

The purpose of this law is to define structures at local government level
charged with the protection and administration of the land.

Article 2

For the purposes of this law:

1. "Administration" means the processes of delineation, documentation and
consolidation of information on land ownership, on the value and manner of land
utilization for purposes of promoting and implementing land management policies.

2. "Management" means the activities relative to the utilization of the land as
a resource of great economic and environmental value.

3. "Multiple purpose cadastre" means a register for recording a variety of

attributes of land plots.

4. "Land" has the same meaning as agricultural land in the Law No. 7501 dated 19. 07. 1991 "On the land".

5. "Forest land and wood" has the same meaning as in the Law no.7623 dated 13. 10. 1995 "On Forests and Forest Police".

6. "Pasture and meadow" has the same meaning as in the Law no. 7917 dated 13. 04. 1995 "On Pastures and Meadows".

7. "Bank" has the same meaning as in the Law no. 8093, dated 21. 03. 1996 "On water reserves".

8. " Technical dependence" means the obligation of the structures defined in this law to implement by-laws passed by superior instances.

9. "Descriptive data" means the data recorded in bookkeeping and various other records.

10. "GIS" means the Geographic information system.

11. "Barren land" means land of poor quality that is not included in entries such as agricultural land; forest land; wood, pastures meadows and grounds.

12. "Land protection" means the physical protection of the land and its fertility from erosion, pollution and degradation.

CHAPTER II

ORGANIZATION

Article 3

At the Region's Council, for purposes of land administration and protection, the Section on Land Administration and Protection is established as a delegated function of the Council of Ministers.

Article 4

The number of staff and manner of operation of the Section on Land Administration and Protection are defined by decision of the Council of Ministers.

Article 5

The chief of the section and specialists are hired and fired in accordance with Law No. 8549 dated 11.11.1999 "Civil Servant Status".

Article 6

To administer and protect the land, as per functions defined in Law No. 8652 dated 31.07.2000 "On establishment and operations of local governments" the Office on Land Administration and Protection is set up at every commune and /or municipality.

Article 7

The Section on Land Administration and Protection at the Region level and the offices on land management and protection at the commune and/or municipality level are under the technical dependence of the Ministry of Agriculture and Food.

The Minister of Agriculture and Food passes by-laws to make this law implementable, sets the methodic and technical lines for the administration and management of the land, and oversees the implementation of such by-laws and instructions.

Article 8

The Section on Land Administration and Protection at the Region level and the office for the management and protection of the land at the commune and/or municipality are accountable for the implementation of the tasks set by this law and relevant by-laws to the Region's Council and the Council of the Commune/Municipality respectively.

The Section for Land Administration and protection at the Region level interacts and exchanges data with the section or office for land management and protection at the commune and/or municipality level.

CHAPTER III

OBJECT AND FUNCTIONS

Article 9

The Section on Land Administration and Protection at the Region level, administers and takes steps to protect the land within the administrative and territorial jurisdiction of the region, as described by article 11 of this law.

Article 10

The office for land management and protection manages and takes steps for land protection in the territory within the administrative and territorial jurisdiction of the commune and/or municipality.

Article 11

The Section for Land Administration and Protection at the Region level and the office for land management and protection at the commune and/or municipality are responsible for:

- a. The state agricultural lands legally assigned to the region, commune and/or municipality for administration;
- b. Private agricultural lands;
- c. Communal and private forests;
- d. Communal and private pastures;
- e. State forest land legally granted to the region, commune and/or municipality for administration;
- f. River banks legally granted to the region, commune and/or municipality for

- administration;
- g. Urban grounds in the villages;
- h. Barren lands.

Article 12

The Section for Land Administration and Protection at the Region level, in the capacity of a multi purpose cadastre for lands under its jurisdiction, carries out these functions:

- a) Plans the use of land, effectuates the changes in the cadastral entries and leads the formulation of development strategies.
- b) In conjunction with specialized institutions compiles, keeps and updates the geographical information in the shape of maps, descriptive data and the GIS.
- c) Designs and institutes, in conjunction with the communes and municipalities, the implementation of programs and measures for the physical and fertility protection of the land from erosion, pollution and degradation.
- d) Implements obligations deriving from international conventions and agreements on land protection to which Albania is a party.
- e) Keeps the archive and fundamental registers, provides information and carries out services that benefit the physical and legal entities.
- f) Conducts appraisals of the agricultural, forest, pasture, meadow and wood lands as may become necessary for expropriation, taxation and levy purposes.

Manner of carrying out the functions described in this article is defined in the by laws passed by the Council of Ministers.

Article 13

The Section or office for land management and protection carries out these functions:

- a) Prepares documentation to be submitted to the Council of the commune and/or municipality with regard to lease, concession, utilization permits or any other manner of transference of rights foreseen by legal and sub-legal acts concerning state land, woods, communal pastures, forest land and river banks which have legally passed under ownership or administration title of the region, commune and/or municipality.
- b) Gathers geographic data and keeps the maps and documentation for which it is responsible in accordance with legal acts.
- c) Institutes protective measures with regard to the physical condition and fertility of the land as may be needed to address damage caused by erosion, pollution and degradation.

Manner of carrying out the functions described in this law is defined in by-laws passed by the Council of Ministers.

SANCTIONS AND CLOSING PROVISIONS

Article 14

Failure to institute or to implement measures relative to physical damage,

reduction of fertility from erosion, pollution and degradation, when not a criminal offense, qualifies as an administrative infringement and is fined with 10 000 up to 50 000 leks by the specialist for land protection at the section on land administration and protection at the Region level in accordance with Law no.7697, dated 7. 04. 1993 "On administrative infringements". Indemnification of damage is handled separately.

Article 15

The punishment decision may be appealed within 10 days from the day of its communication with the chairman of the Region's Council who is obligated to review the complaint and make a decision within 5 days.

Article 16

Complaint and execution procedures follow the provisions of the Law no. 7697, dated 7.04.1993 "On administrative infringements", with subsequent changes and additions.

Article 17

The Council of Ministers is hereby charged to endorse sub-legal acts to the effect of articles 4, 12, and 13 of this law.

Article 18

Articles 17, 20 and 24 of the law no.7501 dated 19. 07. 1991 "On the Land" and any other legal or sub-legal act that may come into conflict with this law are hereby repealed.

Article 19

This law enters into force 15 days following its publication in the Official Journal.

CHAIRMAN
Skënder Gjinushi

LAW
No. 7623 dated 13. 10. 1992

CONCERNING
FORESTS AND THE FOREST SERVICE POLICE

Based on article no. 16 Law no. 7491 dated 29. 04. 1991 "On basic constitutional provisions" upon proposal from the Council of Ministers

The People's Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

CHAPTER 1

GENERAL STIPULATIONS

Article 1

The object of this law is the administration, protection, proliferation and treatment of forests for purposes of protection of the environment, the production of wood stock and other forest by-products.

- a)** General protection of the forestry stock is important due to its economic values and its critical role in: the protection of the environment, water reserves, cleaning of the atmosphere, increasing land fertility, landscape, agro-tourism and infrastructure.
- b)** Control over the felling of trees is dictated by the need to balance it with the potentials for normal growth as programmed in forest growth projects designed in accordance with the requirements of this law.
- c)** Control over the development of the forestry sector to ensure adequate management of the sector.
- d)** Balancing society's interests with the interests of individual physical or legal entities is one of the primary goals of the present law.

CHAPTER II

**FORESTRY STOCK – ADMINISTRATION, DEVELOPMENT,
TREATMENT**

Article 2

The forest stock is made up of forests and forest vegetation lands. It involves the

state owned, communal and private forests. The forest stock is made up of forest economies in accordance with multiplication and inventorying plans.

The Ministry of Agriculture and Food has the authority to endorse the transition of arable land into forestry stock, while the local governments may endorse the passage into forestland of non-agricultural land unrecorded in the cadastre as part of any land stock.

- In special cases, the passage of parts of the forest stock into lease title for scientific and didactic purposes to the Ministries and other central institutions is subject to approval by the Ministry of Agriculture and Food for surfaces under 100 ha and by the Council of Ministers for surfaces above 100 ha.

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Article 3

- Forest is a body of dense trees extending over surfaces bigger than one tenth of a hectare with no less than 30 per cent productive plants growing on it and producing an impact on the surrounding environment. Ground with forest vegetation means surface with forest trees with coverage from 5-30 per cent unrecorded in the cadastre as part of any stock of land. Also, part of the forest stock are divested surfaces like: clearances, rocks and sandbanks up to 2 ha in the forests, surfaces planted with protective forest belts, isolated groups of trees and bushy surfaces.

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Article 4

The forest stock is made up of state owned, communal and private forests.

a) State owned forest is forest in ownership of the state.

b) Communal forests are forests owned by the state but given for communal to one village, several villages or the commune.

- In accordance with criteria developed by the minister of Agriculture and Food, pieces of communal forest from 0.4 to 1 ha per family may be given for use to households of permanent residence in the village subject to agreement between the local government and the forest authority.

c) Private forest is any body of trees and any forest created within the boundaries of land recognised as private property.

The Government provides investment and technical assistance for purposes of creation of private forests and development of agro forestry.

Technical criteria for definition of communal and private forests, as well as rules for their administration are contained in special regulation of the Ministry of Agriculture and Food.

Article 5

Scattered trees within or around agricultural land, pastures and stables; around monuments, institutions, cemeteries; on the banks of irrigation and watering canals and other bodies of water; on the sideways of roads and railways, as well as trees in parks, populated centres and peripheral areas do not form part of the forests stock.

Article 6

Administration, development, protection and treatment of forest stock, state owned,

communal or private, are regulated in accordance with the provisions of this law.

- The state owned and communal forest stock is administrated by the General Directorate of Forests through its affiliates of local directories for forest service.

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Article 7

Grounds covered with forest vegetation and shrubs up to 5 ha are written off the forest stock by the General Director of Forests, while in the case of surfaces over 5 ha, the competent authority is the Minister of Agriculture and Food.

- The Minister of Agriculture and Food writes forests of up to 50 off the forest stock, whereas for surfaces above 50 ha the decision is taken by the Council of Ministers. Deforestation or change of destination of parts of the forest stock may only be effectuated if competent authorities have given permission for write off and after the established tariff has been paid. Revenue from such payment is used for forestation of surfaces of the same proportions. The wood material resulting from deforestation passes into the possession of the physical or legal entity owning the land.

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Article 8

Change or replacement of forest cultures with other forest varieties in plots that form part to the state owned or communal stock is only done upon approval of the General Directorate of Forests.

Article 9

It is prohibited to occupy or utilise forests or forest vegetation lands belonging to the forest stock without the prior approval of the competent authorities; to occupy surfaces bigger than those approved; to deploy any type of object in sites other than the designated ones; to not return the leased forest stock land: and to destroy or degrade forests by extensive means.

Article 10

- Forest service structures, employees, as well as their competences, duties and rights are defined by special regulation of the Minister of Agriculture and Food.

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Article 11

Administration, proliferation and scientific treatment of trees, special shrubs, medicinal and tanniferous plants inside the state owned and communal stock is the competence of the Forest Service Directorates at the local level. Industrial woods of special value, inside and outside the forest stock, are protected by forest authorities as prescribed in the list attached to the special regulation drafted for this purpose by the Minister of Agriculture and Food.

- Municipal and communal authorities administrate Woods, wood and shrub collections, parks and gardens in the towns and inhabited centres.

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Article 12

- National Forest Parks and natural reservoirs are approved by the Council of Ministers, whereas the General Forest Directorate designates scientific reservoirs, natural monuments, landscapes and industrial woods.

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Article 13

- Forest authorities designate the seed stock and body of trees or separate trees to ensure the sowing material for the proliferation and revival of the forest stock in accordance with criteria set by the Institute for Forest and Pasture Research.

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Article 14

- The forest authorities only distribute Forest seeds, saplings and other vegetation materials to be used as reproductive material for superior breeds or cultivars, after certification has taken place.
For all forest seeds and medicinal and tanniferous plants to be used as sowing material, laboratory tests are carried at the seed facilities of the Institute for Forest and Pasture Research.

Article 15

- The state and communal forest stock is administered according to inventories and management plans. Management plans designed by study and research institutes, aim at the conservation of adequate wood structure of the necessary production, protective and reactive qualities characteristic of forest ecosystems. Summary programs as per management areas and inventories are approved by the General Directorate of Forests thereupon becoming obligatory for implementation.

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Article 16

The forest stock is entered in the cadastre registry separately for each region. Annual changes should be entered regularly.

- The General Directorate of Forests defines the manner of administration of the forest cadastre, including documentation requirements.

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Article 17

- To increase the forest stock and its production capacities, the General Directorate of Forests and local governments, through the local directorates of forest service, are obligated to undertake the forestation of divest lands, slopes, sandbanks, barren and gravel land, low-productivity forest stock lands and other such lands. In such cases, fast growing and highly economic varieties are used in compliance with stationary conditions. These authorities are also responsible for provision of seed care, improvement of existing forests, sanitation works and care taking installations in accordance with the forests utilisation and economic goals.

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Article 18

- In river and stream basins and in zones of snow accumulation, to prevent erosion such measures are taken as the forestation of divest parts, the protection of upper level woodlands and the banning of tree felling and animal grazing.

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Article 19

- It is prohibited to fell or uproot trees in very steep places, in belts of 100 m width on the upper boundary of vegetation; it is prohibited to fell and uproot rare varieties of trees and shrubs, as well as the trees on both sides of national roads with sloping edge of 30 per cent and in land width of 20 m above and below the road track.

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Article 20

Forest authorities are under the obligation to take measures to increase wild animals and fowl in the forest and hunting stock and to ensure the population of forests by such species. They are also responsible for management of fishing in the mountainous water bodies.

The General Directorate of Forests in accordance with the hunting law designates the area of forest stock to be used as hunting reservoirs and of mountainous body waters to be used as fishing reservoirs.

Article 21

- Except when so authorised by special decision of the Council of Ministers, such activities are prohibited in the forest stock that may cause reduction of productivity, prevent revitalisation of trees, downgrade the forest's protection and its social economic functions.

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CHAPTER III

EXPLOITATION OF FORESTS AND FOREST PRODUCTS

Article 2

Forest stock is divided into production and protective forests.

The felling of woods is allowed in the production forests in accordance with the provisions of this law and relevant by-laws.

The felling of woods, as stipulated in the instructions of the General Directorate of Forests, is not allowed in the protective forests, except as care taking and sanitation operations. Forest authorities are responsible for management and planning of forests, national parks and any other territory that may be proclaimed as such.

Article 23

- The wood material to be harvested from the state and communal forests is calculated in accordance with exploitation capacities, inventories and planning programs so that the protection of the land, improvement of climate elements, and reinforcement of natural ecosystems, as well as continuity of production are ensured. The creation of standing wood material is mandated by decision of the Council of Ministers.

The exploitation of private forests must not affect the protection of the land and the preservation of climate elements.

Article 24

The General Directorate of Forests plans yearly, on a regional basis, the amounts of wood material that may be exploited based on exploitation capacities and oversees implementation in accordance with relevant legal provisions.

Article 25

The right to exploit the forest, in accordance with the provisions of this law is vested with physical and legal persons having obtained a license to engage in this activity.

Article 26

Trees to be felled in state and communal forests are indicated by special stamp imprinted by forest authorities. The stamps are individual and may be used only upon the orders of the forest service authorities. The General Forest Directorate designs the size and shape of the stamp.

- The destruction, forging or use of the stamp by unauthorized persons or in other forest zones is subject to punishment by law.

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Article 27

- Schedules for exploitation of trunks, stumps and shrubs, and schedule of felling for care taking purposes are defined by special order of the General Directorate of Forests.

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Article 28

- The exploitation of the wood material and other forest products in the case of massive felling is launched following design and endorsement of technological project. It is subject to signature of contract and liquidation of payment calculated as per tariffs set by the Council of Ministers. The contract signature takes place only following signature of the report of taking hold of plots to be exploited after an exploitation permit has been granted.

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Article 29

- Upon expiration of the deadline for felling as indicated in the exploitation permit, the right to fell also expires and the subject is subject to a sanction of paying 50 per cent of the value of the exploitation permit.

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Article 30

The selling and buying of standing wood material (not felled) from forests is not allowed, except when permitted by legal entities entitled to forest administration. The selling and buying of products resulting from the exploitation of wood sources and from the processing of wood material is legal.

Article 31

- Wood material and other forest products may not be transported from the forest without being accompanied by the special permit testifying that production has taken place in accordance with the provisions of this law.

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Article 32

Forest authorities are empowered to exercise control over physical or legal entities engaged in forest exploitation, over the production of forest materials, over pruning and grazing activities, over vehicles and animals in the act of transporting wood material or any forest product.

Article 33

- The collection of secondary forest products such as heath, arbutus berry tree twigs, box wood, willow wands, resin, pine needle, bark, flowers, buds, medicinal tanniferous plants, mushrooms and any forest by-product is lawful provided the legal and physical entities are duly equipped with relevant permits from the forest authorities.

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Article 34

During the vegetation period, it is prohibited to exploit the roots of heath, berry trees, or cut willow wands and harvest any other forest product.

Article 35

The permit to prune leaves, graze animals and mow grass in the forest stock is issued by forest authorities subject to payment of relevant tariff.

Article 36

The General Forest Directorate may, for certain periods of time, ban the collection and grazing of animals in the forest stock when medicinal and tanniferous plants have been reduced, damaged or are at risk to disappear. They may ban any other

action that may harm such plants.

Article 37

The utilization of forests for purposes of recreation and tourism by physical and legal entities is subject to authorization by the General Forest Directorate after payment of the relevant tariff deliberated by the Council of Ministers. The period of utilization is set in accordance with special legal provisions.

Entrance of humans, animals and any type of vehicle in the territory of national forest parks and in forest sites designated for social use, is regulated by permission of the forest authorities upon payment of tariff as established by the General Directorate of Forests.

CHAPTER IV

PROTECTION OF FOREST STOCK

Article 38

Management and protection of forest stock (notwithstanding ownership) from illegal felling and grazing, from diseases and insects, from fire and pollution, and the institution of prevention measures and combat operations are permanent tasks of the forest authorities at central and local level and, in special cases, also of public order authorities.

Article 39

The General Directorate of Forests and its subordinate structures are charged with forest management and forest protection, both state and communal.

Article 40

Legal and physical entities that possess, use or administrate forests, bodies of trees, or separate trees, inside or outside the forest stock, are obligated to ensure their protection.

Article 41

It is prohibited for animals to graze in or pass through new forests, in forests that are undergoing regeneration after exploitation, in re-stumped forests, in protective forests, in national forest parks, in scientific reservoirs and natural monuments, in natural landscape and reservoirs under protection and in hunting and seed reservoirs.

Article 42

It is prohibited to collect, distribute, or saw seed, scions, forest saplings and scapula of forest tree and shrub without the express permission of forest authorities. Also prohibited is the selling of wood material and any other forest product infested with

disease, bad weed and insects.

It is prohibited to plant seeds or any type of forest vegetation material if the authorities do not certify such material.

Article 43

It is prohibited to start fires that may endanger the forest or to carry out activities, specified in the regulations of the Ministry of Agriculture and Food that carry the threat of fire.

Article 44

In case of fire in the forest stock or in sections of the forest or shrubs, local government and forest authorities, every center of activity, military unit, school, institution or citizen in the vicinity of the fire epicenter, are under the obligation of delivering notice accordingly. They must contribute to fire extinguishing with labor and available tools.

The operations for extinguishing the fire are led by the forest authorities.

Article 45

- It is prohibited to install in the vicinity of forests such industrial objects that emit gas or liquid waste of deteriorating effect on the forest environment and to carry out any construction work that may upset the balance of ecological equilibrium.

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Article 46

- The government in accordance with criteria established by the Ministry of Finances and Economy and by the Ministry of Agriculture and Food covers expenditure for protection of the forest stock from pollution and fire and expenses incurred for fighting diseases, insects and bad weed.

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Article 47

- It is prohibited to damage water works, experimental plots, hunting management facilities, enclosures, and watch towers for observing fauna and flora, detecting disease, insects and fire or any other such objects that are in or near forests and forest stock.

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Article 48

- It is prohibited to destroy, damage or delete border indications, geodesic and topographic signs, warning and direction signs that are fixed in forests or in the forest stock.

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Article 49

- Excavations in the forest stock or the river beds to extract stone, humus, sand, gravel, grass lumps and the similar; wood coal, tinder and lime production

works, bee hive works and quarry works are subject to permits from the forest authorities designating the site and time for such works and lease rate as provided by relevant legislation.

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Article 50

- The entrance of vehicles and animals in protective forests, in national forest parks, in natural reservoirs or protected landscapes, in forest sapling nurseries or any other site of the forest sock, other than those designated by the forest authority, is prohibited.

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Article 51

Camps, tents or any other movable shelter or object of similar nature may be established only in sites designated by forest authorities.

Article 52

The acquisition from the forest stock of fallen or dead trees from natural phenomena or fire, or of trees, saplings or slips uprooted or felled from other persons is prohibited.

Article 53

Resin acquisition is legal only from trees 10 years before arriving exploitation age. The forest authority must properly mark such trees. For resin production the most modern and efficient methods, which cause the least harm to the trees, are used. The extraction of essence from needle trees is prohibited when the trees are standing.

CHAPTER V

ORGANIZATION OF FOREST SERVICE

Article 54

For purposes of protection of the forest stock, the Forest Service Police is hereby established. The Forest Service Police is an executive armed structure trained to control and enforce the implementation of forest legislation.

Forest service structures manage, organize and control activities for prevention and protection of the forest stock from diseases, harmful insects, fires, pollution, illegal felling and grazing.

Article 55

- Forest Service Police is organized and led by the General Forest Directorate.
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Article 56

The Forest Service Police operate in territorial jurisdictions as defined by the state administrative and forest division. The duties of the Forest Service Police are preventive, executive, administrative, technical and legal for the protection of forests and the forest environment.

Article 57

Employees of the forest service police are eligible for the status of armed forces and are legally equal with the public order employees.

Article 58

Requirements for recruitment in the forest service police and the oath formula are set by special regulation of the Minister for Agriculture and Food.

Article 59

For purposes of carrying out its duties the forest service police works closely with public order and financial police.

In cases when culprits are caught in the act or resist the police, the forest service police are authorized to use force.

Article 60

- The Forest Service police are equipped with weapons, resources and service uniform. The General Directorate of Forests defines the type of uniform and time of use. The Minister of Agriculture and Food and the Minister of Public Order define the type of weapon and other resources. The Forest Service Police are backed in their work by Decree No. 7449 dated 5.01.1991 "Concerning the use of weapons by border guards, public order police, and the armed military and civil guards".

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CHAPTER VI

INFRINGEMENTS

Article 61

- The infringement of the provisions of this law is subject to material, administrative, civil and criminal punishment on a case-by-case basis.

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Article 62

- The forest service police and the public order police, when detecting infringement of the Law "Concerning Forests" compile a report, which is signed by

the drafter, the offender and witnesses. When witnesses there are not, the report is valid with the signature of the offender alone.

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Article 63

- The infringement of the provisions of this law contained in articles 7, 8, 9, 11, 14, 18, 19, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, 40, 42, 43, 44, 45, 47, 48, 49, 51, 53, when not qualifying as a criminal deed and when the cost of the damage is at less than 5000 leks, depending on the severity of the damage, is punished as administrative infringement with fines from 250 up to 5000 leks and the confiscation of the wood material, or its counterpart value when the material and other forest products are disposed of. Fine scales are defined by special decision of the General Directorate of Forests. The transportation of the illegally felled trees qualifies as administrative infringement and is punished in accordance with this provision.

The violator is obligated to indemnify the value of the damage.

When the damage caused in the forest stock in an advertent or inadvertent manner is greater than 5000 leks, the committer is charged in accordance with the provisions of the Criminal Code. The destruction, forging of use of the stamp by other people qualifies as an administrative breach and is punishable by a fine of 5000 leks.

Violation of provisions contained in article 37, second paragraph, articles 41, 43, 50, 52, of this law when committed for the first time and causing no material damage is punished as an administrative breach and fined with a 100 leks.

Article 64

- Review of administrative infringements relative to the forest is the authority of a commission of no less than three people set up by the Forest Service Directorate. The Director of the Forest Service Directorate decides the membership of the commission.

The decision of the commission may be appealed with the Director for fines up to 3000 leks and with the General Director of Forests for fines above 3000 leks within 10 days from the day of communication or promulgation of the decision. The verdict of the appellate authority is final.

The fine must be voluntarily paid within 15 days from the day the fine decision becomes final. Upon expiration of this deadline, the decision becomes an executive title and is implemented as prescribed in the provisions concerning collection of government revenue.

Article 65

Indemnifying tariffs for damage caused in forest or in the forest stock as well as tariffs for deforestation, occupying of forest ground or utilization of territories of the forest stock for various purposes is established by the Council of Ministers.

Article 66

The Council of Ministers and other ministries or central institutions in accordance with their competences are hereby charged to draft relevant by laws to make this law implementable.

Article 67

Law no. 4407 dated 25. 06. 1968 "Concerning Forests" and any other provision that comes into conflict with this law are hereby withdrawn.

Article 68

- This law enters into force 15 days following its publication in the Official Journal.

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Proclaimed by Decree no. 336 dated 28. 10. 1992 of the President of the Republic of Albania, Sali Berisha.

L A W

No. 7838 dated 30.6.1994

- **CONCERNING**

- **SOME CHANGES IN THE LAW No.7623 DATED 3. 10. 1992 "CONCERNING FORESTS AND THE FOREST SERVICE POLICE"**

- Based on article 16 of Law No. 7491 dated 29. 04. 1991 "Concerning basic constitutional provisions" upon proposal from the Council of Ministers,

The People's Assembly of the Republic of Albania

Has decided as follows:

Article 1

To change article 63 of Law no. 7623 dated 13. 10. 1992 as follows:

"Violation of provisions of this law contained in articles 7, 8, 9, 11, 14, 18, 19, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, 40, 42, 43, 44, 45, 47, 48, 49, 51 and 53, when not constituting a criminal offence and when the estimation of damage does not exceed 50.000 leks, is punished as an administrative infringement with the indemnification of the damage and a fine in amounts ranging from 5.000 up to 50.000 leks. The instruments of the damage, the wood material or other forest products, or their counterpart value and any other gain made by manner of the administrative infringement are confiscated and pass into government ownership.

If the damage is estimated to be bigger than 50.000 leks, the perpetrator will be accountable according to the provisions of the Criminal Code. Destruction, forgery or use of the stamp by other people is an administrative infringement and is punished by a fine of 5.000 leks.

The violation of the provisions contained in article 37 (second paragraph), and articles 41, 50 and 52 of this law, even if no material damage has been caused, is fined there and then with 5.000 leks by forest police inspectors."



L A W
No.7659 dated 12. 01.1993

ON
SEEDS AND SAPLINGS

- Based on article 16 of Law no. 7491, dated 29.04.1991 “On basic constitutional provisions” upon proposal from the Council of Ministers,

The Assembly of the Republic of Albania,

HAS DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1

Seeds, saplings, twigs, offshoots, tubers, bulbs, slips, stems and any other part of the plant used to sow or reproduce crops, for purposes of this law will be called “planting stock”

Article 2

Planting stock is classified in the following categories:
a) Genetic planting stock (population, ecotypes, biotypes, lines, incultlines and clones);
b) Created planting stock (new cultivars, new derivation lines, new hybrids and new clones);

- c) Basic planting stock (Super elites, super elites, elites of all categories and hybrids);
- d) Planting stock for multiplication and production (any seed of first and second reproduction).

CHAPTER II

CREATION, REPRODUCTION AND MULTIPLICATION OF PLANTING STOCK

Article 3

The creation of new planting material, as described in Article 2, letter “b” of this law, for purposes of distribution and sale, is the competence of educational and research institutions, governmental and private, which may exercise it on their own or cooperatively. Foreign physical and legal entities may acquire such attributes only through the Ministry of Agriculture and Food.

Article 4

The authority to grant licenses and to establish the duties and obligations of physical and legal entities engaging in the creation, reproduction and multiplication of planting stock is vested in the Ministry of Agriculture and Food. The terms of standardization, instructions and norms relating to quality indicators, marketing, labeling, transportation and preservation are defined by the central standardization authority in cooperation with the Ministry of Agriculture and Food.

Article 5

The creator of any planting stock described in Article 2 letter “b” of this law is entitled to intellectual property rights as provided by law. The new creation is registered by the State Entity for Seeds and Saplings based on the decision of the Commission for the Certification of New Cultivars and Hybrids, which operates at this Entity in accordance with Article 14 of this Law. Utilization of such rights by physical and legal entities without authorization of the lawful holder is punished as provided by law.

Article 6

Reproduction and multiplication of planting stock described in letter “c” and “d” of article 2 of this law, may be undertaken by creators of the new planting stock, as well as by any other physical or legal entity, national or foreign, alone or in any cooperative manner, provided that:

- a)** A permit is obtained for reproduction and multiplication of seeds or the production of saplings in accordance with Article 4 of this Law.
- b)** The planting stock subject to reproduction or multiplication is duly registered in the Fundamental Registry of Cultivars and Hybrids of the Type of Cultivated Crops.
- c)** Agro-technical conditions essential to reproduction and multiplication of the planting stock are ensured.

Article 7

Reproduction and multiplication of unregistered planting material on account of foreign physical and legal entities may be undertaken subject to permission by the official structure recognized by the Ministry of Agriculture and Food.

CHAPTER III

SALE OF PLANTING STOCK

Article 8

The sale of planting stock may be carried out by any physical or legal entity who have obtained the right to creation of planting stock in accordance with Article 3 and to its reproduction and multiplication in accordance with Article 6 of this Law as well as by any other physical or legal entity that has obtained a license to engage in trading business based on relevant effective laws and regulations.

Article 9

Planting stock may be traded when:

- a)** It belongs to a cultivar, hybrid or clone registered in the Fundamental Registry of Cultivars and Hybrids of the Type of Cultivated Plants and is within the time limits prescribed for trading and sowing;
- b)** It is accompanied by seed quality control certificates and by the phyto-sanitary certificate;
- c)** It is in accordance with the Albanian quality standards and phyto-sanitary requirements for seeds.

In cases when certain contingents have been exposed to unusual conditions, upon proposal of the Minister of Agriculture and Food and with authorization from the standardization authority, the planting stock may be traded and sown at quality levels under those fixed by the Albanian standards.

Article 10

Planting stock is banned from sale and sowing when infected with diseases and pests forming part of quarantine and stock that belongs to plants used for narcotics and poison production prescribed in the regulations of the Ministry of Agriculture and Food.

Article 11

Education and research institutions, the State Entity of Seeds and Saplings and any other subject engaging in the creation and preservation of planting stock in accordance with Article 3 of this law only upon decree from the head of the institutions may exchange planting stock in small quantities for research and experimental purposes with counterparts within and outside the country, or with

foreign physical and legal entities without being subjected to licensing and relevant customs regulations. This rule does not apply to planting stock of special genetic value.

The Ministry of Agriculture and Food sets quantity limits for seeds that may be exchanged for research purposes and lists those that may not be exchanged.

CHAPTER IV

QUALITY CONTROL OF PLANTING STOCK AND PRESERVATION OF GENETIC STOCK

Article 12

The State Entity of Seeds and Saplings is created at the Ministry of Agriculture and Food for purposes of quality control over planting stock and conservation of genetic stock.

Article 13

By setting up regional networks to conduct comparative tests of planting stock and by using laboratory methods, this entity controls the genuineness of quantity and quality indicators of production and genetic indicators of any new stock created in Albania in accordance with letter “b” of Article 2 of this Law and any other new planting stock introduced from abroad for reproduction and multiplication.

Article 14

The Commission for Certification of Seeds and Saplings established to operate at this entity by decision of the Minister of Agriculture and Food, following evaluation of the new planting stock in accordance with Article 13 above makes a decision concerning registration in the Fundamental Registry of Seeds and Saplings. Based on the Commission’s decision, the State Entity of Seeds and Saplings effectuates registration of the new planting stock and grants permissions for its reproduction, multiplication and trading.

Article 15

- The Central Laboratory of Seeds and Saplings conducts analysis of the planting stock. This laboratory and its affiliates at region level, on the basis of test results, issue quality and phyto-sanitary certificates in which they explicitly state whether or not the planting is fit for sowing. Quantities per contingent of kind and quality indicators are established by special regulation of the Ministry of Agriculture and Food.

Article 16

The importation of planting stock for purposes of reproduction, multiplication and trading by any physical or legal entity, foreign or national, is lawful only if duly

licensed, except in cases prescribed in article 11 of this law.

The State Entity of Seeds and Saplings is the only governmental body authorized to license the importation or exportation of any kind of planting stock.

Article 17

The State Entity of Seeds and Saplings upon approval of the Minister of Agriculture and Food, institutes relations, integration and membership in international bodies that engage in treatment of planting stock, with genetic banks and counterpart institutions in foreign countries.

Article 18

The state system of preservation, protection and processing of genetic planting stock, subject to Article 2 of this law, is instituted by the State Entity of Seeds and Saplings through the Genetic Bank.

Article 19

The Inspectorate of Seeds and Saplings operated by this Entity, through inspectors at grass root level, exercises systematic control at every stage of reproduction, multiplication and trading of any planting stock to ensure:

- The implementation of the provisions of this law and relevant by laws passed by the Ministry of Agriculture and Food;
- The observance of Albanian standards for seeds and saplings;
- The observance of phyto-sanitary regulation in cooperation with the quarantine and plant protection services;
- The fulfillment of necessary agro technical requirements for the reproduction and multiplication of the planting stock;
- Proper keeping of documentation at every stage of reproduction, multiplication and trading of planting stock.
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Article 20

Inspectors of seeds and saplings at grass root level, following inspection of documentation and periodic controls in the plots of reproduction and multiplication of planting stock, launch its field approbation. Without field approbation, planting stock received from producers will not be subjected to official analysis and will not be certified.

CHAPTER V

CLOSING PROVISIONS

Article 21

Violations of the provisions of this law are punishable by inspectors of seeds and

saplings and other persons as may be authorized by the Minister of Agriculture and Food. Fines of 500 up to 10.000 leks may be administered and temporary suspension of activity may be affected. In certain cases the reproduction, multiplication and trading of planting stock may be prohibited.

Article 22

Appeals against punishment may be deposited within 15 days from the communication of decision at the Office of Chief Inspector of the Entity of Seeds and saplings whose decisions are irrevocable.

Article 23

Fraud in connection with cultivars, hybrids and lines; reproduction for speculative and fraudulent purposes in connection with planting stock destined to produce narcotics or poisonous substances; and the unauthorized release of genetic planting stock to foreign physical or legal persons is subject to punishment in accordance with Criminal Code provisions.

Article 24

The provisions of this law apply to planting stock of any cultivated plant, including in the forest, and edible cultivated mushrooms, too.

The Ministry of Agriculture and Food is charged with the drafting of relevant laws with regard to creation, reproduction, multiplication, trading and control of any planting stock and for the conservation, protection and treatment of any planting stock.

Article 26

Law No.7225 dated 22. 06. 1988 "On the production and distribution of seeds and fruit tree saplings", and every provision that comes into conflict with this law is hereby cancelled.

**Presidium Chair
Pjetër Arbnori**

LAW
No. 7662 dated 19. 01. 1993

CONCERNING
THE PLANT PROTECTION SERVICE

- Based on article 16 of the law no. 7491 dated 29. 04. 1991 “On basic constitutional provisions” upon proposal from the Council of Ministers, the People’s Assembly of the Republic of Albania

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HAS DECIDED AS FOLLOWS:

CHAPTER 1

GENERAL STIPULATIONS

Article 1

For purposes of this law:

“Inspector” means the plant protection and quarantine inspector.

“Minister” means the Minister of Agriculture and Food.

“Parasite” means the damaging pest, the disease, and harmful or potentially harmful weeds for plants or plant products.

“Quarantine parasite” means a harmful parasite, detected or undetected, but in any case not widely spread, which is causing economic damage to the country and necessitates serious combating measures.

“Pesticide” means any substance used for the prevention, extermination or fighting of plant parasites. The term also refers to growth regulators like desiccants, defoliants and other substances used for the protection of plants and plant products.

“Registration” means the process of endorsement by the relevant governmental

authority of sale and use of any pesticide. This endorsement is subject to review of comprehensive scientific data, which must prove that the pesticide serves its purpose and is not hazardous to human and animal health and to the environment.

“Zone” means the site used for the cultivation, preservation and transportation of plants or plant products.

Article 2

The purpose of this laws is to provide for the protection of plants, particularly agricultural plants, from parasite and non-parasite damaging agents; the protection of plant products from harmful organisms; prevention of danger to human and animal health that may result from pesticide use and other plant protection measures, as well as the enforcement of international legal acts in the field of plant protection.

Article 3

By special ordinance, the Minister publishes the list of:

- a) Quarantine parasites,
 - b) Most dangerous parasites the fight against which is obligatory and permanent.
- The list is subject to changes as it may become necessary.

CHAPTER II

FIGHT AGAINST PLANT PARASITES

Article 4

Any physical or legal entity cultivating, producing, storing, processing and trading plants and plant products is obligated to take precautions measures against plant parasites to prevent their multiplication and spread. Such entities are obligated to keep under close observation the vegetation, the land and the plant products to detect the appearance of parasites and to fight them with the methods, means and pesticides prescribed in the relevant legal provisions.

Article 5

In circumstances of heightened risk resulting from the spread and proliferation of a given parasite, the plant protection inspector, or the commune agronomist, issues a special order obligating the entity to implement special measures. Should the entity fail to implement the order, the plant protection authority implements the measures on his own at the entity's expense.

Article 6

If in the process of cultivation, a certain variety or cultivar becomes a source of infection the spread of which cannot be contained, the owners are obligated to restrain the spread of the variety or replace it entirely with healthier varieties and cultivars.

Article 7

In cases of massive infections and spread of a parasite the fight against which requires the mobilization of a considerable arsenal of technique and personnel, the minister may mobilize the means and technique as well as workforce from the land proprietors in exchange of remuneration.

Article 8

For special parasites defined by the minister, the government may supply the pesticides to the owners who are in trouble with the parasite. The government may cover other expenses as may become necessary for the operation to be successful.

Article 9

Seeds, saplings, twigs and any planting stock may be used for purposes of sowing, vegetation enhancement or transplanting, provided that the phyto sanitary control proves that they are clean from quarantine parasites or specially threatening parasites.

If the planting stock proves infected with parasites above indicated levels, measures are taken to ensure its rehabilitation. Rehabilitation expenses are borne by the proprietor of the planting stock. The Government will only cover the costs in special circumstances.

CHAPTER III

PLANT QUARANTINE

Article 10

Importation, exportation and transiting in the territory of the Republic of Albania of plants and plant products are subject to the requirements of this law and the phyto sanitary agreements concluded with countries and international organizations.

The taking of such items across borders is lawful only at crossing points of quarantine control designated by the minister in conjunction with the Ministry of Public Order, the Ministry of Transport and Telecommunications and the Ministry of Trade and Foreign Economic cooperation.

Article 11

This law prohibits the importation, acceptance or exportation of plants and plant products without the phyto sanitary certificate.

The plants and plant products should be presented in such manner as may be required to enable the carrying out of inspection.

Article 12

Imported plants and plant products when proven infected with quarantine parasites are barred at the crossing point by the inspector who may turn them back, may direct owners to rehabilitate these products whenever feasible, or may order their elimination at specially designated sites.

Costs of rehabilitation or elimination are borne by the proprietor.

Article 13

Subjects engaging in the cultivation, production and storage of plants and plant products, when noticing or suspecting the appearance of a parasite never before seen in the zone, or when suspecting a massive spread of any parasite, are obligated to notify immediately the plant protection authorities and to supply a sample of the parasite.

Article 14

This law prohibits the growing, promulgation, cultivation or production of plants infected with quarantine parasites.

In circumstances when the inspector evaluates that the plants or plant products are infected or risk infection with a quarantine parasite, he/she is empowered to ban their circulation or transportation for as long as may be necessary.

Article 15

When a certain zone proves infected by a quarantine parasite that may spread further, the inspector announces in writing that the zone and bordering areas are infected and will be considered infected until such time as the minister issues an announcement to the contrary.

Copies of the announcement are submitted to the proprietor or leaser and to the minister.

When there is risk of infection spreading to another zone, the inspector announces in writing that this other zone is infected, too.

Article 16

When following announcement, the inspector decides that immediate action is necessary to fight the quarantine parasite, he may restrict or ban, but not for longer than 90 days, the movement of persons, plants or plant products in and out the infected zone. Once the causes dictating the restriction or ban are eliminated, the inspector lifts the restriction or ban.

Article 17

By special decree the Minister may:

- a) Cancel announcements of infected zones as per article 15.
- b) Announce infected any zone that has not been subject to announcement as per article 15.

- c) Define and subsequently change the territories of zones declared infected.
- d) Extend the time of restriction or ban announced by inspector as provided by article 16.
- e) Ban or restrict the movement of persons, plants or plant products, within or without any zone declared infected.
- f) Order the resumption of circulation of persons, plants or plant products within or without a zone that had been banned by this article or by article 14 paragraphs 2.

Article 18

The order by the minister or inspector for restriction or ban in accordance with article 16 invalidates orders by the local government authority that may come into conflict with the minister's or inspector's order.

Article 19

The inspector may bar plants or plant products that do not comply with the requirements of this law. Immediately following the barring of plants or plant products, the inspector notifies in writing the proprietor or user of the duration of and reason for barring.

Article 20

In the event of barring plants or plant products, the inspector directs the proprietor or user to store, treat or eliminate them in the specially designated site, or to move them to another place for preservation, treatment or elimination while specifying the manner and instruments for doing so. In any case the costs will be borne by the proprietor or user of the plants or plant products.

Article 21

The inspector may maintain the barring on plants or plant products or may act as prescribed in article 20 above for as long as he determines that the law is being violated.

Article 22

In cases of interdiction of plants or plant products for purposes of this law, the inspectors are aided by police forces.

Article 23

For purposes of this law, the inspector and plant protection authorities may:

- a) Exercise control over plants or plant products in the site of cultivation, in storehouses or any other keeping place as well as over transportation vehicles carrying such material.
- b) Obtain free of charge, by releasing a document to that effect, samples from

plants or plant products as may be needed to conduct laboratory tests.

Article 24

The manipulation and multiplication of plant parasites (described by article 3, point a) for experimental and research purposes is lawful only when duly authorized by the minister.

CHAPTER IV

PESTICIDES

Article 25

The Ministry of Agriculture and Food in conjunction with the Ministry of Health and Environmental Protection are authorized to register any pesticide that may serve phyto sanitary purposes in the territory of the Republic of Albania. Registration documentation is signed by the minister who, in this capacity, is aided by the state committee on pesticides, established to serve as the technical arm of the Ministry in relation to endorsement or rejection of registration requests.

Article 26

The state committee on pesticides operates in accordance with this Law and by-laws passed for this purpose, as well as in compliance with the regulations approved by the Minister. The committee meets periodically and sets up a permanent secretariat at the Directorate for Plant Protection Services at the Ministry of Agriculture and Food.

Article 27

The Institute for Plant Protection works closely with the Institute of Hygiene and Epidemiology and the Institute for Veterinary Research for purposes of monitoring the registry of pesticides. The Institute for Plant Protection submits its proposals and recommendations with regard to pesticide registration to the Committee on Pesticides.

Article 28

The Minister in conjunction with the Minister of Health and Environment Protection is entitled to review, postpone, cancel or make additions to a registration decision. The Minister may, at his own discretion, authorize the temporary use of an unregistered pesticide.

Article 29

Any physical or legal entity, national or foreign, who intends to register a pesticide, is obligated to bear the administrative expenses of registration, expenses related to biological and agronomic, medical-toxicological tests, as well as additional post-

registration expenses to obtain information on the results and manner of use of this specific pesticide.

Administrative fees are set by the Minister of Agriculture and Food, the Minister of Health and Environmental Protection and the Minister of Finance and Economy.

Article 30

Physical and legal entities, national or foreign, engaged in pesticide importation must obtain a license duly released by the minister indicating validity term and pesticide type.

Article 31

The Minister may invalidate the importation license in the event of violations of this law or related by-laws. The Ministers may extend the period of validity based on requests submitted two months ahead of license expiration date.

Article 32

Physical or legal entities, national or foreign, may trade pesticides after obtaining a trade license by the Agriculture Directorate at region level.

Article 33

The Agriculture Directorate is entitled to invalidate the trading license when violations of this law or related by-laws take place.

Article 34

Physical or legal entities engaged in importation and trading of pesticides, or persons employed by such entities, must be properly qualified for the job in accordance with criteria contained in relevant regulation.

Article 35

Pesticides are recommended for use in accordance with specificities described in the registration document.

Article 36

Pesticides are traded in original durable packaging, with label and usage instructions in Albanian. Instruction information must comply with data contained in the registration documentation.

Physic and chemic parameters on the label should be verifiable by practical results of pesticide use.

Article 37

The Institute for Plant Protection is the authority charged with quality control of

pesticides.

The Institute may acquire free of charge, from any pesticide trader, samples to verify the physical and chemical properties showing on the label.

Article 38

Pesticides are transported, stored, traded and used in accordance with by-laws designed to protect human and animal health and ensure environment protection and protection against fire.

Article 39

Pesticides may be used in arable plants, fruit trees, vines, forests, and pastures. Their use is restricted or prohibited in vicinities of the sea, the lake and water reservoirs.

Article 40

Expired and useless pesticides and their packaging are destroyed in sites to be designated according to criteria and rules established by the Ministry of Health and Environmental Protection in conjunction with the Ministry of Agriculture and Food.

Article 41

Plant protection inspectors and agronomists may exert control in storage places, points of sale and zones of pesticide use, as well as in vehicles transporting pesticides.

CHAPTER V

ORGANIZATION OF THE PLANT PROTECTION SERVICE

Article 42

The Plant Protection Service is established and led by the Minister in accordance with operational duties designed for this service as cited in articles 43, 44, 45, 46, and 47 of this law.

Article 43

Nationwide operation of the Plant Protection Service is supervised by the Directorate for Plant Protection Services at the Ministry of Agriculture and Food.

To check the implementation of this law the Inspectorate of Plant Protection and Quarantine is set up at the Directorate for Plant Protection Services. The Inspectorate is affiliated with agricultural directorates at region and commune level.

Article 44

The Institute for Plant Protection conducts research, carries out diagnostics and prognosis, signals danger, designs fighting and quarantine measures against plant parasites, is responsible for biological and agronomic tests for pesticide registration and the quality control of pesticides.

Article 45

Inspectorates of plant protection and quarantine at the agricultural directorates at region level supervise the implementation of this law region-wide and release phyto sanitary certificates for plants and plant products.

Plant protection agronomists at the regional laboratories are responsible for diagnostics, prognosis and signaling of the development of infections and parasites at region's level and recommend combating measures.

Article 46

Agronomists for plant protection at commune level are responsible for monitoring and reporting on the phyto sanitary condition of plants in the commune. They supervise and aid the implementation of combating measures and the administration of pesticides according to legal provisions.

Article 47

Inspectors of foreign quarantine at crossing points check plants and plant products for purity from quarantine items and imported pesticides for compliance with rules and regulations. These inspectors, whenever necessary, are responsible for instituting measures in accordance with the law.

In any case, control should be instituted before unloading from transportation vehicles (ships, wagons, vehicles, etc.) takes place.

Article 48

Inspectors hold a document signed by Minister as proof of his authority to act in this capacity. Inspectors are obligated to show it to those subjected to control as prescribed by this law, whenever asked to.

CHAPTER VI

CLOSING PROVISIONS

Article 49

When not a criminal offense, the violation of following provisions is considered as an administrative infringement and is punished by the inspector with a fine of 5000 – 20000 leks for articles 4, 5, 6, 7, 9, 11, 13, 14, 16, 17, 19, 20, 35, 36, 38, 39, 40 and a fine of 20000 – 50000 leks for articles 10, 24, 25, 30, 32.

Agronomists for Plant Protection at commune level are also entitled to the right to administer fines from 1000 – 10000 leks for violation of provisions contained in articles 4, 5, 6, 9, 13, 14, 16, 38, 39, and 40.

Appeals against punishment may be instituted with the Minister within 5 days from the date of its communication, when delivered by inspectors, and with the agricultural director at region level when administered by agronomists for plant protection at the commune. The decision of the superior instance may not be rebutted.

Article 50

Detailed rules enabling the implementation of this law are proclaimed by special decision of the Council of Ministers.

Article 51

Law no. 7188 dated 29. 12. 1987 “On the plant protection service” and related by-laws are hereby repealed.

Article 52

This law enters into force 15 days after publication in the Official Gazette.

CHAIRMAN OF THE PRESIDUM
Pjetër Arbnori

L A W
No. 7665 dated 21. 01. 1993

CONCERNING
THE DEVELOPMENT OF TOURISM PRIORITY AREAS

Based on article 18 of the Law No. 7481 dated 29.04.1991 "On basic constitutional provisions", upon proposal from the Council of Ministers,

The People's Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

GENERAL STIPULATIONS

Article 1

For the purposes of this law:

"Stimulated activity" means any activity aimed at making monetary profits from the accommodation of tourists and related activities through a balanced relationship between environment and tourism industry.

"Stimulated person" means every physical or legal entity, national or foreign, licensed to carry out a stimulated activity.

"Stimulated zone" means any part of the territory of the Republic of Albania, which, in accordance with this law, will be designated as a zone with satisfactory premises for the development of tourism and other stimulated activities.

"Development agreement" means the agreement concluded between a person stimulated to carry out tourist activity and the Ministry of Tourism of the Republic of Albania for purposes of defining the specific conditions for the stimulated activity which, in addition to other things, may include the condition for the applicant to contribute a certain amount.

"Development period" means the period ending on the day the stimulated activity will start to make revenue.

"Improved property" means a property supplied with direct access to the necessary infrastructure.

"Committee" means the Committee for Tourism Development to be established and operated in accordance with provisions of article 4 of this Law.

DESIGNATION OF PRIORITY AREAS

FOR TOURISM DEVELOPMENT

Article 2

Stimulated zones are designated and proclaimed by decision of the Council of Ministers, based on proposal from the Minister of Tourism.

The Ministry of Tourism formulates the strategy for tourism development, which is endorsed by the Council of Ministers. Based on the strategy, city planning studies are carried out and approved to guarantee balanced and sustainable relationship between the environment and the economic opportunities of the zone.

The Council of Ministers, based on proposal from the Minister of Tourism, restricts or bans the carrying out of activities in these areas that are not in accordance with the purpose of establishing these zones.

STIMULATED TOURIST ACTIVITY

Article 3

Main stimulated activities are: constructions, re-constructions, improvements, extensions, operation of auxiliary structures complementing a tourism complex such as restaurants, shops, thermal baths, sports facilities, marine ports, activities for the production, storing and distribution of food and craftsmanship items, as well as the services of tourist transportation and tourist agencies.

Main or auxiliary stimulated activities, besides those mentioned in the paragraph above may be designated by decision of the Council of Ministers, upon proposal from the Minister of Tourism.

ADMINISTRATION

Article 4

The Committee for Tourism Development is hereby established as a cross ministerial body, with the following composition:

- Deputy Minister of Tourism
chairman
- Deputy Minister of Finances and the Economy
member
- Deputy Minister of Construction, Housing and Territorial Regulation
member
- Deputy Minister of Trade and Foreign Economic Cooperation member
- Deputy Governor of the Bank of Albania
member

The Minister of Tourism approves the regulation of the Committee, whereas the support staff of the Ministry of Tourism will supply the technical and secretarial services.

The Committee for Tourism Development has the following main duties and rights:

- a) Reviews the applications of physical or legal persons for license to engage in

stimulated activity or to continue to carry out such activities. The Committee reviews applications for construction grounds to develop stimulated activities and is empowered to approve or refuse such requests. These grounds are made available to the Committee in accordance with provisions of the law together with the city planning studies legally approved. The committee awards construction grounds to the applicant who submits the most profitable offer.

The Committee checks whether city planning criterions have been observed in the project design, and arrange for the obtaining of the construction permit from the authorized bodies.

b) Reviews any construction permit or authorization for business development that has been granted or is to be granted by the local or central government for non - tourism activity in the stimulated zone, to verify whether these activities are in line with the goals for which the stimulated zone has been established. The Committee is empowered to make the final decision with regard to commencement, refusal or discontinuation of the said permit or authorization, provided that the Committee succeeds in making the case before the Council of Ministers.

The Committee communicates a preliminary decision on issues mentioned in letter "a" of this article and the concerned party is entitled to submit to the Committee within 90 days its proposals or objections relative to the decision. The Committee must, within 60 days from the date of submission of proposals or objections, make a final decision. The Decision of the Committee is promulgated by the Minister of Tourism, who has the power to return it to the Committee for reconsideration provided the decision is not in order or well grounded.

STIMULATED PERSONS FOR TOURISM ACTIVITY

Article 5

Any physical or legal entity desiring to engage in a stimulated activity should submit an application in writing to the Ministry of Tourism.

The stimulated person must fulfill the requirements for business start up or for investment in Albania.

When the stimulated person is a foreign legal entity and is engaged in a stimulated activity, the duration of the activity will at least equal the validity term of the lease described in article 8, subject to subsequent extensions. This rule applies in the case of joint ventures, too.

When the stimulated activity is carried out by various persons, each one of them is considered a stimulated person and is entitled to the respective incentives as per nature of business in accordance with the provisions of this law.

When the stimulated activity is transferred to another person, this other person becomes a stimulated person and replaces the transferring subject with all the rights and obligations recognized for stimulated activities.

GUARANTEES AND INCENTIVES

Article 6

Investments by foreign stimulated persons are also entitled to the guarantees foreseen in Law No. 7594, dated 04. 08. 1992 "On foreign investment".

The stimulated person has these rights:

- a)** To import foreign currency funds, which are needed to cover investment or operational costs based on equity or borrowed funds.
- b)** To export foreign currency funds to pay interest and cost of credit as described above, or to distribute dividend.
- c)** To maintain a foreign currency account to pay installments of the credit and export dividends.
- d)** Based on bank registration and in accordance with the conditions of the Albanian tax legislation and rules, the foreign stimulated person has the right to export freely foreign currency funds derived from the sale of stock or the sale of capital, liquidation of a stimulated person or compensation made from the implementation of the first paragraph of this article.
- e)** To be exempt from the transfer tax on dividends and transfer tax on loan interest to a financial institution. For countries with which Albania has no agreement in the field of taxation, the 10 per cent tax over loan interest and profit applies as prescribed by the Albanian tax legislation.
- f)** To be exempt from custom's tariffs and excise on goods imported solely for the purpose of the stimulated activity, provided that these goods are not available in Albania at the same quality, price, and quantities; This rule applies also over the importation of a reasonable amount of spare parts. The stimulated person is entitled to these rights until the end of the third fiscal year.
- g)** To be exempt from profit tax for five years starting from the expiration of the development stage. For another 5 fiscal years the stimulated subject will pay 50% of the profit tax.
- h)** To counterbalance losses made in the first five fiscal years of the activity with the profit made in the subsequent five years.
- i)** To a 40% profit tax if the foreign stimulated person re-invests his profit in Albania.
- j)** Foreign stimulated persons have the right to employ foreign nationals for purposes of carrying out tasks requiring special qualifications, provided that measures are taken to train Albanian nationals in the field of tourism. The training will be subject to following criteria:

For every year in the first three years of the business operation, the number of Albanian nationals to be trained will be no less than one third of the foreign nationals employed in the business; while for every year in the next two years not less than one fifth of the number of foreign nationals employed in the business.

CONDITIONS

Article 7

The right to carry out a stimulated activity is given to a stimulated person provided that he:

a) Submits the final projects and plans on the stimulated activity not later than six months from the time of application submission and launches the stimulated activity or commences investment to effectuate the activity not later than one year from the date of award of the right in accordance with the provisions of this law. The applicant is obligated to open an account with 25% of the value referred to in article 9 of this law (or the value defined periodically by the Minister of Tourism in any case, except for cases referred to in letter “c” of this law.

The amount together with the interest will be refunded if the application is refused. The Ministry of Tourism will confiscate the amount if the successful applicant, for no convincing reason, does not commence the stimulated activity (or the investment for this activity) within the time limits set in the first paragraph. The stimulated person may appeal the confiscation decision with the relevant courts of the Republic of Albania in accordance with the Albanian legislation. The amount together with interest is released against a guarantee that the applicant will commence the stimulated activity (or the investment for the activity) within the established time limit.

b) Pledges to ensure directly or indirectly in the first three years of the operation, foreign currency income that amount all in all at least to 5% of the total investment provided everything goes according to plan.

c) Pledges to cover or to attempt to cover 30 per cent of the investment cost through equity and if needed through stockholder loans.

d) Accepts to conclude a lease agreement with the Minister of Tourism, nominated by this law as the lawful representative of the owner, for leasing the construction ground together with the immovable property standing on it, for the effectuation of the stimulated activity. The Minister of Tourism may sell the ground to a stimulated person in the circumstances described by the Albanian legislation.

e) Accepts to conclude a developmental agreement with the Ministry of Tourism on any other stimulated activity.

Article 8

Lease agreement referred to in article 7, letter “c” is subject do the following conditions:

a) To be concluded for an initial period of 25 years; the lease holder should have the right to renew the agreement for a maximum of three consecutive periods, two for 25 years each and the third period for 24 years.

b) To explicitly contain the obligation of the leaseholder to use the leased property only for the stimulated activity agreed on between the sides. This obligation must be transferred to any successor to the leaseholder.

c) To a remuneration to be paid by the leaseholder, in foreign convertible currency, the amount of which will not exceed the following percentages of the investment cost:

Improved property to be used as:

Investment cost	Recreation house	Other facilities
Class A	25 %	20 %
Class B	20 %	15 %
Class C	15 %	10 %

Class A refers to an investment the total value of which in lek and (or) in foreign convertible currency will not exceed 93.000.000 leks.

Class B refers to an investment the total value of which in lek and (or) in foreign convertible currency is above 93.000.000 leks but below 485.000.000 leks.

Class C refers to an investment the total value of which in lek and (or) in foreign convertible currency will be above 485.000.000 leks.

d) Boundaries mentioned in letter “c” of this article have been estimated at the lek exchange rate of the Bank of Albania on the date of entrance into force of this law. They are subject to adjustment according to the prevailing exchange rate and (or) the inflation rate in Albania on the date of application submission.

e) In cases of un-improved property, the leaseholder is entitled to reduce the investment amount towards making improvements to the property. But in any case improvements must not account for more than 50% of the applied percentage referred to in letter “c” of this article.

f) The remuneration amount will be increased at rates to be agreed by the two sides, provided the leased property incorporates buildings and other facilities that will be used to carry out the stimulated activity.

Article 9

Fifty per cent of the remuneration calculated in accordance with definitions of article 8, letters “c” and “d” will be paid during the development period. Following the development period, the leaseholder will pay every fiscal year of the initial period and subsequent periods 5 per cent of the amount calculated as defined above. This amount will be adjusted every year as per the inflation rate of the country the currency of which has been designated to clear the remuneration. For periods shorter than one fiscal year, the amount will be calculated proportionally. However, the leaseholder may choose to put down a one time payment of the total amount described at the beginning of this article, instead of paying the annual installments of the rent.

Article 10

The leaseholder is obligated to maintain and repair the buildings, roads, and other facilities of the activity, the green belts and any other objects during the entire duration of the lease. This obligation is automatically transferred to any successor of the leaseholder.

Article 11

Upon proposal from the Committee, the Minister of Tourism has the right to modify the boundaries of the investments mentioned in article 8, letter “c”, or the parameters used to estimate the remuneration provided that such modifications do not negatively impact the rights initially granted to the stimulated person.

Article 12

The investors of projects dedicated to construction or renovation of hotels in urban zones are entitled to the same privileges described in article 8 together with relevant

conditions.

Article 13

The provisions of this law will supersede the provisions of other laws with respect to issues covered by this law.

Article 14

In circumstances when the rights of a foreign stimulated person are affected relative to issues pertaining to the validity of the permit granted in accordance with article 4, letter "a", and the person refuses to accept the solution offered by the Committee, he is entitled to take the issue to the International Arbitrage as prescribed by the Arbitrage Regulations of the United Nations Commission on International Commercial Law. When the stimulated person is an Albanian national, in line with established procedures, the solution of disagreements for above mentioned issues would be subject to Albanian competent Courts and the relevant Albanian legislation.

Article 15

This law enters into force immediately.

CHAIR OF THE PRESIDUM
Pjetër Arbnori

L A W
No. 7722 dated 15. 06. 1993

ON
**CONSERVATION OF THE STOCK OF MEDICINAL ETHER-
OLEAGINOUS AND NATURALLY TANNIFEROUS PLANTS**

- Based on Article 16 of the Law No. 7491, dated 29.04.1991 "On basic constitutional provisions", upon proposal of the Council of Ministers,
 - **The People's Assembly of the Republic of Albania**

HAS DECIDED

Article 1

The stock of medicinal ether-oleaginous and naturally tanniferous plants growing and cultivated in the territory of the Republic of Albania constitutes national wealth. Ownership and administration of such plants is subject to regulations governing the management of land bearing such plants.

Article 2

- The General Directorate of Forests and subordinated structures are responsible to design and take measures for the protection, increase and growth of medicinal, ether-oleaginous and naturally tanniferous plants. In lands under government ownership the Directorate designates the plots, time schedule, varieties, quantities and issues permits for collection and harvesting of such plants.

Article 3

- Physical or legal persons to be involved in the harvesting of medicinal, ether-oleaginous and naturally tanniferous plants are obligated to obtain relevant license from the local Directorate of Forest Services.

•
Article 4

- In the month of October every year, the Minister of Agriculture and Food produces a list of endangered varieties of medicinal, ether-oleaginous and naturally tanniferous plants. The Minister of Agriculture and Food bans the harvesting, collection and exportation of plants until such time as it takes for them to grow and proliferate. The ban is effective on any such plant irrespective of public or private ownership.

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Article 5

- The harvesting of medicinal, ether-oleaginous and naturally tanniferous plants is subject to technical criteria defined by special regulation of the Minister of Agriculture and Food, irrespective of ownership over such plants.
- Except when otherwise provided by the Minister for Agriculture and Food, activities that may cause destruction, damage and reduction of productivity and proliferation are prohibited to be carried out on the stock of ether-oleaginous and naturally tanniferous plants.

•
Article 6

- Forest Service authorities are charged with overseeing implementation of this law. The review of administrative breaches is subject to a committee of no less than three persons designated by the director of the directorate of forest services.

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Article 7

- Violation of provisions of this law as represented by articles 3, 4 and 5, if the value of the harvested plant is estimated above 1000 leks qualifies as administrative infringement and is punished by fines ranging from 250 up to 10000 leks, as well as confiscation of the harvest or the counterpart value in cases of harvest disposal.

•
Article 8

- Appeal against fine punishment and the execution of respective decisions is governed by procedures contained in Law No.7697, dated 7.04.1993 "On administrative infringements"

•
Article 9

- The Minister of Agriculture and Food is authorized to draft relevant by-laws to make this law implementable.

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Article 10

- This law enters into force 15 days after its proclamation.

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CHAIRMAN OF THE PRESIDUM

Pjetër Arbënor

**LAW
No.7867, dated October 12, 1994**

**FOR
PROTECTION OF MOVABLE AND IMMOVABLE CULTURAL
PROPERTY**

In reliance on article 16 of Law No. 7491 dated April 29, 1991 "For Main Constitutional Provisions", on the proposal of Council of the Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Movable and immovable cultural properties that exist and are discovered in private and state owned real estates, in rivers, lakes and continental shelf are protected by the state.

Treatment and safeguarding of cultural properties is done by the state, and when necessary in co-operation with juridical and natural persons.

Article 2

Ministry of Culture, Youth and Sports is entitled of conservation and assists for maintenance and preservation of particular features, cognition and studying of cultural properties.

Ministry of Culture, Youth and Sports in co-operation with the Academy of Sciences and scientific institutions does the registration of cultural properties owned by any juridical and natural person.

Any juridical or natural person is obliged to preserve the entirety of cultural and historical values of cultural properties that owns or uses and shall make use of these

in compliance with by-laws associated with relevant responsible institutions.

Article 3

The landowner shall not have the right to sell and displace cultural properties that are located in his land surface. He shall not have the right to execute works for discovery of the cultural properties of his land, either be this agricultural land or ground, in the town or in the countryside.

Article 4

It is prohibited the damage, transportation or displacement and modification of characteristics of movable and immovable cultural properties. Shall be prohibited to put boards and advertisements in archeological sites and registered cultural monuments been under the state protection, without the authorization of the Institute of the Culture Monuments.

No new construction shall be executed on ruins of immovable cultural properties, no entrance and no other intervention that affects its entirety shall be made in historical buildings and encircling walls.

Article 5

It is prohibited the utilization of metal detectors in archeological sites and culture monuments, without the authorization of relevant institutions.

CHAPTER II

MOVABLE CULTURAL PROPERTIES

Article 6

Movable cultural properties are considered objects which of their nature as such are not affixed with terrain or building and that can be moved undamaged.

Movable cultural properties shall be safeguarded in the national museums, other local museums, scientific institutions, libraries, archives and other state or private institutions, for studying, restoration and exhibition purposes.

Article 7

Local juridical persons might be given movable cultural properties for a determined period for purposes of restoration and protection, in accordance with the defined criteria of which with by-laws of Council of Ministers.

Article 8

Any juridical or natural person that possesses a movable cultural property, within a year from the date of issue of this law, shall claim it to the culture organs of local authorities or specialized institutions.

When above persons infringe this deadline, they shall fine in accordance with the sanctions provided for in this law.

Article 9

Any juridical or natural person that owns an object registered as movable cultural property is obliged to create good conditions for its maintenance. He shall enjoy the right to sell it inside the country, as per the authorization issued by the commissions established with approval of the Ministry of Culture, Youth and Sports.

Article 10

Any juridical or natural person that discovers or finds in any manner a cultural object, within two weeks from the date of this discovery or finding, shall notify the organs of culture of local authorities or specialized institutions claiming the manner of finding of cultural objects and the place where it was found.

After claiming the object, the commissions established for this purpose determine whether the founder can keep it for himself or the object shall transfer in state protection. Manners and procedures of evaluation of cultural object are determined by acts of Council of Ministers.

Article 11

Cultural properties are not donated or exchanged among analog institutions with other states, with exception of particular cases, when serve to the national interests that are determined by acts of Council of Ministers.

Genuine cultural properties shall not donate or exchange in any case.

Article 12

Criteria for import and export of cultural properties and transit pass are determined with mutual agreements, in compliance with international convention "For measures, impediments and preventions of illegal import, export and transfer of cultural properties" (14.11.1970), as well as other international conventions.

In the case when proved that an object is cultural property of our country that is located in another and vice-versa, import or export is done only after provided for the official request and legal and scientific documents submitted by the requesting party, as well as in accordance with the criteria determined by acts of Council of Ministers.

In the case when an object of cultural property is illegally exported, Albanian state acquires automatically ownership of this object, without the necessity of confiscation or any other action.

Article 13

Merchandise of movable cultural properties, permitted to trade is done on the basis of legal provisions on power and authorization issued by the Ministry of Culture, Youth and Sports, according to recommendation of commission of specialists.

CHAPTER III

IMMOVABLE CULTURAL PROPERTIES

Article 14

Immovable cultural property shall be the construction objects of historical, documentary, artistic, urbanity values of various genre and periods in a ruined or usable condition.

Objects that are integral parts of a structure of a cultural monument, displacement of which can violate or deform historical, archeological, scientific, artistic, social or technical of the object, shall be deemed as immovable.

Article 15

Studying and restoration of immovable cultural properties declared cultural monument or been in pre-protection, shall be performed by specialized state institutions or qualified juridical person that have authorization of Ministry of Culture, Youth and Sports.

Article 16

Monumental ensembles, museum cities and monuments of a complex kind shall be declared cultural properties and are put on state protection by the Council of Ministers, on proposal of Ministry of Culture, Youth and Sports.

Article 17

Cultural monuments like ensembles, citadels or museum cities shall be determined a surrounding land or ground, protective area, by the institutions for preservation and restoration of monuments.

For special monuments, the minimum protective surface shall be as much as is necessary for their protection and sightseeing while for ensembles 40 my (incorrect measurement - note of the translator). For museum cities the borders shall be determined by the Council of Ministers.

Article 18

Excavation, restoration, utilization and any other action in cultural monuments, as well as any change in the surrounding ground allocated for their protection shall not be done without authorization of relevant institution for protection of monuments.

Alienation and displacement of cultural monuments shall be done on proposal of charged institution for their protection upon permit of organs of local authorities and with approval of Ministry of Culture, Youth and Sports.

Article 19

State has the right of expropriation of objects been movable and immovable cultural

properties owned by juridical or natural persons in the case when these properties are of a particular cultural and historical importance, or when this action is dictated by the necessity of their protection. Proposal in this case is done by the charged institution for their protection and is approved by the Ministry of Culture, Youth and Sports.

Article 20

In cultural monuments can be executed works of excavation and restoration in co-operation with foreign specialized institutions, on basis of mutual contracts and agreements, excluding exclusivity of foreign institutions.

In any case competent institution deciding for co-operation shall get approval for interventions in monuments by the higher organ.

Article 21

Funds for restoration of monuments are provided from the state budget, from various foundations or from foreign organizations and institutions state or private owned, from private persons as well as from the revenues for monument usage.

Funds provided from usage of cultural monuments are allocated totally in disposal of restoration and service to monuments.

Article 22

For monuments private property of first category, the expenses of restoration works are supported at 50 % by the state. For monuments of second category in areas of museum cities are supported at 25 % by the state. In cases when private individuals do not pay off their dues, the object shall transfer in state ownership.

Article 23

When in cultural monuments works are executed without authorization of charged institutions, organ of local government, shall order the reverse in previous condition of cultural monuments state or private owned. The order constitutes executive title. Expenses for reversal in previous condition of object shall be at the damager's. In case when damages are caused, damager shall be in criminal prosecution.

Article 24

Immovable cultural monuments private property can be sold. State shall enjoy the right of prior purchase. Any action of such nature shall be notified to institutions specialized for protection and restoration of monuments.

Article 25

When during various works ancient ruins are discovered, initiated works shall immediately halt and institutions, companies or particular citizens that discover these ruins, shall oblige to notify immediately institution for protection of cultural monuments, who is obliged to send representatives in lieu within 48 hours from the date of notification receipt.

Initiated works shall undergo changes or temporarily or definitely suspension, if necessity of protection of monument requires that action. When decision of charged institution for protection of monuments is opposed, question is ruled on by higher organ. Expenses needed for changes as well as those lost by suspension or halt of works are at burden of financier of works.

Article 26

Institutions dealing with studying and design of projects and adjustment of urban centers shall oblige to apply this law and by-laws enacted in its application for protection of cultural monuments, historical centers and museum cities.

Article 27

Massive gatherings in cultural monuments shall be prohibited, when such gatherings jeopardize or violate their values.

Article 28

Cultural monuments can be used, provided for that their new function does not damage monument values. In any case utilization of cultural monument shall be permitted only after contract between users and charged for protection institution is signed.

Article 29

Full or partial removal of cultural monument from state protection is exclusive right of organ who has declared that as such.

Article 30

Any juridical or natural person or their co-operators that attempt to export or have exported cultural properties, as well as have caused damages and actions in movable and immovable cultural properties in violation of provisions of this law, when violations do not constitute criminal offense, are penalized for administrative offense with a fine ranging from 10 thousand to 100 thousand leks.

The right of fine relies with persons charged by the Ministry of Culture, Youth and Sports and Academy of Sciences.

- Appeal against decision of fining and its execution shall be done in accordance with procedures and deadlines provided for in the Law "For administrative offenses".

Cashed amount from collection of fines is deposited at 50 % in state budget and at 50 % in favor of institutions, which administer cultural properties.

Article 31

Council of Ministers shall be charged to enact acts for insurance, studying, registration, protection and restoration of cultural properties, which shall be compulsory for institutions, companies, various organizations and citizens.

Competent organs determined by Ministry of Culture, Youth and Sports and approved by Council of Ministers shall do protection of properties having national cultural and historical values.

Article 32

- Decree No.4874, dated September 23, 1971 "For protection of cultural and historical monuments and rare natural resources" is repealed.

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Article 33

This law is effective 15 days after publication in the Official Journal.

LAW
No. 7875 dated 23.11.1994

ON
PROTECTION OF WILD FAUNA AND HUNTING

- Based on article 16 of law No. 7491 dated 29. 04.1991 “On basic constitutional provisions”, upon proposal from the Council of Ministers,
 -
 - **The People’s Assembly of the Republic of Albania**

HAS DECIDED
AS FOLLOWS:

CHAPTER 1

GENERAL STIPULATIONS

Article 1

Wild fauna of the Republic of Albania constitutes national wealth. It is under administration and protection by law. The state is responsible for administration of this wealth to the interests of the nation in accordance with international agreements, which the Republic of Albania is a party to.

Article 2

The wild fauna includes wild animals and fowl living freely in populations in the territory of the Republic of Albania, permanently or temporarily.

Article 3

Wild fauna, growing naturally or cultivated and living freely in the territory of the Republic of Albania, is available for hunting activity as prescribed in the provisions of this law and relevant by-laws.

Article 4

The Republic of Albania subject to veterinary measures in accordance with effective laws and international conventions ratifies wild fauna, naturally growing or cultivated.

Article 5

The Institute for Forest and Pasture research acts in the capacity of a technical advisory body to the General Directorate of Forests and Pastures and the Forest Directorates at the region level for purposes of enabling the implementation of this law and other relevant by-laws.

CHAPTER II

• HUNTING STOCK, TERRITORIAL EXPANSION OF THIS STOCK AND COMPETENT AUTHORITY

•

Article 6

The hunting stock is made of:

- a)** Wild animals and wild fowl;
- b)** The area of hunting stock;

Article 7

The area of hunting stock, irrespective of ownership rights, includes the territories populated by wild animals and fowl as follows:

- a)** Forestry stock, pasture stock and lawns;
- b)** Arable land;
- c)** Inland water bodies (lagoons that connect to the sea, marshland, natural and artificial lakes, water streams and water basins);
- d)** Rocks, steep lands, abysses, sandbanks.

• The hunting stock does not include areas in urban zones and territories within a radius of 150 m from their periphery, the high roads, railways and seawaters.

• Article 8

The expansion of hunting stock, as per biological requirements and the condition of wild fauna, is divided into hunting zones according to the following categories:

- a)** Free hunting zones;
- b)** Zones of repopulation and capturing game for populating purposes;
- c)** Hunting reservoirs;
- **d)** Fauna reservoirs.

• Article 9

Repopulation and opening zones, hunting reservoirs, fauna reservoirs and natural reservoirs may be created in land expansions belonging to the state on proposal from the responsible governmental institution, or in private property in agreement with the respective physical or legal entity.

a) Repopulation zones and zones for catching game are set up for purposes of raising and developing wild fauna.

b) Hunting reservoirs are set up for purposes of permanent administration of wild fauna for recreation and tourism activities.

c) Fauna reservoirs and natural reservoirs are aimed at providing absolute protection to the wild fauna populating the area, as well as all other natural riches in the area. Hunting and fishing is prohibited in such reservoirs.

- Upon authorization of the General Directorate of Forests and Pastures, scientific and research activities, photographing and other similar activities are allowed in the fauna reservoir and natural reservoirs.

Article 10

Subject to proposal from the General Directorate of Forests and Pastures, the Council of Ministers approves the creation of fauna reservoirs and of natural reservoirs.

The Minister of Agriculture and Food approves the creation of hunting reservoirs, repopulation areas and areas for game capture.

Private territories may be included in the territories of hunting reservoirs and fauna reservoirs after obtaining the consent of the owner.

CHAPTER III

PLANNING AND HARVEST OF GAME

Article 11

The General Directorate of Forests and Pastures is responsible for the inventory of the species of wild fauna. It is obligated to update the inventory periodically.

Based on inventories of wild fauna and the health condition of hunting game, the General Directorate of Forests and Pastures in consultations with the Committee for Environment Protection and Conservation and other concerned institutions, design a national plan for harvesting game.

Article 12

The General Department of Forests and Pastures, prior to the opening of the hunting season, approves the game harvesting plan, sets daily limits for each kind of game that may be taken per hunter, and defines the dates for hunting activity which are strictly obligatory.

Article 13

Traditional and sporting fishing inside the territories of hunting reservoirs is legal only upon authorization by the General Directorate of Forests and Pastures and the Department for Natural Resources.

Article 14

The Government encourages private investment for purposes of conservation,

administration and growing of wild fauna.

The General Directorate of Forests and Pastures may conclude contract agreements or protocols with physical or legal entities, national or foreign, concerning the breeding of wild animals and game for hunting and other goals that comply with the purposes of this law.

The Directorates of Forest Services at region level may act in the capacity of contracting sides. In cases of tourist hunting, contracts may be concluded for 1-3 years subject to subsequent renewal. Relative to hunting reservoirs, lease contracts to authentic fauna agencies, from the country or from abroad, is a preferable option.

Works in the hunting reservoirs, in fauna and natural reservoirs are approved based on research projects designed by the Institute for Forest and Pasture Research and reviewed by the General Directorate of Forests and Pastures.

Article 15

Upon authorization of the General Directorate of Forests and Pastures, physical or legal entities, national or foreign, may conduct artificial insemination and raise wild fauna and fowl in private land forming part of the forest stock, for purposes of repopulation, trade, food and decoration.

These entities are obligated to use up to 10 per cent of the annual turnout for the repopulation of the forest zones free of any charge.

Article 16

The General Directorate of Forest and Pastures and the Ministry of Finances are responsible for setting fees for game harvesting and hunting, for entrance into hunting, fauna and natural reservoirs, for renting and other similar purposes.

Article 17

The sale of the skin of wild animals, the trading of live, embalmed and trophy animals and fowl by physical and legal entities, governmental or private, national or foreign, must be accompanied by permission of the forest authorities confirming capture or killing in accordance with the provisions of this law.

Article 18

Frogs, turtles, snails, reptiles and every living thing that grows and develops in the forest stock and hunting stock are property of the state, except when they grow and develop in private property.

Harvesting of the above may be effected only after having obtained permission from the forest authority that is responsible for protection and exploitation of forest assets based on technical and biological criteria.

Article 19

The government provides budgetary funding for the protection, development and reproduction of wild fauna, the natural ecosystems where wild fauna lives and for coping with major natural disasters.

CHAPTER IV

HUNTING

Article 20

Hunting in the territory of Albania designated as hunting stock is governed in accordance with the provisions of this law and all relevant by-laws.

Article 21

Hunting means every act that relates directly to the killing and capture of wild animals and fowl, pursuit of game, or ambushing to kill or capture game through the use of legitimate hunting instruments.

Article 22

Eligible for hunting in the Republic of Albania is every Albanian citizen over 18 of age that has obtained a hunting permit.

Annual hunting permits and membership cards are issued by associations of sporting hunters and fishers at region level and are valid in the entire country's territory.

Hunters who fail to pay their obligations as provided by law will not be allowed to hunt.

Article 23

Foreign physical or legal entities obtain their hunting permits from the General Directorate of Forests and Pastures which establishes the terms and conditions for hunting in the territory of the Republic of Albania.

Article 24

The hunters are obligated to declare at the Directorate for Forest Services the number of wild animals and fowl hunted in the manner described in the relevant law and by-laws.

Hunters are expected to hand in the game and notify the closest veterinary center of signs of disease they may have detected in the game.

Article 25

Hunting is lawful when carried out by hunting weapons, bows and hunting dogs. Only in special occasions the General Directorate of Forests and Pastures will allow the use of traps and other similar methods.

Holders of hunting permits may be authorized to carry spear headed and sharp

edged instruments used in hunting.

Article 26

Hunting permits and annual authorizations to hunt (when obtained for the first time ever) are subject to successful passage of a test delivered by commissions nominated at local level in accordance with criteria approved by the Ministry of Agriculture and Food.

Article 27

Game killed in the activity of hunting in accordance with the provisions of this law and relevant by laws is the property of the individual having killed it. Physical or legal entities when leaving the territory of the Republic of Albania are entitled to take with them killed or captured game provided they have obtained proper certification by the forest authority and veterinary authorities at respective region.

Article 28

- The General Directorate of Forests and Pastures, in conjunction with other concerned institutions, defines the kind of wild fauna that may be hunted and a calendar for hunting. Hunters are obligated to honor the hunting calendar. The Minister of Agriculture and Food, upon proposal from the General Directorate of Forests and Pastures, for reasons relating to special ecological or weather conditions, may ban hunting in the entire territory or in particular areas even though the hunting seasons may be open.

Article 29

The Directorate for Forest Services at region level designates hunting areas to be used by hunters to train hunting dogs. Trainers are obligated to honor boundaries of confines and established rules.

CHAPTER V

PROTECTION OF HUNTING STOCK

Article 30

Protection of wild fauna and implementation of the provisions of this law and relevant by-laws is the duty of the Directorate for Forest Services, of public order structures, of local government bodies, the associations of sporting hunters and fishers, of all physical or legal entities, national or foreign, governmental or private with stakes in this activity.

Article 31

The Directorate of Forest Service at region level organizes, controls and takes

responsibility for the protection of wild fauna and its administration in the entire hunting stock, irrespective of property rights.

Physical or legal entities with ownership or lease rights over pieces of land forming part of hunting stock are obligated to implement the provisions of this law.

Article 32

Law, except for mice species, protects all species of wild fauna not included in the list of hunting game.

Upon special authorization of the General Directorate of Forests and Pastures, these species may be hunted for research purposes, when they pose dangers and, in circumstances of epidemics, for veterinary measures. They may be tracked down for museums, laboratories and zoos, for selection of wild fauna and population of other areas.

Article 33

Physical and legal entities, national and foreign, while fishing, including in marine waters, may not hunt wild animals and fowl even on their own territories if not in possession of hunting permit.

Article 34

In the lagoons and wetlands, within territories of hunting and fauna reservoirs, it is prohibited to carry out or engage in activities that may have an impact on the quality and nature of the ecosystem.

Article 35

For purposes of protection of the wild fauna, the following are prohibited:

1. The hunting of wild animals and fowl, except for cases provided for by Article 32 and species included in the game list.
2. Hunting in reproduction and capture zones, in fauna and natural reservoirs, in national forest parks, in parks and public gardens, in urban areas and any other zone where express prohibition is imposed.
3. The free circulation of street dogs and cats, domestic animals and hunting dogs in reservoirs (hunting dogs may be allowed only in cases prescribed in the regulations).
4. Hunting in the sea and the regions designated for the cultivation of fish.
5. Hunting by way of strolling in the zones cultivated with medicinal plants.
6. Hunting by way of driving, sailing vessels (except for specially designed boats) and flying craft.
7. Hunting in periods of ban, outside allowed calendar dates and without documentation.
8. Hunting with unauthorized relevant instruments, with instruments and methods that pose a threat to humans, animals and fowl, by means of fire, with readily flammable materials, with explosive and poisonous substances, pitfalls, with flashlights, with compressed air and gas and in the nighttime.
9. Hunting with the use of instruments and methods that cause massive killing

and capture of wild animals and fowl such as traps, nets, baskets, dummies, voice appealing instruments, except for cases provided in the law.

10. Firing against perissodactyls (wild pig, etc.) in less than 150 m distances in the direction of urban centers and hazardous objects (distance from these objects is calculated based on weapon's maximum firing distance).
11. Carrying charged weapons while passing through urban centers (walking or driving) as well as transportation of charged weapons and holding of hunting weapons by unauthorized persons.
12. Capture of fowl at the time of bird molding, when they are cold frozen, and the capture of animals during flooding.
13. Destruction of nests, damage, collection and harvesting of eggs and newly borne, killing or ousting from burrows and extermination of animals in burrows except for cases recognized by law.
14. Capture or holding hostage without authorization from the forest authorities of wild animals or fowl at the time of reproduction or child rearing.
15. Killing and capture above lawful quotas with dogs other than hunting hounds and killing game by means other than weapons.
16. Damage and/or appropriation of surrounding fences, constructions destined for hunting, hunting places, boarding of any type, of watch towers and various cages and aviaries placed for birds.
17. Entrance and stationing of people, vehicles, animals, setting up camps, tents or similar objects in the hunting and fauna reservoirs and in reproduction zones except in times and places prescribed by the forest authorities.
18. Grazing of animals in hunting and fauna reservoirs.
19. The burning of stubbles and dried grass inside reservoirs and in a radius of 500 m from the reservoirs.
20. Capture and collection without proper permission of snails and reptiles, turtles and frogs above permitted quantities and outside harvesting season.

Article 36

The Forest Service Police are entitled to request identification paper, to check hunting weapons and other hunting instruments, to check the captured game or fish in the hunting zones especially in such circumstances as violations of this law or relevant by-laws are detected or identified.

Article 37

In circumstances of violation or breach of the provisions of this law and relevant by-laws employees of forest services, public order and/or local government employees compile a written report signed by the authority as described above, the violator and witnesses when witnesses there are.

A special report is compiled with regard to weapons that are submitted to the relevant authority. The killed or captured game is confiscated and hunting weapons are sequestrated.

CHAPTER VI

ADMINISTRATIVE BREACHES

Article 38

The following offences when not qualifying as criminal deeds will be punished as administrative breaches and fined as follows;

- a) Hunting without the proper annual permit and relevant authorization for game killing is fined from 25000 up to 50000 leks and abrogation of the right to obtain a hunting permit for a period up to 3 years. In repeated cases, the hunting permit is withdrawn permanently.
- b) Hunting outside designated areas or in zones other than the designated ones is fined with 15000 up to 30000 leks. In repeated cases the annual hunting permit is revoked for periods up to five years.
- c) When holders of annual hunting permits refuse to show weapon permit and authorization for game killing to relevant authorities fines are administered ranging from 5000 up to 10000 leks.
- d) Killing or capturing above allowed limits when not declared properly to the competent authorities is fined from 8000 up to 15000 leks.
- e) The trading without permission of forest authorities, of wild animal skin or wild animals or fowls of any species, even though they are included in the hunting nomenclature, is fined from 50000 up to 80000 leks and the confiscation of game. In circumstances when the hunter is an Albanian national, his hunting permit is permanently revoked.
- f) The killing, trading or raising of birds of the kind of canaries in numbers above 3, is fined with up to 3000 leks.
- g) Collection of snails, reptiles and natural frogs without permission of forest authorities outside the designated season and above lawful quantities is fined from 5000 up to 8000 leks.
- h) Hunting without paying taxes and tariffs as provided by laws is subject to fine up to 15000 leks.
- i) The capture of wild fowl at the time of molding, in freezing weather and in major flooding is fined from 8000 up to 15000 leks.
- j) Destruction of nests, damage or collection of eggs or newborns is fined from 2000 up to 4000 leks.
- k) The entrance or stationing of humans, animals, vehicles, the setting up of camping places, tents and similar structures, the building of various facilities in the fauna and hunting reservoirs with relevant permits and authorizations is fined up to 50000 leks and the immediate removal and/or destruction of facilities. The violator is obligated to bear the costs of restituting the environment to its previous condition.
- l) Cattle and animal grazing in the hunting or fauna reservoirs is fined up to 8000 leks.
- m) Individuals or hunters caught in hunting zones with unmatriculated dogs and without proper authorization from the forest authorities are fined up to 1000 leks; In cases of being caught outside the designated hunting season they are fined up to 10000 leks and if caught in fauna or hunting reservoirs they are fined up to 30000 leks.

Article 39

The review of administrative breaches is the attribute of commissions comprised of no less than 3 persons at the directorate of forest service at region level. The Directors of such directorates nominate the members of such commissions. Appeals against punishment may be instituted within 5 days from the day of its effectuation at local courts. The decision of such courts is irrevocable.

Article 40

The execution of punishment is subject to the law "On administrative breaches".

Article 41

The Ministry of education, the Ministry of Agriculture and Food, the Ministry of Health and Environmental protection and the Academy of Sciences are responsible for incorporating in school curricula basic knowledge on protection of the environment in general and fauna in particular.

Albanian Radio and Television and other mass media, in the context of the overall national program, are required to increase public awareness on environment and fauna protection by broadcasting specially designed programs.

Non Governmental Organizations, including the hunters and fishers organizations are required to make their contribution to the education of their members on environment and wild fauna protection in the Republic of Albania.

Article 42

Sub laws to make this law implementable will be drafted by the Minister of Agriculture up proposals received from the General Directorate of Forests and Pastures.

Article 43

Decree no. 5607, dated 30.06.1977 "On the hunting economy" and every other provision that may conflict with this law is hereby withdrawn.

Article 44

This law enters into force 15 days after its publication in the Official Journal.

Ratified by Decree no. 983, dated 13. 12. 1994 of the President of the Republic of Albania, Sali Berisha.

L A W
No. 7908, dated 5.4.1995

ON FISHING AND AQUATIC LIFE

In reliance with Articles 16 of Law No.7491, dated 29.4.1991 "On the main constitutional provisions", on the proposal of the Council of Ministers,

The People's Assembly of the Republic of Albania

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Application of the Law

This law shall be applied in the fishing and aquatic life activity that is executed in the water and territory of the Republic of Albania.

Article 2

Object [of the law]

The provisions of this law aim at the following:

- a)** Provision of a rational and responsible utilization of water biological resources and the development of aquatic life;
- b)** To program the management in sectors of fishing and aquatic life;
- c)** To provide measures of conservation to guarantee control of water biological resources;
- ç)** To ensure a sustainable development of the fishing and aquatic life sector as well as good conditions socio-economical for producers;
- d)** To provide request of the consumer about entry into the market of ichthyic products suitable for human consumption;
- dh)** To promote and affect scientific and technological research in the sectors of fishing and aquatic life.

Article 3

Definitions

Within the meaning of this law and of by-laws for its application:

- a)** In waters of the Republic of Albania are included territorial marine waters and any other marine area reserved exclusively for the Republic of Albania based on the law of the international right, as well as rivers, lakes, lagoons, hydro-graphic habitats and other waters of the territory of the Republic of Albania;
- b)** "Fishing" means any activity performed to catch or collect water organisms except of those resulting from activities of aquatic life regardless from means used and goals achieved;
- c)** "Professional fishing" means fishing that is performed mainly for purposes of economic use and "sport fishing" means fishing that is performed for recreational and entertainment purposes;
- ç)** "Aquatic life" means cultivation of water organisms aimed at their economic use;
- d)** "Water organisms" mean alive organisms or not, animal or vegetable, eatable or non-eatable that have water as natural or usual living environment where are included water mammals, amphibians, water reptiles, fishes, crustaceans, mollusks, corals, sponges as well as fish eggs, larva or other natural products with exception of fowls;
- dh)** "Sailing mean" means any type of ship (boat) or float suitable for sailing;
- e)** "Albanian sailing mean" means any type of sailing means in the ownership of:
 - a natural person of Albanian citizenship and residence in Albania;
 - a juridical person established in the Republic of Albania in accordance with legislation in force;
 - a entity different from a juridical person where are included exclusively natural persons of Albanian citizenship and residence in Albania;
- ë)** "Foreign sailing mean" means any sailing mean different from the one defined in letter e;
- f)** "Foreign subject" means any natural person of a non-Albanian citizenship or a juridical person established in accordance with the law of a foreign country;
- g)** "Ministry and Minister" mean respectively the Minister and the Ministry that has under its jurisdiction the sector of fishing and aquatic life.

CHAPTER II

CONSULTATIVE ORGANS

Article 4

Central Consultative Commission on Fishing and Aquatic Life

- 1** – In the Ministry shall be established the central consultative Commission on fishing and aquatic life as a consultative organ of the Minister in the field of fishing and aquatic life.
- 2** – Opinion collection of the Commission is mandatory about problems related to review of laws and by-laws of fishing and aquatic life and proposals for their potential amendments as well as with matching of fishing plans (Article 8, 9, 10).

Article 5

Composition of Central Consultative Commission on Fishing and Aquatic Life

1– Central consultative Commission on fishing and aquatic life is chaired by the Minister and is composed of representatives of the directory of fishing, of other directories of other interested ministries as well as of representatives of production activities and experts in the field of fishing and aquatic life

2 – Members of the Commission shall be appointed by the Minister for a three-year period.

• 3 – Director of Directory of fishing in the Ministry shall perform the functions of vice-chairman of the Commission whereas an official of the same directory shall perform the duties of the secretary.

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Article 6

Local Consultative Commissions on Fishing and Aquatic Life

1 – In the local administrative authorities where deemed necessary shall be established the local consultative commissions on fishing and aquatic life.

• 2 – Local commissions give opinions about issues of fishing and aquatic life as many times as the Minister or central consultative Commission deem necessary.

3 – The Minister decides on the location of local commissions, determines their composition and appoints the chairperson of each commission.

Article 7

Commission for Co-ordination of Scientific and Technological Research

1 – In the Ministry shall be established the commission for co-ordination of scientific and technological commission applied in fishing and aquatic life.

The Minister shall appoint the members of the commission.

2 – The commission gives opinions about issues related to studies and research of a scientific, technical, static and economic interest on fishing and aquatic life.

KRE U III

NORMS OF PROGRAMMING

Article 8

Management Plan of Fishing and Aquatic Life

Management plan of fishing an aquatic life shall be revised periodically and improved in conformity with provisions of this law.

This plan shall be elaborated and prepared by the Directory of fishing in the Ministry, endorsed by the central Commission on fishing and aquatic life and approved by the

Minister.

Article 9

Development Plan of Fishing and Aquatic Life

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- Development plan of fishing and aquatic life is a separate object [voice] of the state budget.

CHAPTER IV

SCIENTIFIC RESEARCH

Article 10

Authorization on Research

-
- The research activity on fishing and aquatic life in waters of the Republic of Albania shall be conducted with the authorization of the Ministry based on the opinion of scientific and technological co-ordination commission.

Article 11

Acknowledged Entities of Research

-
- 1 – The Ministry may acknowledge as whatever research entity any private subject that files a request on the basis of certification of their qualification and capacity.

CHAPTER V

EXERCISE OF FISHING ACTIVITY

Article 12

The Register of Professional Fishermen

The Ministry creates a professional fishermen register to be kept in its defined offices and any one that wants to exercise the professional fishing activity shall be obliged to make the registration in the professional fishermen register, attested and issued with the respective certification.

Article 13

The Register of Fishing Means

- 1 – The Ministry creates a registry of fishing means to be kept in the offices or organs determined by it.
- 2 – Whatsoever sailing means that is used for professional fishing should be registered in the register of fishing means.

Article 14

Regulation of Fishing Ceiling

- 1 – The maximal number of fishing and aquatic life licenses shall be determined each year by the Ministry according to the management plan of fishing and aquatic life.
- 2 – The Minister may modify the number of licenses even in contradiction with indicators of fishing and aquatic life management plan on basis of justified and specified motifs.

Article 15

License of Professional Fishing

-
- 1 – Any sailing means that is used for professional fishing should be issued a professional fishing license. In addition a professional fishing license should be issued anyone that exercises professional fishing activity without use of other sailing means.
- 2 – The professional fishing license shall be issued by the Minister without approval by the fishing board on the basis of the owner request or of anyone that request to exercise professional fishing activity with either a sailing means or without it.
- 3 – Possession of fishing means does not constitute a sufficient condition to gain the right of issue of professional fishing license.

Article 16

Conditions and Duration of Professional Fishing License

- 1 – In issuance and renewal of professional fishing license the Ministry may impose conditions for any of the following:
 - a) Area where activity will be performed;
 - b) Fishing equipments;
 - c) Presentation of information and statistical data;
 - ç) Obligation to allow the presence and stay of observers assigned by the Ministry on board of the ship aiming at collection of various data on fishing.
- 2 – The professional fishing license has a specified duration in accordance with by-laws for application of this law. The duration should be marked in the license.
- 3 – Fishing outside water of the Republic of Albania shall be exercised on a special authorization.
- 4 – Licenses of professional fishing valid on basis of existing provision in the moment

this law is effective shall remain valid until they expire.

- 5 – Albania fishing means issued a professional fishing license employ crew composed of Albanian citizens. The Ministry shall authorize presence of special foreign experts on board of fishing means.

Article 17

Licenses on Activities related to Fishing

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- Anyone that requests to exercise activities related to fishing such as transportation, fish and other water organisms provision as well as other services for fishing means, except transit shipments in waters of the Republic of Albania and treatment or transformation of fish products shall be issued with adequate license by the Ministry. This license is issued by the Ministry or by any other organ authorized by it.
-

Article 18

Agreement on Fishing

1 – The Government of the Republic of Albania shall enter into agreements with governments of other countries or with international organizations in the field of fishing. Such agreements contain indicators about fishing licenses or activities related to it.

2 – Agreements based on this Article should determine obligations of the other party to guarantee the honor of fishing norms applied in the Republic of Albania.

Article 19

Fishing License for foreign sailing means or for activities related with fishing for foreign subjects

1 – The Ministry shall issue a fishing license or to exercise activities related to fishing foreign sailing means or subject only:

a) On basis of an international agreement in power with the state pertaining the sailing means or subject; or

b) In case when the issuance of the license:

- Is useful for the economy of the Republic of Albania and particularly when the requester of this license engages to make useful investments in the fishing sector in the Republic of Albania in conformity with policies and strategies defined for the development of this sector;

- Is useful for the optimal utilization of resources considering national capacities of fishing and their developments;

- Be in conformity with the policy of the Republic of Albania in relation to foreign investments and particularly with forecasts of management plan of fishing an aquatic life.

2 – Possessor of a license issued based on this law is subject of protection by the legislation of fishing and activities related to fishing that is in power in the Republic of Albania.

3 – Possessor of a license issued based on this Article shall be in advance of license issuance a juridical person in the state of origin.

Article 20

- It shall be prohibited the issuance of license to foreign sailing means for immerse fishing with pulled fishing nets and collection of bivalve mollusks.

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Article 21

Obligation to Anchor in an Albanian Dock

Any sailing means Albanian or foreign with license for professional fishing in waters of the Republic of Albania is obliged to anchor in an Albanian dock after completion of the fishing activity and prior to potential export of fished water organisms in order to execute all required actions in accordance with laws in power.

Article 22

Fishing of Corals and Sponges

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- The fishing of corals and sponges shall be prohibited. For study and research purposes the Minister shall issue a special authorization.

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Article 23

Sport Fishing

1 – Sport fishing without use of sailing means shall be permitted without having a license. The Minister shall issue the license of sport fishing.

2 – Sport fishing shall be prohibited:

- a) When using sailing means different from those defined with by-laws for application of this law;

- b) When using typical equipments of professional fishing or different from those defined with by-laws for application of this law;

- c) In areas which are not prohibited for sport fishing through by-laws for application of this law;

- ç) When using underwater guns in a distance less than 50 m from professional fishing equipments;

- d) When using underwater guns by persons under sixteen years old.

Article 24

Prohibitions

1 – Shall be prohibited:

a) To fish

- In areas and periods of time prohibited with by-laws for application of this law;
- With sailing means, fixed or movable equipments prohibited with by-laws for application of this law;
- Water organisms of prohibited species with by-laws for application of this law aiming at their protection or for other motifs;
- Water organism of a size prohibited with by-laws for application of this law;
- In greater quantities than those determined as the maximal quantity with by-laws for application of this law;
- Fish eggs, larva or offspring of any water organism species without necessary authorization or license based on by-laws for application of this law;

b) Use of explosive matters, of chemical or poisoning matters, of electrical energy capable of stun, paralyze or kill water organisms, as well as during the aquatic life activity;

c) To fish water organisms that are subject of fishing by third parties or to fish in distances less than those determined with by-laws for application of this law with equipments and means of third parties without the consent of the beneficiary according to the law;

ç) To store, transport or trade whatsoever water organisms gained in contradiction of this law and with derivative by-laws;

d) To change the quality and direction of waters in such manner that may cause damage to the habitat of water organisms or to the aquatic life plants except in cases authorized by law.

2 – The abovementioned prohibitions shall be not valid in cases set forth in Article 5, paragraph 5.

Article 25

Obligation of Data Submission

-
- Possessor of a license of professional or sport fishing and of aquatic life activity shall be obliged to responsibly provide statistical data related to executed activity according to manners and criteria set forth with by-laws in application of this law.
-

Article 26

Authorization for Import of Water Organisms and for Export and Import of the Offspring

1 – Anyone requesting to import water organisms in waters of the Republic of Albania shall request a special authorization of the Ministry except in cases when this is authorized in an aquatic life license issued by this Ministry.

2 – Anyone requesting to import or export fish egg and larva of any species of water organisms shall be issued a special authorization by the Ministry.

CHAPTER VI

EXERCISE OF AQUATIC LIFE ACTIVITY

Article 27

License of Aquatic Life

- 1 – The activity of aquatic life shall be permitted issuing a license by the Ministry.
- 2 – The license shall be issued only when implementation of the project does not cause negative effects to the environment and affects the Albanian economy. The board of licenses of aquatic life is composed of, among others, representatives of the Committee for Environment Protection and other ministries with which is related the mentioned activity.
- 3 – Planning in the field of aquatic life is made on basis of an integrated management of economical and environmental interests with other interested sectors and is subject of procedures of environmental inconformity assessment.
- 4 – The right of use of private estates for development of aquatic life activity shall be gained particularly in compliance with laws in power.
- 5 – The right of use of state property estates for development of aquatic life activity shall be defined in the same license upon receipt of the opinion of competent local authorities on the abovementioned territory.
- 6 – The right of use of water surfaces of the Republic of Albania for development of aquatic life shall be defined in the same aquatic life license.
- 7 – In cases described in paragraphs 5 and 6 the license contains conditions of lease except in cases where this is provided for by legislation in force. Evaluation of state land for the purpose of aquatic life shall be classified in the same category as agricultural land in accordance with laws in power.

Article 28

Conditions of Aquatic Life License

- 1 – In issuance or renewal of an aquatic life license the Ministry may impose conditions in relation to each of the following:
 - a) The structure, equipment and maintenance of plants;
 - b) Area where activity will be developed;
 - c) Quantity and quality of food to be used;
 - ç) Use of chemical matters;
 - d) Keeping of the registers and submission of information;
 - dh) Signaling of diseases;
 - e) Quantity, quality and species of offspring introduced and used;
 - ë) Discharge of whatsoever material from plants;
 - f) Water quality control;
 - g) Fish transportation;
 - g) Need of a separate license for activities related to aquatic life;
 - h) Limitation of the area where activity will be exercised;
 - i) Mandatory insurance.
- 2 – In any case the Ministry is assured that the requester of licenses present sufficient guarantee to fulfill its own obligations.

Article 29
Duration of License

1 – The duration of license of aquatic life is until 20 years and after expiration of the duration it may be renewed.

2 – In the license shall be determined the schedule within which works for exercise of activity should start and end. In any case the works should be completed within three years form the moment of license issuance.

Article 30

Modifications

-
- Any modification of structures, equipments and maintenance of plants shall be authorized beforehand by the Ministry.
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CHAPTER VII

MANAGEMENT OF LAGOONS AND OTHER WATER AND LIMITROFIC AREAS

Article 31

Agreements on Management

1 – Ministry signs agreements with public and private subjects for the management of lagoons or other areas of water of the Republic of Albania eventually limitrofic areas aiming at preservation of ecological equilibrium and rational utilization of fish resources of these areas.

2 – Agreements are accompanied by an area management plan where is specified the state of resources and objectives to be achieved through this management, all the conditions for its implementation particularly the following:

a) Definition and bordering of the water or limitrofic area on which the agreement will be signed;

b) Duration of agreement;

c) Definition in particular of obligations that undertake the contracted party such as construction of existing infrastructure as well as annual payments;

ç) Guarantees that the contracted party offers in honoring of its own obligations;

• d) Right to be gained by the contracted party on each of the area resources, fauna and fish resources as well as on exercise of aquatic life activity;

dh) Measures that are determined to ensure honoring of the right of fishing and other activities that traditionally exercised in the area;

e) Obligations of the Ministry in relation to area management;

ë) Consequences in cases of breach of agreement provisions by each party.

3 – The project of an agreement based on this Article should be published and in particular should be made known to area residents and local authorities through display in public places, publication in the mass media in order that interested

subjects give their opinions and remarks.

4 – Duration of publication should not be less than thirty days.

- 5 – Remarks made by anyone in relation to project-agreement in question should be reviewed and assessed by the Ministry before signing the agreement. The decision to be taken should be justified and should be published.

CHAPTER VIII

OTHER COMPETENCIES OF THE MINISTRY

Article 32

Regulations

The Ministry shall formulate, adjust and endorse regulations in application of this law which include:

- a) Composition, functioning and separate duties of consultative organs established based on Articles 4, 6 and 7 of this law;
- b) Model forms of the request, authorization and the license, provided for by this law;
- c) Conditions of issuance and renewal of research authorizations;
- ç) Criteria and manners of acknowledging the research entities according to Article 10 of this law;
- d) Conditions, requirements, and manners of registration in the register of fishermen as well as the model of the register and norms for keeping it;
- dh) Qualifications and professional titles of employed personnel in fishing and aquatic life as well as criteria and manners of these titles registration;
- e) Conditions, requirements and manners of registration of fishing boats according to Article 16 of this law;
- ë) Conditions of issuance and renewal of professional and sport fishing licenses;
- f) Establishment and keeping in the Ministry of an archive of fishing and aquatic life licenses;
- g) Obligations and manners of presentation of reports from directors of research authorities;
- gj) Obligations and manners of presentation of information and statistical data on fishing and aquatic life as well as for economic utilization of fishing and aquatic life products;
- h) Prohibition on fishing according of Article 24 or other prohibitions determining even sanctions based on law;
- i) Suspension, annulment, renewal or rejection of licenses and authorization defined by this law;
- j) Sport fishing and in particular species, equipment, areas, periods of time, exercise of this activity, use of sailing means, issuance of licenses by sports companies or other entities, conditions of use of underwater guns;
- k) Taxes on licenses and authorizations defined based on this law;
- l) Sanitary and health conditions in relation to fished or produced water organisms from the activity of aquatic life;
- ll) Annual minimal quantities that subjects will fish as a condition for license renewal;
- m) Exercise of fishing an in particular:
 - Structures, equipments, plants and maintenance;

- Cultivation methods;
- Collection of data on aquatic life;
- Control of plants and environment;
- Geographical location of plants;
- Credit with low interest;
- Export and import of offspring;
- Taxes for lease of water areas of the Republic of Albania and other conditions;
- Taxes for lease of state lands and other conditions;
- n) Organization of fish market and in particular the obligation to submit statistical data for the exercised activity;
- nj) Authorization of administrative organs and other entities for issuance of the licenses determined by this law;
- o) Appointment and competencies of fishing inspectors;
- p) Compilation of records from fishing inspectors and relevant forms;

Article 33

Professional Qualification

1 – The Ministry gives its opinion about matching and implementation of programs in the field of applied disciplines of fishing and aquatic life that are part of curricula in the schools or various qualification courses.

2 – The Ministry in collaboration with the co-ordination of scientific and technological research Commission patronages the creation of courses in the fields of fishing and aquatic life for qualification and professional formation.

CHAPTER IX

CONTROL

Article 34

Organs of Control

The control for application of this law and regulations deriving from it shall be exercised by the fishing Inspectorate according to Article 36 of this law. In achieving of this purpose, the environment protection inspectorate, the order police and financial police, the captain's office of docks, the armed forces and any other organ designated by the Government collaborate.

Article 35

Co-ordination

-
- The Ministry shall co-ordinate the activity of control organs on fishing and aquatic life.
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Article 36

Fishing Inspectorate

1 – The fishing inspectorate shall be established which is the responsible and competent organ for control of application of this law and its deriving by-laws.

- 2 – The fishing inspectorate is established in the Ministry as a sector within the directory of fishing and has offices in various places, where deemed necessary aiming to ensure the application of this law and its deriving by-laws.

3 – Structure and organization of fishing Inspectorate shall be determined by the Council of Ministers on the proposal of the Ministry.

4 – Appointment of any fishing inspector is the competence of the Minister on proposal of fishing Directory.

5 – Competences of fishing inspectors shall be determined by decision of the Council of Ministers.

6 – The Minister may authorize separate officials of the fishing Directory to execute functions of fishing inspectors.

Article 37

Duties and Rights of Fishing Inspectors

Fishing inspectors as many times as they observe violation of this law and its deriving by-laws have the duty and the right to:

a) Stop the trespasser and eventually the ship with which the breach is committed and to contest the breach;

b) To ask for trespasser generalities;

c) To compile the record including the generalities of the one that has committed the breach, violated provisions, objects eventually confiscated according to paragraph (f), the suspended license or authorization according to paragraph (g) if possible with immediate effect, but no later than fifteen (15) days from moment the fact is evidenced;

- d) Stop and immediately bring to the nearest police station in case they refuse to give their generalities or there is doubted that those are false as well as in cases where violation constitutes a criminal violation;

e) In cases when the violation constitutes a criminal offense shall denounce to judiciary;

f) Sequesterate objects used for committing the violation or that are a consequence of it, in any case in accordance with legal provisions permitting the police to sequesterate until the Commission has reached a decision (Article 43);

g) Suspend the validity of the license or authorization issued based on this law until a decision is made by the Commission on this violation (Article 45).

Article 38

Inspection and Information Request

1 – Inspectors of fishing in any moment may inspect sailing means, plants, complexes of fishing and aquatic life, places of storage and sale, means of

transportation of fish products and fishing equipments and to request from anyone information related to the above, and finally to clarify honoring of norms for fishing and aquatic life discipline.

2 – Inspectors of fishing in any moment may request to anyone that exercises an activity to show the license or authorization issued based on this law and its deriving by-laws, for whom these licenses and authorizations are necessary based on this law.

CHAPTER X

CONTRAVENTIONS, SANCTIONS AND RESPONSIBILITIES

Article 39

Administrative Contraventions

A

1 – Anyone that performs research activity without authorization according to Article 10 or in contradiction with conditions set forth in the authorization shall be punished by a fine from 100 thousand to 300 thousand ALL.

2 – Anyone that exercises professional fishing without been registered in the register according to Article 12, shall be punished with a fine from 10 thousand to 50 thousand ALL.

3 – When a sailing means is used for professional fishing without been registered in the register of fishing means according to Articles 13, the owner or the captain of the sailing means shall be punished with a fine from 50 thousand to 200 thousand ALL.

4 – Anyone that exercises professional fishing without the use of sailing means and does not have a license according to Article 15 shall be punished with a fine from 100 thousand to one million ALL.

5 – When an Albanian sailing means used for professional fishing utilizing a handcrafted way and without license, the owner or captain of the sailing means shall be punished with a fine from 100 thousand to one million ALL.

6 – When a sailing means is used for professional fishing utilizing the industrial method without license according to Article 18, the owner or the captain of the sailing means shall be punished with a fine from 5 million to 10 million ALL.

7 – Anyone exercising professional fishing in contrary of the conditions determined in the license shall be punished with a fine from 500 thousand to one million ALL.

8 – Anyone fishing:

- a) In areas and periods of time prohibited with by-laws in application of this law;
- b) With sailing means, fixed or movable equipments prohibited with by-laws in application of this law;
- c) Water organisms of various species prohibited with by-laws in application of this law;
- ç) Water organisms of the sizes prohibited with by-laws in application of this law;
- d) In greater quantities than those fixed as the maximal quantities with by-laws in application of this law or by the issued license;
- dh) Using prohibited submarine equipments shall be punished with a fine from 100 thousand to 3 million ALL.

9 – Anyone that fishes on its own larva and offspring of whatever water organism without authorization shall be punished with a fine from 100 thousand to 2 million ALL.

10 – Anyone that appropriates the fishing product of the third parties or in any other

way violates provisions of Article 24, paragraph c, shall be punished with a fine from 5 thousand to 10 thousand

11 – Anyone that changes the quality or direction of waters in such a manner that damages the habitat of water organisms, except with authorization based on law, shall be punished with a fine from 100 thousand to 2 million ALL.

12 – Anyone that fishes corals and sponges shall be punished with a fine from 15 million to 20 million and with confiscation of the sailing means.

13 – Anyone that performs the sport fishing activity using a sailing means without having a license or in contrary with Article 23 shall be punished with a fine from 5 thousand to 10 thousand ALL.

- 14 – Anyone that gives an underwater gun to a person less than 16 years of age to fish, shall be punished with a fine from 5 thousand to 10 thousand ALL.

15 – Any holder of a professional or sport license that opposes to submit information required based on this law and by-laws for its application or submits unreal and false information shall be punished with a fine from 10 thousand to 50 thousand ALL.

16 – Anyone that exercises aquatic life activity without license or in contrary of conditions determined in the license shall be punished with a fine from 100 thousand to 500 thousand ALL.

17 – When a foreign ship exercises fishing activity in water of the Republic of Albania without license according to Article 23, or in contrary with conditions of the license, the owner or captain of the ship shall be punished with a fine from 25 million to 40 million ALL.

18 – Anyone that exercises activities related to fishing without respective authorization shall be punished with a fine from 100 thousand to 5 million ALL. When ship is used for such activity owner or captain of ship shall be punished.

- 19 – Anyone that does not accepts or obstructs inspections from control organs according to Article 34 or contradicts to present to the control organs the licenses or authorizations required based on this law and by-laws in its application, shall be punished with a fine from 100 thousand to 500 thousand ALL.

B

Anyone using explosives, chemical or poisoning matters, electrical energy capable of stun, paralyze or kill fishes and other water organisms as well as collects and transports these types of products shall be condemned in accordance with provisions of the Criminal Code

Article 40

Additional Sanctions

For above violations of the law shall be applied these additional sanctions:

a) Confiscation of fished products except in the case when this has been requested by the beneficiary according to the law;

b) Confiscation of means and equipments used in contrary with provisions of this law and with its deriving by-laws as well as confiscation of the ship or other sailing means;

c) Suspension of the license or authorization issued based on this law and rules for its application for a period not more than six (6) months and in cases of repetition of the same contravention the permanent suspension of these licenses.

ç) De-registration from the fishermen register for a period not more than six (6) months, or in case of repetition of the same contravention the permanent suspension of such registration;

d) In case of acknowledged entities of research, the status of an acknowledged research institution shall be removed.

Article 41

Indemnity

1 – The right of indemnity for damages caused in cases of violations of this law shall be determined on basis of laws in force.

2 – For contraventions determined by this law, the State represented by the Minister shall have the right of indemnity.

Article 42

Civil Liability

The owner of the ship, the entrepreneur, the captain of the ship or the fishing and aquatic life subject shall be personally and legally liable for fines and administrative sanctions imposed to their assistants and subordinates in violations of this law.

Article 43

Review of Administrative Contraventions

1 – In taking decisions after review of administrative contraventions according to Article 39 and additional sanctions according to Article 40, the Minister shall establish a permanent commission in the ministry.

2 – The commission is made up of an odd number of persons and takes decisions with majority of votes after review of administrative contraventions in accordance with this law or by-laws for its application as well as for application of additional sanctions.

3 – The commission calls with prior notice guilty persons for committed contraventions based on the record according to article 37. The procedure of adjudication in front of the commission shall be conducted in accordance with law effective law “On administrative contraventions”.

Article 44

Appeal in Court

-
- Against any decision given by the commission in accordance with Article 43 may be made an appeal in the court.
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CHAPTER XI

FINAL PROVISIONS

Article 45

Abolition

Law no. 6071, dated 25.12.1979 "On fishing economy", is repealed as well as any other provision contrary to this law is repealed.

Article 46

Transitory Provision

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- The Ministry within three (3) months from entry into force of this shall enact a statute for its application.
-

Article 47

This law is effective 15 days after publication in the Official Journal.

Promulgated with the decree No. 1066, dated 18.04.1995, of the President of the Republic of Albania, Sali Berisha

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 8870 dated 21. 03. 2002**

**ON
SOME ADDITIONS AND CHANGES TO LAW NO. 7908
DATED 5. 04. 1995, "ON FISHING AND AQUACULTURE"**

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

HAS DECIDED:

To make the following additions and changes to Law No. 7908 dated 5. 04. 1995:

Article 1

At article 2:

1. Change letter "b" as follows:

"b. To involve the communities of fishermen in the decision making process by instituting co-management of the fishing resources in the sectors of fishing and aquaculture."

2. Add letter "g" after letter "f", as follows:

"f". to ensure the operation and management of the ports and fishing centers.

Article 2

Add the following letters after letter "j" as follows:

"k". "Organization" means the Organization for Fishing Management created in accordance with Article 26 of the Civil Code of the Republic of Albania and article 31/1 of the same Law;

l) "Fishing port" means a port or harbor used for fishing including the unloading onto ground from fishing vessels of sea life; or a confine within a port used that together with the land, the buildings and corresponding infrastructure serve for fishing purposes.

m) "Fishing center" means a quay, sea bridge, mainland, damn, or platform in the sea or in the internal waters that is used for fishing purposes, including the unloading onto land of sea life from the sailing vessels, together with the land, the buildings and corresponding infrastructure.

n) "Co management zone" means a fishing zone designated in accordance with Article 31/14 of this present Law, in which at least one organization of fishing management participates in the management of fishing resources.

o) "Co-management plan" means a plan for the management of the co-management fishing zone prepared in accordance with the provisions of point 3 of article 31/15 of this Law."

Article 3

Add the following sentence to point 1 of article 14:

"The maximum number of fishing and aquaculture licenses issued for a given co-management zone is defined in the relevant co-management plan".

Article 4

Add the following words at the end of point 1, article 15:

"with the exception of co-management zones for which issuance of fishing licenses is regulated in the context of the co-management plan".

Article 5

Add point 4 after point 3 of Article 19 as follows:

"4. License for fishing in a co-management area must be in accordance with the requirement of the respective co-management plan".

Article 6

Add the following letters after letter "e" in Article 23:

"f) when underwater fusils, together with breathing accessories, are used.

"g) In the protected marine zones".

Article 7

Add the following paragraph at the end of point 1 of Article 31:

"Agreements may not be concluded for geographic areas designated as co-management zones, for the same kind of fishing activity".

Article 8

Add Chapters VII/I, VII/II, VII/III, after Article 31 as follow:

"Chapter VII/I"

FISHING MANAGEMENT ORGANIZATIONS

Article 31/1

Organizations for management of fishing

1. Organizations for fishing management represent legal entities created in accordance with Article 26 of the Civil Code for purposes of carrying out activities in the fishing sector as provided by this present Law. The Organizations for Fishing Management have their own independent budget funded by membership fees, donations and revenue from their activity as stipulated by this Law. Surplus revenue over and above cost may not be distributed among the members of the organization, but may be used for purposes of attaining the organization's goals.
2. The constituting meeting of the organization endorses the statute of the organization, based on the prototype, and elects its leading structures. The statute must have the express approval of at least half of the owner members participating in the constituting meeting. The draft statute of the organization is subject to approval by the Minister. The ordinance on statute approval together with a copy of the Statute must be published in the "Official Gazette".
3. The legal status of the Fishing Management Organization becomes effective after the publishing of the Minister's ordinance on statute approval in the Official Gazette.
4. The organization for fishing management will:
 - a) manage one port or fishing center as per Chapter VII/II of this Law;
 - b) participate in the co-management of the fishing sources in accordance with Chapter VII/III of this Law;
5. No more than one organization of fishing management may be created for one port or fishing center.

Article 31/2

Membership of the organization

1. Membership is voluntary. It consists of owner members and non-owner members.
2. Owner member can be every holder of a professional license for a duly registered sailing vessel. Non-owner member can be every active captain, engineer or fisherman with over two years experience in fishing activities.
3. Owner members are entitled to three fifths of the total number of votes of the organization; the remainder of votes will go to the non-owner members.

Article 31/3

Leading structures of the organization

Every fishing management organization has its general assembly, the administrative council and other leading structures as may be prescribed in its Statute.

Article 31/4

General Assembly

1. The general assembly is the main decision making structure of the organization

that meets at least once a year in its general annual meeting.

2. Extraordinary meetings of the general assembly may be called by the administrative council at its own discretion, or upon the written request of those representing at least 10 per cent of the total number of votes; or however the Statute may prescribe.

3. The general assembly has exclusive authority over the following issues:

- a) reviewing of accounts, annual report, budget and maintenance and operations plan;
- b) reviewing of proposed additions in the Statute, internal regulations and fines for violation of such regulations;
- c) election of the Administrative Council;
- ç) decision to dissolve the organization;
- d) other issues as may be prescribed in the Statute.

4. Despite cases of owner members possessing more than one boat the statute should stipulate that owner members might not hold more than 2/5 of the votes of the non-owner members.

5. A member is entitled to vote in the meetings of the general assembly provided he has complied with every financial obligation due to the organization.

Article 31/5

Administrative Council

1. The administrative council is responsible for the management of the organization. Members of the Administrative Council must be members of the organization. The administrative council is accountable to the general assembly for overseeing the activity of the organization. The administrative council is made up of at least three members one of whom should be a non-owner member.

2. Members of the Administrative Council are elected by secret voting in the general assembly for a four-year term. A member of the Administrative Council that has served his term may run for re-election. Members with financial liabilities to the organization may not run for election in the administrative council.

3. The administrative council has the following tasks:

- a. submits the request for the meeting of the general assembly;
- b. prepares the draft budget, the plan of operations, the plan of management zone utilization and maintenance for submission to the general assembly;
- c. awards contracts in accordance with the budget, the plan of operations and the plan of utilization and maintenance;
- d. nominates and discharges the organization's staff;
- e. prepares the agenda for the meeting of the general assembly;
- f. prepares internal regulation of the organization;
- g. monitors the work of the organization;
- h. ensures the implementation of the organization's financial and administrative rules;
- i. handles any other issues as may be prescribed by the Statute.

4. Meetings of the Administrative Council are held every month or as may be prescribed in the Statute, with the request of the Council Chair or of 1/3 of the members of the administrative council.

5. In the event of suspension of the administrative council as stipulated in article 31/7, of this Law, the Minister appoints a transitory leader to ensure the smooth

operation of the organization until such time as the next meeting of the General Assembly where election of a new administrative council takes place.

6. The transitory leader, in addition to the daily routine, in accordance with point 3 of this Article, calls the next meeting of the General Assembly.

Article 31/6

Statute

1. The statute of the organization should contain at least:
 - a. name and seat of the organization;
 - b. regulations of the general assembly, the administrative council or other structures;
 - c. duties and rights of the members of the organization, the right to vote and membership fees;
 - d. manner of control of the activities of the organization;
 - e. resignation and ousting of the members and sanctions for violation of the statute.
 - f. manner of dissolution and liquidation of the organization.
2. The Statute may contain other provisions, specific to every organization, but in any case, within the scope of goals set by this law.
3. For changes in the Statute, the same manner applies as in the case of its approval.

Article 31/7

Monitoring Committee

1. A monitoring Committee of 7 members is set up at the Ministry of Agriculture and Food to report to the Minister on the activity of the Fishing Management Organizations and the co-management of fishing resources. Members of this Committee will be from among the staff of the Ministry of Agriculture and Food. The Minister sets the regulations for the operations of this Committee.
2. Every organization is obligated to keep its financial books and accounts in accordance with effective legislation. Within 60 days from the closure of the financial year, the organization is obligated to deposit one copy of such books and accounts with the Monitoring Committee.
3. The monitoring committee, in the event of detecting financial abuse or finding that the Organization has not observed the law, notifies the administrative council, which immediately calls the general assembly meeting to put before this assembly the findings of the monitoring committee. In the event of the Administrative Council not calling the meeting of the general assembly within 30 days, the Monitoring Committee is entitled to suspend the Administrative Council.

Article 31/8

Register of the organizations

1. The Ministry must create a register of the organizations. Register keeping rules and rules for public consulting of the register are defined by the Minister.

2. The register must record the following information:
 - a. name of the organization;
 - b. principal seat of the organization;
 - c. number of the members of the organization;
 - d. names, addresses, telephone numbers of the members of the administrative council and Chairperson of every organization;
 - e. date of submission of last year accounts and copy of such accounts.

Article 31/9

Control over the activity of the organization

The activity of the organization and its documentation is subject to control by the specialized structure of the Ministry of Agriculture and Food and other structures as stipulated by effective legislation of the Republic of Albania.

Article 31/10

Dissolution of the organization

1. The Minister effectuates the dissolution of the organization in the following cases:
 - a. When so proposed by the general assembly. This decision by the general assembly requires 2/3 of the votes of the members of the organization.
 - b. When control structures find that the organization has been ignoring its mission or is not capable of implementing its duties.
2. The Minister accords 30 days to the organization to solve its problems prior to exercising his right to dissolution as stipulated by letter "b", point 1 of this article. The dissolution order is published in the Official Gazette.
3. Upon dissolution order, the organization terminates its activity and is subjected to liquidation by the liquidation commission that is set up and operates in accordance with the rules enshrined in the prototype statute.
4. The Organization is entitled to appeal the dissolution order in court within 30 days from the date of this order's taking effect.

CHAPTER VII/II LEASE OF PORTS, FISHING CENTERS AND STRUCTURES RELATED TO FISHING ACTIVITY

Article 31/11

Transference of ports and fishing centers

1. A port or fishing center and/or structures related to the fishing activity may be transferred for administration to an organization that requests such transfer.
2. Leasing a port or a fishing center and/or structures related to the fishing activity to a Fishing Management Organization is subject to the following criteria:
 - a. Non-alteration of destination and purpose;
 - b. Guarantees that the port or fishing center will pass into Government hands in the event of extreme situations;

- c. Protection and warranty of public interest;
 - d. Maintenance and maximization of value.
3. Types of agreement together with conditions for use of ports and fishing centers and/or structures related to the fishing activity are subject to approval by decision of the Council of Ministers.
 4. Governmental bodies authorized by law are entitled to inspect the transferred infrastructure and relevant documentation in accordance with the provisions of this law

Article 31/12

Utilization of ports and fishing centers by the organization

Organizations utilize and maintain the ports and fishing centers transferred to them in accordance with the following principles:

- a. the administrators of the port or the fishing center must cover the costs of utilization and maintenance;
- b. the port or fishing center must be used fairly and equitably to promote and protect the interests of users;
- c. the port or fishing center is administered in a rational manner, as required by effective legislation, to ensure environment protection and sustainable development.

Article 31/13

Utilization of the port or fishing center by non-members

1. Organizations are obligated to allow:
 - a. every sailing vessel in possession or in control of a person that is not a member of the organization, to use the facilities of the port or of the fishing center transferred to the Fishing Management Organization.
 - b. any person, not a member to the organization, to enter the port or the fishing center.
2. Persons that enter or utilize a port or fishing center transferred to an organization to which they are not a member, must act in accordance with the laws and by laws governing the activity of the port or the fishing center and must honor the regulations of the organization.
3. Applicable fees for services offered to sailing vessels in possession or in control of a person that is not a member to the organization, are higher than taxes for sailing vessels of its members, but in any case not higher than double the amount exerted from its members.
4. Level of fees is subject to proposal by the organization and approval by the Minister.

CHAPTER VIII/III

CO-MANAGEMENT OF FISHING

Article 31/14

Designation of co-management zones

1. Upon written request by the organization, the Minister may designate as a co-management zone any given geographical space in the waters of the Republic of Albania. The co-management zone may be available for any kind of fishing activity or only for fishing activities that exploit specific techniques or fishing instruments and/or only for certain periods of the year.
2. Fishing management organizations, involved in a co management zone, participate in the preparation and implementation of the zone's co-management plan.

Article 31/15

Co-management plans

1. Each co-management plan is approved for a period of no more than ten years and its purposes are as follows:
 - a) to encourage utilization of resources in accordance with sustainable development by guaranteeing at the same time, maintenance of such resources at levels that ensure the satisfaction of present and future needs.
 - b) to preserve and conserve the quality and biological variety of fishing resources;
 - c) to encourage the use of technology appropriate for fishing;
 - d) to avoid overstepping fishing capacities.Within 12 months from the date of the designation of the co-management zone, the respective organization and the Fishing Directorate prepare the co-management fishing plan for this particular zone, which is subject to approval by the Minister.
3. Co-management draft plans are designed jointly by the Fishing Directorate and the respective organization in accordance with the regulations issued jointly by the Ministry of Agriculture and Food, the Ministry of Environment and the local Advisory Commissions on Fishing and Aquaculture.
4. Upon signature, co-management plans are published in the Official Gazette and in one of the journals appearing in the area of the co-management zone.

Article 31/16

Contents of the co-management plan

1. Each co-management plan must:
 - a) contain an analysis of the fishing situation in the co-management zone;
 - b) identify short, medium and long-term objectives to be attained in order to ensure sustainable and fruitful management of fishing in the co-management zone;
 - c) define recommended measures for management and development strategies to implement such measures;
 - d) identify funding sources relative to the costs incurred by the implementation of these management measures;
 - e) contain indicators and benchmarks in order to enable evaluation of implementation and effectuation of adjustments to ensure productivity;
 - e) comply with the national plan for fishing management.
2. A co-management plan related to a co-management zone involving two or more organizations must describe in detail cooperation mechanisms among these organizations.

Article 31/17

Fishing activity in the co-management zone

1. Whenever necessary to encourage a fruitful management of fishing, the co-management plan must make sure that:

(a) no one engages in fishing activity or in professional fishing in the territory of the co-management zone that is not a member of the respective co-management organization;

b) no-one engages in fishing activity with special equipment or technique that is not a member of the respective co-management organization.

2. Relative to cases described in point 1:

a) Holders of professional fishing licenses will continue to have the right to engage in fishing activity for a period of one year following entrance into force of the co-management plan.

Subsequent to this period they must become owner members or terminate fishing activity in the co-management area.

b) New owner members that on the date of entrance into force of this law do not hold professional fishing licenses will be accepted in the organization on the basis of respectively developed criteria and in accordance with the terms of the co-management plan.

Article 31/18

Licensing with respect to co-management zones

Co-management plans must ensure the implementation of provisions of article 15 in the relevant zone and must also provide for the manner and degree of involvement of the organization or organizations in issuing licenses and implementing license terms and conditions.

Article 31/19

Monitoring and review

1. The Commission for Coordination of Scientific and Technological Research may at any time request to review a co-management fishing plan, in circumstances when:

a) the plan has not been properly and productively followed;

b) the implementation of the plan threatens fishing resources in the co-management zone;

c) it is a cause of serious conflict among members.

2. The Minister, if noting that fishing reserves and/or water zones are under threat:

a) Orders modification of the existing co-management plan and/or the method of its implementation and/or the implementation duty itself.

b) Orders special measures in relation to the implementation or the obligation to implement the existing co-management plan.

c) Terminates the implementation of the existing co-management plan;

d) Rebutts the existing co-management plan.

3. In the event of a co-management plan being terminated or rebutted, simultaneously with the rebuttal the Minister defines a new management regime appropriate for this type of fishing and issues new regulation obligatory for implementation.”

Article 9

The following letters are added after letter “p” of Article 32:

“q) procedures for creation of the organization including types and content of statutes;

r) books, registers kept by the organization and financial procedures;

s) the work of the Monitoring Committee and control proceedings;

t) creation and operation of the Monitoring Committee, including register and book keeping by Fishing Management Organizations and control proceedings to be followed;

u) the manner of utilization of ports and fishing centers transferred to organizations”.

Article 10

This law enters into force 15 days after it’s publishing in the “Official Gazette”

**DEPUTY CHAIRPERSON
MAKBULE ÇEÇO**

**Ratified by Decree No. 3285 dated 6. 04. 2002 of the President of the Republic,
Rexhep Meidani.**

**REPUBLIC OF ALBANIA
ASSEMBLY**

**LAW
No. 8763 dated 2. 04. 2001**

**CONCERNING
AN ADDITION TO LAW No. 7908 DATED 5. 04. 1995
“ON FISHING AND AQUACULTURE”**

Based on articles 78 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

HAS DECIDED AS FOLLOWS:

Article 1

To make the following addition to Law No. 7908 dated 5. 04. 1995 “On fishing and aquaculture”:

After Article 27 point 6, point 6/1 is inserted:

“Water bodies of the Republic of Albania may be leased to physical and legal entities that desire to engage in intensive aquaculture. The purpose of the lease is to exploit these water bodies according to principles of sustainable development.

Procedures and lease rates are defined by special decision of the Council of Ministers according to the category of water body.

The Ministry of Agriculture and Food designates the water bodies to be leased for the above-mentioned purpose. The Committee for Tourism Development, the National Environmental Agency and the Secretariat of the National Water Council will participate in the leasing process.

Article 2

This law enters into force 15 days following its publication in the Official Journal.

CHAIRMAN
Skënder Gjinushi

L A W
No. 7917 dated 13. 04. 1995

ON
PASTURES AND MEADOWS

Based on article 16 of law no. 7491 dated 29. 04. 1994 "On basic constitutional provisions", upon proposal from the Council of Ministers,

The People's Assembly of the Republic of Albania

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL STIPULATIONS

Article 1

The object of this law is the administration, restitution to former owners, rational utilization, increase of productivity and protection of ecological balance of pastures and meadows.

Article 2

Pasture and meadow is any piece of land covered with grass or shrubs that is used for grazing or mowing, but that is not included in the arable land stock, nor in the forest stock, as per cadastral records as of 1 August 1991, except for changes made in accordance with effective provisions.

According to periods of utilization and criteria established by the Minister of Agriculture and Food, pastures and meadows are classified into summer and winters pastures.

CHAPTER II

• **OWNERSHIP, ADMINISTRATION AND TREATMENT OF
PASTURES AND MEADOWS**

•
Article 3

Pastures and meadows are divided into:

State pastures and meadows; pastures and meadows for public use; and private

pastures and meadows (single or shared ownership).

1 – State owned pastures and meadows for state use are administered by the General Directorate of Pastures and Meadows through its branches at grass root level.

2 – State owned pastures and meadows for general public use are administered by communes and municipalities and are used by the inhabitants in the jurisdiction of communes and villages.

3 – Private pastures and meadows (single or shared ownership)

Article 4

Pastures and meadows for which there is accurate documentation and clearly delineated boundaries (single or shared ownership) will be restituted to their former owners, or heirs, who will be entitled to every private ownership right.

Article 5

The boundaries of the year 1945 will apply for pastures in between villages, communes or regions.

Based on cadastral documentation, the General Directorate of Pasture and Meadows, defines the boundaries of state owned pastures and meadows which are subject to approval by the Council of Ministers.

Article 6

State owned pastures and meadows might be leased to national physical or legal entities based on technical criteria developed by the Ministry of Agriculture and Food and agreed upon in contracts between affiliates of the General Directorate of Forests and Pastures at regional level and the concerned entity.

Article 7

Water works and other facilities relative to pastures located on private pastures and meadows are transferred to private owners, together with securing charges, against an established price.

Water works and various other facilities on pastures and meadows in public use are granted for use to communes and municipalities.

Article 8

Change of utility destination for given plots of pastures and meadows in private and public use is subject to approval:

- For surfaces up to 10 ha by the General Directorate of Forests and Pastures;
- For surfaces up to 50 ha by the Minister of Agriculture and Food;
- For surfaces above 50 ha by the Council of Ministers.

Article 9

The enterprises, communes or communities are responsible for: the administration,

utilization and treatment of pastures and meadows as contained in development plans and inventories of pastures and meadows; for keeping the books on the stock of pastures and meadows on a yearly basis; collating information with the region's cadastre records; periodically assessing the holding capacity of pastures and meadows; establishing monitoring and control systems on the use of pastures and meadows; and implementation of pasture facility construction projects.

The General Directorate of Forests and Pastures through its branches at region level has the responsibility to procure technical assistance for project design and implementation concerning the pastures under the administration of local government bodies or in private ownership.

For pastures and meadows under the administration of the General Directorate of Forest and Pastures, the government funds the construction of works for a more rational use of pastures and meadows (water works, irrigation works, various amenities, roads, etc.)

Article 10

Private persons who, alone or in co-ownership, have a stake in pastures and meadows are entitled to participation in processes of designing the general strategy of pasture development.

CHAPTER III

UTILIZATION AND TREATMENT OF PASTURES AND MEADOWS

Article 11

Ten year contracts may be concluded for state pastures and meadows and related facilities, designated to be leased.

Lease of pastures and meadows and water works is subject to contracts between the sides.

Criteria for pasture tariffs are set by the Council of Ministers.

Article 12

The pasturing of animals in parts where construction work is taking place, in natural reservoirs, in seed and experimental plots is prohibited.

By special decision of the Minister of Agriculture and Food or of the Chairman of the Municipality or Commune, the responsible enterprise or the relevant local authorities put a temporary ban on the lease of degraded parts of pastures or meadows or sites on which facility works are being carried out.

Article 13

Medicinal plants in pasture and meadows may be harvested by physical and legal entities as provided in the law "On protection of medicinal ether oleaginous and tanniferous plants".

Article 14

The setting up of camping and any movable facilities in state pastures and meadows for general public use is allowed only in sites designated by the relevant enterprise or the local government subject to permission by such authority.

Article 15

Utilization of the subsoil of pastures and meadows for purposes of mineral and energy industry and the extraction of stones, gravel, opening of lime kilns and works of similar nature is subject to permission by the local government authority who sets the calendar and designates sites for such activities in accordance with criteria described in Article 8 as well as tariffs and fees as prescribed by relevant regulations.

CHAPTER IV

PROTECTION OF PASTURES AND MEADOWS

Article 16

The General Directorate of Forests and Pastures and the bodies of local government are responsible for improvement of pastures and meadows and their protection from damage.

Article 17

Physical and legal persons that own pastures and meadows are obligated to guarantee their protection from damage. Water springs, water works, various facilities, trees, experimental plots and natural reservoir zones in pastures and meadows are under protection as stipulated by the provisions of this law.

Article 18

The incineration of pastures and meadows is prohibited. In particular cases, the General Directorate of Forests and Pastures authorizes incineration.

Article 19

In cases of fire in pastures and meadows, the relevant enterprises, the local government authority (communes and municipalities), private owners, armed forces, school staff and any citizen in the vicinity is under the obligation to notify accordingly and participate in fire extinguishing. Extinguishing operations are led by the relevant enterprises and costs are covered as per manner of administration.

Article 20

Law prohibits any action that damages and harms the pastures and meadows, water works, facilities and various installations as well as any action that upset ecological equilibrium.

CHAPTER V

INFRINGEMENTS

Article 21

Infringements of articles 8, 11, 13, 14, 15, 18 and 20 of this law when resulting in damages up to 10.000 leks is punished as administrative infringement with fines from 1000 up to 10.000 leks and payment of indemnification value. Damage above 10,000 leks, will be addressed in accordance with provisions of the Criminal Code.

Article 22

For violations of provisions of Article 21, a report is compiled by the employee of the relevant enterprise or the local authority representative (commune, municipality) and the private entity.

Article 23

The review of administrative infringements in pastures and meadows is the responsibility of a Commission of no less than three persons at the local authority (commune or municipality). The head of the enterprise or the chairperson of the commune or municipality nominates the members of the Commission. Appeals against punishment may be instituted with the region's court within 5 days from the date of communication. The fine and indemnification remuneration must be voluntarily cleared within 5 days from the date of the communication of finite decision. After expiration of this deadline, the provisions of Law No. 7697 dated 7. 4. 1993 "On administrative infringements" will apply.

Article 24

Quotas of indemnification of damage caused in pastures and meadows are decided by the Council of Ministers.

Article 25

The Council of Ministers is responsible for passing by laws to make this law implementable.

Article 26

Former owners and heirs to owners of pastures and meadows must submit to the state commissions on property restitution and compensation at region level the

documents of title of ownership within one year from the date of entrance into force of this law. After the expiration of this deadline no documents will be accepted.

Article 27

The decisions of the commissions at region level may be appealed in a court of law.

CHAPTER VI

CLOSING PROVISIONS

Article 28

Ordinances of the Council of Ministers No. 1 dated 9. 05. 1981 and any other provision coming into conflict with this law is hereby abrogated.

Article 29

This law enters into force 15 days after its publication in the Official Journal.

DEPUTY CHAIRPERSON OF THE PRESIDUM
Tomorr Malasi

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

**DECISION
No. 236 dated 6. 06. 1994**

**ON
LEVIES FOR ANIMAL GRAZING IN THE PASTURE STOCK OF
FORESTS AND PASTURES UNDER ADMINISTRATION OF
DIRECTORATES OF FOREST AND PASTURE SERVICES AND THE
COMMUNE AUTHORITIES**

Upon proposal from the Ministry of Agriculture and Food, the Council of Ministers

HAS DECIDED AS FOLLOWS:

1 – Tariffs for grazing animals are levied in leks/head and in accordance with the classification of the pastures.

2 – Tariffs for animal grazing in pastures, pasture stock and forests under administration of directorates of forest and pastures services and commune authorities are as follows:

<u>No.</u>	Animal species	Type of pasture	
		Winter	<u>Leks/head</u> Summer
1	Sheep	150	100
2	Goat	150	100
3	Cattle	600	400

3 – The Council of Minister Ordinance No. 1 dated 9. 05. 1983 “On administration of pastures” and any other provision that comes into conflict with this decision is hereby repealed.

This decision enters into force on the date of entrance into force of the Law “On pastures and Meadows”

**CHAIRPERSON OF THE COUNCIL OF MINISTERS
Aleksandër Mexsi**

LAW
No. 7929 dated 11. 05. 1995

CONCERNING
PROTECTION OF FRUIT TREES

- Based on Article 16 of the law no. 7491 dated 29.04.1991 "On basic Constitutional Provisions", upon proposal from the Council of Ministers,
 - **The People's Assembly of the Republic of Albania**

HAS DECIDED
AS FOLLOWS:

CHAPTER I

GENERAL STIPULATIONS

Article 1

The purpose of this law is to protect fruit trees from mechanic damage, advertent or inadvertent, that may be caused by physical and legal entities, national or foreign.

CHAPTER II

DEFINITIONS

Article 2

For the purposes of this law:

"Territory of fruit trees" means arable land cultivated with fruit trees, citruses, olives and vines registered as such in the cadastre.

- "Orchard" means land sown with fruit trees and citruses, which in accordance with established standards, contains over 50 per cent of the minimum number of plants per unit of land.

- "Olive grove" means land sown with olive trees containing over 50 per cent of the minimum number of trees per unit of land.

"Vineyard" means land sown with vine trees with over 50 per cent of the minimum number of trees per unit of land.

"Degraded orchard" means orchard, olives grove and vineyard in which, due to lack of human care, climatological and biological factors, the trees are seriously damaged and no agro technical measures that may be taken can make them recover to levels

of profitable productivity.

CHAPTER III

THE STOCK OF FRUIT TREES AND THEIR REGISTRATION

The fruit tree stock is made up of fruit trees, vines in vineyards, citruses and olives growing in blocks or in scattered way.

Article 4

The inventory and registration in the cadastre of fruit trees and recording of change that may happen to their condition, is governed by specific regulation worked out by the Ministry of Agriculture and Food.

CHAPTER IV

PROTECTION OF FRUIT TREES

Article 5

Fruit trees, vine trees, citrus trees and olive trees, notwithstanding individual ownership, classify as national wealth and are protected by law.

Article 6

Physical or legal entities, national or foreign, owners or leaseholders of fruit trees, in blocks or scattered, are obligated to guarantee the stock's protection from felling or other physical damage. They may do this jointly or individually.

Article 7

The felling of fruit trees and change of the destination of land from orchard into arable land may be lawful only in the following cases:

1 – Due to physical or biological causes, the orchard may be degraded and potential investment to revive the trees does not stand the cost benefit analysis.

- 2 – For economic reasons, the owner desires to change the orchard into arable land.

In both cases, the respective owner must submit a request, which is subject to review by the competent agriculture authorities at region level in accordance with article 8 below.

3 – The plants are severely damaged or have dried out as a result of biological, climate or aging factors.

4 – Public objects, governmental or private, will be built on the orchard land.

Article 8

The felling of fruit trees in accordance with points 1, 2, 3 and 4 of article 7 of this law is subject to permission by the competent agriculture authorities. More specifically:

1 – For sporadic trees and for orchard trees, as well as for vineyards of up to 0.1 ha authority is vested with the agricultural specialist at the commune. For over 0.1 ha, the Directorate of Agriculture and Food at region level issue felling permissions.

2 – For scattered olives, permission is given by the respective Directorate at the Ministry of Agriculture and Food, upon request from the Agricultural Directorate at Region level.

3 – Collections of fruit trees, citruses, olives and vines, as well as individual trees with special genetic value, are felled only with the approval of the Directorate for Plant Production at the Ministry of Agriculture and Food and the Institute of Arboriculture and Vines.

4 – For individual vines in household ownership used for sunshine protection no permission from state authorities is required.

Article 9

Criteria and requirements for obtaining permission from the specialists at commune, region and Ministry level are defined in the regulations of the Ministry of Agriculture and Food.

Administrative or criminal provisions apply in circumstances of abuse of power and non-compliance with criteria and rules.

Article 10

- Physical or legal entities possessing title or lease over a stock of fruit trees, applying for conditional felling in accordance with Article 7 of this Law, must submit a written request to the agriculture authority at commune level. The agricultural authority is obligated within 15 days to dispatch to the site of fruit trees an expert to verify the condition of trees and take subsequent steps to permit or refuse the felling.

Article 11

Appraisal of fruit trees

Fruit trees are appraised for purposes of compensating owners when fruit trees are felled for reasons relating to public interest, or for indemnifying damage caused advertently or inadvertently.

The appraisal is the competence of the agriculture specialist at the commune level or the team of specialists of the Directorate of Agriculture and Food at region level. Boundaries of competences and appraisal criteria are defined in the regulations of the Ministry of Agriculture and Food.

Article 12

- The felling of fruit trees in orchards, vineyards or olive groves after permission for felling has been refused by the competent authorities, is an

administrative breach and is punishable by fines up to 5 times the estimated value of the damage, or by imprisonment up to 30 days.
Fines are administered by specialists of agriculture at commune level or at region level, or any other authority designated by the Ministry of Agriculture and Food.
Review of administrative breaches and appeal against administrative punishment is subject to Law No. 7697, dated 7. 04.1993 "Concerning administrative breaches".

Article 13

In circumstances when fruit trees are damaged advertently or inadvertently and the scale of damage qualifies as a criminal offence, the offender is condemned in accordance with provisions of the Penal Code.

Article 14

For purposes of the implementation of the provisions of this law, the agricultural authorities at commune or region level, at their discretion, may request the support of public order structures or the bailiff's office, which are under the obligation to provide support to agricultural authorities.

Article 15

- By-laws to make this law implementable will be drafted by the Ministry of Agriculture and Food.
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Article 16

The existing laws and by laws relative to protection of fruit trees are hereby repealed.

Article 17

This law enters into force 15 days following publication in the Official Journal.

Promulgated by Decree no. 1102 dated 24.05.1995 of the President of the Republic of Albania, Sali Berisha

L A W
No. 8093, dated 21.3.1996

ON WATER SOURCES

In reliance with Article 16 of Law No.7491, dated 29.4.1991 "On the main constitutional provisions", on the proposal of the Council of Ministers,

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose of the Law

This law aims at:

- a) To ensure conservation, development and utilization in as rational as possible manner of water reserves, vital for life and social-economical development of the country;
- b) To ensure the right distribution of water reserves according to aims of use and their effective management;
- c) To ensure protection of water reservers from pollutions, abusement and overconsumption beyond the actual needs;
- ç) To determine the institutional framework at the national and household level to implement a national policy related to direction and management of water sources in the benefit of the population and social-economical interests of the country.

Article 2

Definitions

Withing the meaning of this law:

1. "Water reserves" are all internal marine waters, superficial or subterreanean together with waterhold layers and atmospheric rains under the jurisdiction and control of the Republic of Albania.
2. "Natural bed of permanent or temporary flow [stream]" is the part of land covered by water up to the maximal level that impedes laterally spill over [overflow].
3. "The stream bed", along which normally flow rain waters, is the average water surface during an annual rain season of 25 years period.
4. "The bed of lakes, basins and surface reserves" is the surface of land covered with water, where is reached the maximal 25 years period level.

5. "Coasts [banks]¹" are lateral strips of land bordering the seas, lakes, reservoirs, lagoons and basins as well as along the flow of rivers and streams that based on the use include minimum two areas:

a) in a width of 5 m to the perpendicular direction with land from the upper side of the natural bed to the slope coasts and in a width of 20 m from the maximal 25 years period level line of water in flat coasts that is used for public purposes provided for by separate provisions;

b) in a width of 100 m to the perpendicular direction with land from the upper side of the natural bed to the slope coasts and 200 m from the maximal 25 years period level line, in which any performed activity shall be determined by the water authorities.

The separation border of the slope coast with the flat one is inclination of 10 % to the perpendicular direction with the coast.

The width of the two areas, determined above, may increase by separate provisions when topographical conditions or those of the water reserves of beds or banks of rivers deem that necessary for the safety of life and property.

6. "Water-bearing [aquiferous] basin" is the area of land within which the water after joins a single flow through a network of superficial and subterranean flows, spills over to the sea. The geographical borders of the watershed basin are determined by the topographical maps according to water separation lines.

7. "User" is any district, municipality, village, commune, water users association, state or private enterprise, natural and juridical person that deals with exploration, production, use of water reserves and discharges extra or used waters or other substances.

8. "Discharge" means any spill over [spill out] or a deposit, directly or indirectly of extra [excessive], used, sewage, waste waters, of chemical products and underproducts, despite of their nature [composition] to the water reserves in the ground, underground or excavated sites.

9. "Water pollution" is the action and impact of putting into water of solid and gaseous matter, of life organisms and energy forms, that directly or indirectly change the quality of the water, jeopardising its further use.

10. "Permit" is a right given in writing by the determined organs in this law to use a quantity of water or discharge for a determined purpose and time. The annulment of the permit shall be executed in accordance with Article 23.

11. "Authorization" means a written permit by the determined organs in this law, permitting the bearer to perform research, studies, explorations or other activities of this kind, where the use or the discharge of water is not the purpose of issuance of this authorization.

12. "License" is a right in writing that is obtained by the competent organs determined by the legal provisions, which permits to its bearer to perform professional activity in the fields of application of this law.

13. "Concession" is a type of contract in writing, through which determined organs in this law permit to its bearer to enjoy an exclusive right of use of water reserves or to perform discharges as specified in the terms of concession. The use of water reserves and discharge shall presume that the concession bearer is provided with relevant licenses for the activities determined in the concession.

14. "The National Strategy of Waters" is:

¹ Note of the translator: "coast" is used for the sea whilst "bank" is used for the river

(i) Determination of national objectives in the field of water reserves, of institutional structures for implementation of the strategy including the legal, regulatory and technical framework and nomination of co-ordinative mechanisms;

(ii) Provision of water requests balanced and co-ordinated with the national, regional and sectorial development taking into consideration the possibility of water reserves utilization;

(iii) Identification of priority programs and projects for the short-term, mid-term and long-term implementation of the strategy;

(iiii) Preservation and rationalizing of water use in harmony with the environment and other natural reserves;

15. "The Water Authority" is:

(i) The basin Council, authority of which is exercised within the borders of a basin;

(ii) The National Council of Water and its technical secretariat, whose authority is exercised in the entire territory of the Republic of Albania.

16. "The free use of water" is the use that can be performed without any prior administrative formality.

17. "The harmful effects of water" are damages caused by floods and extraordinary plots, excessive salting, erosions and land erosion, solid sediments, etc.

Article 3

State property

1. Are state property the following:

a) All water reserves of the Republic of Albania, determined in Article 2, paragraph 2, of this law.

b) All beds and banks of rivers, streams or other water flows, permanent or temporary, of canals, lakes, basins, lagoons and reservoirs, natural or artificial, the island and sediments of sand, stones and soils in the bed of rivers, lakes and reservoirs, as well as subterrenean waters geological formations.

c) All hydro-technical objects and works created by the state such as barriers, watering, irrigation, sailing, water supply systems, canals and their related works.

ç) The land obtained by the stretch out of water or land advancement towards water.

2. The right of ownership of the state is untransferable and unprescriptible.

CHAPTER II

ADMINISTRATION OF WATER RESERVES

Article 4

Administration principles

1. Public administration of water is based on the following principles:

a) In the preservation of the integrity of watershed basin taking into consideration socio-economic requirements for water reserves and protecting and preserving the quality of these reserves for the future generations and also the protection of

environnement.

b) In the integration of public control over water reserves with territorial planning and with projects of social-economic development in the national, regional and local level.

Article 5

Organs of water management

- 1. The management of water reserves of the Republic of Albania shall be executed by the National Council of Water (NCW) and by the technical sekretariat at the national level, as well as by the basins authorities at the local level and by other agencies and organisms that the NCW may appoint.
- 2. The Council of Ministers shall determine the composition of the National Council of Waters representing central organs and institutions that have water as a main activity.
- 3. The National Council of Water shall determine the composition of the water technical secretariat and of the basins councils.
- 4. For management of border waters, on the proposal of the NCW, the Council of Ministers designates a special commission that manages relations for these waters with bordering countries based on the Albanian legislation and on relevant international conventions.

Article 6

The National Council of Water and its duties

The National Council of Water (NCW) is the central decision organ for the management of water resources. The Prime Minister chairs the National Council of Water; The National Council of Water has the following duties:

- a) To propose draft laws and by-laws on any kind of activity in the field of water reserves.
- b) To prepare the legal, technical and regulatory framework for application of this law, as well as to issue guidelines and to undertake other actions necessary for implementation of the water reserves national plan.
- c) To direct and to approve plans of watershed basins.
- ç) To approve inter-regional and national plans and projects in the field of agriculture, urbanology, industrial and territorial development, to the extent that these plans and projects are related to planning, management and preservation of water reserves.
- d) To determine territorial borders of respective watershed basins in the entire country and to determine location of the basin center and where the register of water will be kept.
- dh) To establish organs and organizational units subordinate of the Council to facilitate the management of water reserves and for application of this law.
- e) To propose and adopt adequate measures for application of any international agreement or convention on water resources in which the Republic of Albania is a signatory party.
- ë) To approve issuance of concessions on water reserves in cases determined by the provision of the Council of Ministers. When these reserves are of a national importance, the agreement is effective after ratification by the People's Assembly.

2. The National Council of Water may exercise other functions designated by separate acts of the Council of Ministers.

3. NCW has the right to request from the ministries, committees, agencies and all other state units, data, analysis or the necessary technical and consultative support needed to prepare the national water strategy and the national plan of water reserves.

Article 7

Technical Secretariat

- Technical secretariat is an executive organ of the National Council of Water, which is established by decision of the Council of Ministers and has the following duties:
 - a) To implement the national policy of water reserves approved by the NCW;
 - b) To apply provisions of this law;
 - c) To compile the central inventory of water reserves either of quantity or of quality mode according to the rules decided by the NCW;
 - ç) To issue permits and authorizations for the use of water and for discharges when the activity is performed outside the border of a single basin;
 - d) To promote participants of water users in the direction and management of water reserves;
 - dh) To apply provisions of international agreements on trans-border water reserves, part of which is the Republic of Albania;
 - e) To publish reports and give opinions on issues pertaining to water reserves and to submit to the NCW for approval. Ministries, scientific research institutions and other state organs shall be obliged to reply in time to the requirements of the technical secretariat about information, assistance and collection of necessary data for preparation of studies.
 - ë) To promote studies and research for the development of technical innovations related to use, discovery, utilization, preservation, recycling, treatment, protection, management and efficient use of water reserves;
 - f) In co-operation with scientific research institutions to determine the fields of research and study on water reserves as well as allocate proper funding to them.

Article 8

Councils of aquiferous basins

1. Councils of Aquiferous Basins (CAB) are local authorities responsible for management of water reserves in the respective basins.

2. In each river basin or group of river basins of the Republic of Albania shall be established the basin Council, provided that the limitations deriving from international agreements are acknowledged. The basin Council has a juridical status and is a subordinate of the technical secretariat of the NCW.

3. Composition, rights and duties of the basin Councils shall be determined by the NCW.

CHAPTER III

NATIONAL STRATEGY OF WATER AND PLANNING OF WATER RESERVES

Article 9

The National water strategy

The National water strategy is formulated by specialized institutions under the direction of technical secretariat and is approved by the National Council of Water.

Article 10

Planning of water reserves

1. National plan of water reserves and plan of water reserves of aquiferous basins is the detailing of decisions adopted by the National Council of Water for implementation of national water strategy. Territorial extension and provisions for application of these plans shall be determined in acts enacted by the NCW.

2. The above-mentioned plans shall be made public and compulsory. They are coordinated with other plans, which may be affected reciprocally. Procedures of elaboration, revision and approval of water reserves plans shall be determined by regulation.

CHAPTER IV

THE RIGHT OF WATER USE

Article 11

Purposed of water use

Water shall be used for these purposes:

Domestic, communal, agricultural (including irrigation and water for the livestock), aquatic life, fishing, water transport, industrial, production, generation of hydro energy, trading, tourism, amusement (including amusement sailing) and for other purposes that shall be approved by the National Council of Water.

Article 12

Conditions and regimes of water use

No one has the right of water use without permit, authorization or concession issued by the water authorities, except in cases defined in Article 13.

The use of natural water reserves shall be subject of administrative control of water authorities. The water authorities honor four regimes that govern the management of

water reserves;

- a) Free use of water;
- b) Use of water by permit;
- c) Use of water by authorization;
- ç) Use of water on basis of concession.

•
Article 13

Free use of water

1. Anyone has the right to use superficial water sources freely to drink, for other domestic needs, for the livestock, without exceeding the needs, necessary quantities to satisfy individual and family needs of the user and in compliance with relevant laws and plans of basins Councils.
2. Anyone has the right of free use of coast water to bath as well as to exercise water sports.
3. Anyone has the right of free use of rainwater falling down in private property, with the condition that this water is not collected through artificial installments.
4. The water authorities may limit the free use of water throughout the country or in separate areas during the periods of lack of water, of damage to its quality or of dispersion of diseases caused by water.

Article 14

Use of water by permit

1. The following activities shall be performed within the territory of the Republic of Albania based on an administrative permit issued by the water authorities:
 - a) Use of water when this is provided with permanent installations;
 - b) Irrigation
 - c) [Water for] Livestock;
 - ç) Aquatic life
 - d) Industrial use of water including quarries
 - dh) Utilization of subterrenean water for various purposes domestic ones inclusive.
 - e) Planting of trees or plants in the banks of rives or streams when these constitute a barrier for the natural flow of water.
 - ë) Mining of inerts from the beds and banks of the rivers, streams and reservoirs, either be with or without water.
2. The following use shall require relevant permit from the National Council of Water:
 - a) Sailing;
 - b) Construction of anchorage and portual structures;
3. The water authorities shall determine the water reserves where is prohibited the activity of fishing. Protection, use and utilization of fishing areas, as well as programs dealing with reinvigoration of fishing resources shall be performed in compliance with relevant legal provisions and with those of protection and preservation of the environment.
4. Any activity that is not included in this Article does not exclude the use of water resources without a permit in conformity with provisions of this law.

Article 15

Use of water by authorization

- All types of research, studies and explorations in the superficial or subterrenean waters, even when their object is not the water shall be performed by authorization from relevant water authorities limited for a defined area and time.

Article 16

Use of water by concession

1. The use of superficial or subterrenean water reserves for public purposes or within the framework of public services as production, potable water supply, generation of hydro energy, irrigation of land by an agricultural enterprise or a water users association, extraction of gases and fossil fuels through utilization of subterrenean waters and other permanent installations shall be done on basis of concession.
2. When a bearer of an authorization has conducted a successful study and the authorization terms provide that for, the authorized party has the right of submission of a request for permit or concession within a period of six months from the date of study completion. After expiry of this deadline the water authorities have the right of application of normal procedures according to provisions of this law.

Article 17

Duties of water users

The water user should:

- a) Use the water in a rational and savings way;
- b) To honor terms and obligations determined on the property right;
- c) To provide protection of water from pollution and to control the quality of water as well as to protect the environment from various pollutions.
- ç) To honor the rights of other legal water users and those of third parties.

CHAPTER V

PERMITS, AUTHORIZATIONS AND CONCESSIONS FOR WATER USE

Article 18

Common provisions for permits, authorizations and concessions for water use

Permits, authorizations and concessions for water use shall be issued on basis of the principle of free competition and according to procedures set forth in acts enacted by the Council of Ministers in application of this law. The permit or authorization is issued by the basin Council when the activity for which is issued is foreseen to be performed within the borders of a basin and issued by the NCW when this activity will

be performed in an area outside the border of a single basin but inside the territory of the Republic of Albania.

Concessions are issued by the NCW or by basins Councils on basis of water sources classifications adopted by the Council of Ministers with by-laws.

Permits, authorizations and concession for water use:

- a) Are personal and can not be transferred without approval of the relevant water authorities;
- b) Are temporary and can not be renewed in any time without violation of public interest;
- c) Can be modified, limited or annuled when are not in compliance with conditions of their issues, on the request of their bearer or in cases of varous breaches occur;
- ç) Are subject to payments for administrative expenses and shall be included in the permits, authorization and concession register of water use;
- d) Permits, authorizations and concessions can not be refused without a motivated decision;
- dh) Permits, authorizations and concessions shall be issued with the following time limits:
 - Permits for users – up to 5 years;
 - Permits for users in a water users association – up to 10 years;
 - Permit to drill mills – up to a year;
 - Authorizations for research, studies and explorations – up to 2 years;
 - - Concessions – initial time limit not longer than 30 years.

• **Article 19**

Prolongation [Extention] of concessions time limit

If during the specified period of concession becomes absolutely necessary to perform some additional works, the cost of which can not be amortized during the remaining time until the termination of the concession, it can be prolonged by the water authorities for another necessary period of time to permit the authorization to a limit of ten years. Aiming at qualification for time limit prolongation, works to be amortized must have been constructed in conformity with the water reserves plan in force. The bearer of the concession must prove indemnities that he would experienced unless extention of the time limit.

Article 20

• **Permits and authorizations for utilization of inerts from the beds of rivers, streams, etc**

Permits and authorizations for utilization of inerts (sand, gravell, etc) mining from the beds and banks of rivers, streams, lakes, etc, either be those with water or without water shall be issued by the water authorities.

Article 21

Priorities in permits, authorizations and concessions issuance

1. In issuing a permit, authorization or concession, the relevant water authorities shall be rely on the following priorities:

- a) Water supply of the population (including even the requests of industries located withing the bordering line of residential areas and have a low consumption level).
- b) Use for irrigation, agriculture and aquatic life;
- c) Use for generation of hydro power;
- ç) Other industrial use that are not included in the above category, use in the mines inclusive;
- d) Fishing;
- dh) Water tranport;
- e) Amusement and tourism including amusement sailing;
- ë) Other use.

Article 22

Amendment of terms of permits, authorizations and concessions

Any amendment of the terms defined in a permit, authorization or concession shall be done on approval of the issuing organ.

Permits, authorizations and concessions shall be revised when:

- a) Issuance terms have been changes;
- b) In cases of changes due to force majore;
- c) Must be updated with water reserves plans.

Article 23

Annulment of permits, authorizations and concessions

1. Permits, authorizations and concessions may be annuled, suspended or limited in case of not meeting any of the terms and time limits determined in them.

2. Permits, authorizations and concessions may be annuled, suspended or limited by the water authorities when water sources are drying out.

Article 24

Licenses for driller of subterrenean water

1. The professional water driller exercising his activity on commercial basis must be provided with water drilling license. Procedures for application and issuance of such license shall be determined by regulations issued by NWC. The driller license shall be subject of payment for administrative expenses.

2. For any drilling a drilling permit must obtained from water authorites either by the professional driller or by the client for whom the driller undertakes the drilling operation.

3. The professional driller at the drilling termination must submit to the water authorities a detailed hydro-geological report about drilling, together with drilled layers samples and the relevant required documentation according to regulations drafted by NWC. These data must be submitted to the water authority that has issued the drilling permit no later than two months after drilling termination.

4. Shall be prohibited to get water from the well exceeding the quantity signed in the drilling permit or the use of water for other purposes than for drinking, washing, drinking by personal livestock (that are not for commercial purposes) and for other domestic purposes. In case of use for other purposes the applicant must apply for a concession.

Curative, mineral and thermal waters

The use of curative, mineral and thermal water shall be disciplined by separate laws.

CHAPTER VI

• CONTROL AND PROTECTION OF QUALITY OF WATER RESERVES

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Article 26

The quality of drinking [potable] water

1. The technical sekretariat of the National Council of Water, in co-operation with the Ministry of Health and Environment Protection, shall determine state standards of water quality for human consumption. Any natural or juridical person, public or privat that offers or sells potable water to the public or for food processing shall be obliged to guarantee determined requirements of state standards for human consumption.

2. Communes, municipalities and any other public or privat institution that have their own water supply sistem are obliged to take measures for a regular control of distributed water. The water authorities may order interruption of water distribution which does not meet the quality standards.

3. Not a single natural or juridical person has the right to intervene in the public water supply sistem with exception of bearers of a permit or concession issued for this sistem.

DISCHARGES AND SEWAGE

Article 27

Shkarkimi i lëndëve me ujë

1. Discharges in the water, ground, underground or in holes shall be done on permit, authorization or concession issued by the authority of the basin.

2. The National Water Council and the Ministry of Health and Environment Protection co-operate for the determination of standards and requirements on the various types of discharging activities.

Article 28

Sewage

1. The sewage network will be planned as such to dispose rapidly and to discharge in the proper places, away of human residential areas, sewages generated by the

households.

2. The construction of sewage network [sewer] will be in that manner that avoids the possibility of discharges, which it disposes to their final destination, to be the cause of infection of superficial and subterrenean waters as well as the sea water. Construction of sewer will be object of a concession given by the water authorities and always in compliance with legal provisions.

3. The water authorities may impose placement of sanitary installations in the existing buildings as many times as hygienic conditions require it.

4. Anyone may take the responsibility of the collection, transportation, processing and discharging in proper places of sewage. The construction of plants and necessary installations for such operation is object of the concession issued by the water authorities.

5. No one has the right to intervene in the sewage network except of the concessior directing this activity.

Article 29

Single and collective discharging system

When a few persons use a collective discharging or sewer system, responsible against water authorities is the entity that utilizes the sewer or discharging system. In the case of a single discharger, the discharger is personally responsible against the water authorities either this be or not a dweller.

Article 30

The control of cleaning plants

The water authorities have the right of direct or indirect responsibility on the use of sewage cleaning plants in those cases when the bearer of the permit, authorization or concession is incapable or refuses to fulfill the permit, authorization or concession terms. The bearer of the permit is obliged to pay to the water authorities all dues deriving from works:

- a) to correct or modify the plant as specified in the permit, authorization or concession;
- c) Due payments rezulting from utilization and maintanance of the plant.

CHAPTER VIII

PERMITS, AUTHORIZATIONS AND CONCESSIONS FOR THE DISCHARGE

Article 31

Common provision for permits, authorizations and concessions

1. The application for permits, authorizations and concessions for discharge should contain in details criteria that will be filled in by the discharger as set forth in the

regulations in force. They will include a description of the cleaning plant, equipments and monitoring procedures to ensure its correct functioning as well as any limitation placed on the chemical and bacteriological content of the discharge.

2. The characteristics of the permits, authorizations and concessions of discharge shall be the same with those of water use. In any case they will include terms related to processing, monitoring and signalling plants as well as decide on the effluents standards.

3. Permits, authorizations and concessions for discharge shall be subject of payment for administrative expenses and shall be filed in the register of permits, authorizations and concessions for discharge

4. Permits, authorizations and concessions for discharge shall be issued after approval from the specialized ministries charged on this activity by the Council of Ministers

5. Permits, authorizations and concessions for discharge activities that may cause infiltration or accumulation in time of the substances in superficial waters, natural or artificial beds, aquiferous layers or subterrenean waters shall be issued only after a comprehensive study conducted within a year from the date of application for a discharge permit. The study will be conducted by the qualified institutions appointed by the Council of Ministers and after this study has confirmed that no degradation in the quality of the water reserves will happen, the authority shall issue the permit, authorization or concession for this activity.

6. The re-use of used waters is object of the administrative permits. In case when the re-use of waters will be performed by a different subject with the first user, both users must be provided with separate permits. The National Council of Water shall determine rules for the direct re-use of used waters based on the cleaning processes, quality and the purpose of use of these waters.

Article 32

Administrative permits

Administrative permits for construction, modification or transfer of enterprises or industries that may discharge used waters and sewage shall be issued only with the condition of in advance provision of the license, permit, authorization or concession for discharge.

Article 33

Rejection of permits, authorizations or concessions

Water authorities have the right of rejection of permits, authorizations and concessions for industrial activities and processes, the discharges of which, apart of treatment or processing constitute a serious risk for pollution of the water reserves, ecological system and the environment.

Article 34

Modification of permits

The Council of aquiferous basin shall forward a recommendation to the higher organ in relation to temporary or permanent suspension or modification of the permit, authorization or concession, when is under the competence of this organ, if the circumstances in which is based the [permit, etc] issue have changed, or new circumstances are created, which, if existed in the time of issuance, would have caused in rejection of the permit or issuance of the permit with other terms and time limits.

Article 35

Interruption of activities

Water authorities have the right to order the immediate interruption of all activities from which result unauthorized discharges in the damage of public interest.

Article 36

Payments for administrative expenses

Unauthorized activities of discharge shall be subject of payments for administrative expenses according to criteria and tariffs determined by the Council of Ministers.

CHAPTER IX

HARMFUL EFFECTS OF WATER

Article 37

General provisions

The National Council of Water in co-operation with relevant organs shall formulate projects and programs including irrigation plans and practises of plants cultivation, drainage, protection of rivers banks and reforestations to avoid the harmful effects of water.

Article 38

Floods

1. The water authorities impose, within areas undergoing floods all the necessary measures to ensure people and property. In cases of massive floods, the water authorities may order execution of emergency works authorizing and officially requesting all equipments and necessary materials for this purpose from the water users.

2. Any natural or juridical person shall be obliged to collaborate with the basin council against floods and other harmful effects of water in accordance with definitions of Article 2, paragraph 17.

Article 39

Flooded lands

1. Lands that may be flooded during spill over from the normal bed of lakes, basins, reservoirs, rivers, streams and other flows shall preserve their previous legal status. In special cases NCW places limitations on the use of flooded areas that are under the harmful effects of water, when these jeopardise the life of people and the property of citizens.
2. In the areas threatened by floods shall be prohibited the storage of materials and matters that may diffuse in water. Shall be prohibited also to construct new objects in these areas.

CHAPTER X

PROTECTED AREAS AND SURFACES

Article 40

Sanitary protected areas

1. Aiming at the preservation of the water quality around the source, sanitary protection areas are set around the superficial or subterranean water sources serving for drinking water supply of the urban and rural population. The borders of these areas will be defined according to drafted regulations by the technical secretariat of the NCW with the relevant health care organs.
2. The protection areas will be composed of:
 - a) An immediate protection area, which is placed under the control of the agency dealing with production and distribution of the drinking water. This area shall be encircled.
 - b) A vicine protection area within which shall be prohibited to construct buildings, establish industry, to perform agricultural and livestock activity, to drill wells, to excavate canals, to deposit or discharge waste, sewage, toxical and chemical substances, to use chemical fertilizers and pesticides, to bury human and animal bodies.
 - c) A far protection area within each the activities defined in letter "b" shall be object of administrative permits.
3. Natural and juridical persons, whose interests are indemnified by the establishment of protected areas shall be compensated according to laws in force.

Article 41

Emergency protection areas

Protected areas or zones may be defined and established by the water authorities at any time that the superficial or subterranean sources are seriously endangered in quantity or quality, when conflicts among water users arise, or when there exist the

risk of diseases spread. The regime of these areas or surfaces as well as their limitations shall be determined on basis that change case by case.

Article 42

Water reserves

On the proposal of the basin Council and the approval of the NCW, certain areas, basins, part of basins, water flows, rivers, etc. may be declared areas of a special protection due to their natural features or ecological interest. The regime of management and protection of these areas shall be determined by separate by-laws.

Article 43

- **Co-ordination of urban study plans with those of water reserves**

Urban plans and studies shall be obliged to take into consideration water reserves plans drafted by the NCW.

Article 44

Lands covered by water

Wetlands or areas flooded outside the beds according to definitions in Article 2, paragraph 2, 3 and 4 including even those artificially created, are lands covered by water. Defining their borders shall be done by the NCW. All activities that perform or impact on these lands shall be subject of permits, authorizations and concessions.

Article 45

Health hazardous areas

NCW in co-operation with relevant health care and environment protection organs shall define health hazardous areas, which are declared as harmful for public interests and decides for the drying up of the lands covered by water.

CHAPTER XI

PROTECTION OF COASTS

Article 46

Temporary protection

Temporary protection activities may be executed by juridical persons, public or private in cases of emergenc. These activities are executed on permit of water authorities.

Article 47

Protection of coasts

Protection of coasts through constructions and barricade maintenance, coating works and other technical measures and works those biological inclusive is a public duty.

Article 48

Construction activities on the coasts

Objects serving the protection of the coast as well as wall and other works in the coast such as: bridges, stairs, fences, wiring or tube lines, column buildings, trenches and roads may be constructed, modified or pulled down only by permits of water authorities.

Article 49

Prohibited activities in coasts and beaches

1. In coasts and beaches shall be prohibited:

- a) To change or do remove the vegetative or artificial cover;
- b) To mine inerts (sand, gravel, stones, etc.) or soil;
- c) To construction parking places for water means and vehicles;
- ç) To establish dry places for nets;
- d) To excavate, drill or cause washing.

2. The water authorities have the right that through provisions to regulate, limit or stop the utilization of the beach, of the sea bottom, of dunes, of slope coasts and of any other surface that is established for the protection and maintenance of the coast, when this is a requirement of the safety and maintenance of the coast.

CHAPTER XII

WATER WORKS AND OBJECTS

Article 50

Construction

1. Construction of works and objects for utilization of water reserves and for prevention of harmful impact of water shall be object of administrative permits or concessions when these are within the framework of public services.

2. Within fifteen (15) days from the termination of work, the natural and juridical person, author of the construction must notify water authorities that have issued the authorization or concession, that the latter shall conduct the final inspection of this water work or object.

Article 51

Powers [competencies] of water authority

1. The water authority has the power to impose installation of equipment for controlling and water measurement in a private land as well as servitudes necessary to enter in such installations; for the preparatory work and construction; to control operation in the deadlines determined in the permit and the maintenance of objects of hydor-technical works, as well as to impose the placement of tubes for transportation of drinking water or of the sewer.

2. The water authority conducts periodic controls of the objects and water objects. For this the persons authorized by him have the right of inspection of works and objects and to request the data and the documentation related to them.

CHAPTER XIII

USERS AND DISCHARGERS ASSOCIATIONS

Article 52

Users and dischargers associations

All users of water and other state or private juridical persons that use water from a single source or discharge sewage or used waters (industrial, agricultural, etc.), establish users and discharger associations

Article 53

Procedures for establishment of associations

The establishment and registration of water users and dischargers associations shall be done according to legal provisions and by-laws.

CHAPTER XIV

SERVITUDES

Article 54

Servitudes

Land owners or tenants shall solve their problems related to servitudes in accordance with definitions set forth in the Civil Code.

Disagreements sourcing from servitudes, when not solved between parties shall be

subject of the competence in the court.

Article 55

Activity in the coasts

In the private and state estates opposite to the banks of rivers, streams, canals, lakes, basins, reservoirs, coastal lagoons and seas shall be compulsorily left aside:

- a) A free surface of land in width from 5 up to 20 m from these coasts, according to the definitions no. 5/a of Article 2 of this law, for public use. The width of such surface can be further extended to the vicinity of the rivers delta, to the narrow suburbs of the reservoirs, or when topographical and hydrological conditions of the rivers, lakes or reservoirs makes this necessary to ensure people and wealth. Activities in these areas shall be determined with provisions by water authorities.
- b) In a surface of land in width from 100 m up to 200m according to the definitions no. 5/b of Article 2 of this law, in which any performed activity shall be determined by the water authority.

Article 56

The rights of neighbour owners of lands

The owner of land, in which the servitude has been places, can offer to take part in the construction of water works on such land. In this case it will be at his costs the following:

- a) A part of construction expenses of the work from which he profits from;
- b) Expenses for modifications that may became necessary by the use of the servitude right;
- c) A part of expenses for utilization and maintainance of the works.

CHAPTER XV

FINANCIAL PROVISIONS

Article 57

Payments of tariffs [fees] for water use (the price of water)

1. The Council of Ministers shall determine the amounts to be paid for water use for various purposes. In the decision the Council of Ministers takes into consideration, but does not limit to these factors:

- a) The kind of water that is requested for use;
- b) The purpose of water use;
- c) The season of the year during which the water is used;
- ç) The quantity of taken water;
- d) If the water to be used is for consumption or not;
- dh) The line between the expenses of planning, construction, utilization, maintainance and amortization of water objects and estimated revenues for the user of water form

the use of this water object;

e) Compatibility of the plants for treatment and disposal of water after use, in the sense of the impact on the health of people, the quality of water and the environment.

2. The Council of Ministers, on the proposal of water authorities, may exclude from payments certain natural or juridical persons, state or private, when this exclusion serves better to the public interest.

3. The payments for fees of water use shall be collected by the water authorities.

Article 58

Payments for administrative expenses

Any one applying for a permit, authorization or concession for the use or discharge of water, or a permit or concession for the construction of water objects or works according to this law, shall pay for administrative expenses. These payments shall be collected by the water authorities.

- The financial means that generate from these payments and from the fees for water use shall be appropriated only for the purposes of utilization of water reserves nationwide, as well as for study work, keeping of statistics, water registers, estate registration, measures for protection from floods, enlargement and maintenance of water reserves and other necessary investments in the field of water use.

Article 59

Financial incentives

1. The central government may grant financial incentives in the form of loans, exception from taxes and payments of fees for water use, those that engage in studies or technology development, processes, installations and new equipments, which bring the reduction of water use or consumption, or reduction of percentage of pollutants in the water. The financial incentives may be granted even to those that support and alert reforestations and take other measures for the protection of water sources.

2. These incentives may be extended widely to those that engage in desalting activities and treatment of sewages, by using improved processes and methods or by installation of systems of water recirculation or engage in research activities in this field.

CHAPTER XVI

BREACHES AND SANCTIONS

Article 60

For breaches defined in Article 14, in paragraph 1, letters a, b, c, ç, d, dh, e and ë the contravener shall be punished with a fine up to one million ALL.

Breaches defined in paragraph 2 of this Article, paragraph a and b, as well as in Article 26, paragraph 3, shall be punished with a fine up to two millions ALL.

Article 61

For breaches defined in 15 the contravener shall be fined with a fine up to one million ALL.

Article 62

For breaches defined in Article 17, letters a, b, c and d the contravener shall be punished with a fine up to one million ALL.

Article 63

For breaches defined in Article 20, the contravener shall be punished with a fine up to 500 thousand ALL and the sequestro of his activity means.

Article 64

For breaches of Article 22 the contraveners shall be punished with a fine up to 100 thousand ALL and with the suspension of activity till the renovation of the terms of permit or authorization. In the case of concessions it shall be acted as per the terms determined in the concession contract.

Article 65

For breaches defined in Article 24 the contraveners shall be punished as below follows:

Paragraph 1 – with a fine up to one million ALL and with confiscation of means and equipment of activity.

Paragraph 2 – with a fine up to one million ALL.

Paragraph 3 (violation of the time limit) – with a fine up to 100 thousand ALL, and in case of repetition up to one million ALL.

Paragraph 4 – with a fine up to 500 thousand ALL, and in case of repetition up to 500 thousand ALL and with a suspension of the activity for a 2 months period of with anulment of the permit.

Article 66

For breaches defined in Articles 27, paragraph 1, and 28, paragraph 5, the contravener shall be punished with a fine up to 500 thousand ALL.

Article 67

For breaches of Articles 40, paragraph 2, paragraph a, b and c, the contravener shall be punished with a fine up to 100 thousand ALL and when this breach constitutes a criminal violation shall be forwarded for criminal proceeding.

Article 68

For breached defined in Articles 48, 49 and 50 the contraveners shall be punished with a fine up to 200 thousand ALL and with suspension of activity.

Article 69

Against decisions of water authorities organs may appeal in the district court within five days from the receipt of the decision from water authorities. The decision of the court is final.

Article 70

Regulation of activities executed prior of entry into force of this law

The natural and juridical persons that exercises activities on water reserves, or use inerts in conformity with Article 20, on basis of a permit or authorization provided prior of entry into force of this law, may continue to exercise the activity determined in the permit or authorization renewing these permits within 60 days from the date of establishment of basin Councils.

Article 71

When the administrative permit or authorization issued prior of effective date of this law is contrary to the provisions of this law, it shall be annuled, provided but without rejection of the right of bearer to apply for a new permit or authorization.

Article 72

The Council of Ministers is responsible to enact by-laws in application of this law.

Article 73

In the Albanian Mining Law No. 7796, dated 17. 2. 1994, Article 3 and Article 75, words "sand, gravel" and in the fourth group of table "A" of minerals group words "sand, gravel and coarse sand" are removed.

In the Law No. 7846, dated 21. 7 .1994 "On construction, management and maintenance of irrigation and drainage systems", in Article 8 the second paragraph is removed.

All provisions contrary to this law are repealed.

Article 74

This law is effective 15 days after publication in the Official Journal.

Promulgated with decree no.1469, dated 18.4.1996 of the President of the Republic of Albania, Sali Berisha.

L A W
No. 8375 dated 15. 07. 1998

ON
AMENDING THE LAW No. 8093 DATED 21.03.1996
“ON WATER SOURCES”

Based on article 16 of the law No. 7491 dated 29. 04. 1991 “On basic constitutional provisions”, upon proposal of the Permanent Commission of Industry, Public Works and Transports,

The People’s Assembly of the Republic Of Albania

HAS DECIDED:

Article 1

To make an amendment to Law No. 8093 dated 21.03.1996 “On Water Sources” by adding the following sentence at the end of Article 15:
“This requirement does not apply to the Public Hydro-Geological Service”.

Article 2

This law enters into force 15 days after it’s publication in the Official Gazette.

- **Ratified by Decree No. 2165 dated 23. 07. 1998 of the President of the Republic of Albania, Rexhep Meidani**

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**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 8605 dated 20. 04. 2000**

**CONCERNING
SOME CHANGES AND ADDITIONS IN THE LAW No. 8093 DATED 21.
03. 1996 "ON WATER RESERVES"**

Based upon article 78 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

To make the following changes and additions to Law no. 8093 dated 21. 03. 1996 "Concerning water reserves":

Article 1

Add three paragraphs to article 61 reading as follows:

"For infringements prescribed in article 14, point 1, letter "h"; in articles 20 and 24, paragraphs 1 and 2 and articles 47, 48, 49 and 50 of this law the infringer is punished by the Chair of the local Construction Police depending on the gravity of the infringement with:

- a) fines up to 500 leks;
- b) suspension of the activity up to 60 days;
- c) confiscation of tools and machines and the stock of solid material, whether concentrated or given out.

Construction Police are entitled to propose to the competent authority withdrawal of the professional license and the permit of the entity infringing upon the above mentioned provisions.

The decision of the Chair of the local Construction Police is appealed with the Construction Police Director within 5 days from the date of decision's communication or notification.

Article 2

Article 69 is changed as follows:

"The decision of the water authority and the decision of the Director of the Construction Police may be appealed at the first tier local court within 10 days from the date of the communication of the decision.

The unappealed decision of the water authority or the Construction Police becomes an executive title.

Institution of legal proceedings against the decision of the water authority or

the Director of the Construction Police does not obstruct its execution.

Should the courts rule against this decision, the damaged side is entitled to indemnification of damage by the structure having made the decision.

In case of repeated administrative infringements; in cases of decisions by the water authority or the Construction Police not appealed; and in case of court ruling in favor of such decisions, sequestration of the work machines and tools and of the stock of the material, concentrated or fractioned, is effectuated.

Fines and expenditures borne by the water authority and the structures of Construction Police should be paid by the infringer within 5 days from the day of communication of decision or from the day the decision of the court becomes final.

Except for cases described in paragraph six of this article, the sequestration imposed on these means and materials, is lifted only after the infringer has cleared the fine and refunded the expenses borne by the water authority and the Construction Police.

For every day of delay the infringer is obligated to pay 2 per cent interest, up to one month. Fines and refunds are paid in the account of the fining subject."

Article 3

At article 60, sanctions will not apply over infringement described by article 14, point 1 letter "h".

Article 4

At Chapter XVI, the articles 63, 65 and 68 are withdrawn.

Article 5

This law enters into force 15 days after its publication in the Official Journal.

CHAIRMAN
Skënder Gjinushi

REPUBLIC OF ALBANIA

THE ASSEMBLY

L A W

No. 8736 dated 1. 02. 2001

CONCERNING

SOME CHANGES AND ADDITIONS TO LAW No. 8093 DATED 21. 03. 1996 "ON WATER RESERVES", CHANGED BY LAW No. 8605 DATED 20. 04. 2000

Based on articles 78 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

Article 1

Add article 64/1 after article 64 of Law no.8093 dated 21. 03. 1996 "On water reserves" reading as follows:

"For violations described in article 24, the violators are punished:

a) For point 3 (deadline infringement) with a fine of up to 100 thousand leks and in repeated infringements up to 1 million leks;

b) For point 4, with fines up to 500 thousand leks and in case of repeated infringement with suspension of the activity for 2 months, or withdrawal of the permit".

Article 2

At article 1 of the law no. 8605 dated 20. 04. 2000 the following change is made:

Letter "a" of the second paragraph of article 61 is changed as follows:

"a) A fine of up to 1 million and 500 thousand leks."

Article 3

This law enters into force 15 days after its publication in the Official Journal.

CHAIRMAN
Skënder Gjinushi

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• **REPUBLIC OF ALBANIA**
ASSEMBLY

L A W
No.8906, dated 6.6.2002

FOR PROTECTED AREAS

In reliance with Articles 78, 81 paragraph 1 and Article 83 paragraph 1 of the Constitution of the Republic of Albania and on the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

Article 1

Object of the Law

- The object of this law is the declaration, preservation, administrations, management and usage of protected areas and their natural and biological resources; the facilitation of conditions for the development of environmental tourism, for the information and education of the general public and for economic profits, direct or indirect, by the local population, by the public [state] and private sector.

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Article 2

Purpose of the Law

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- 1. The purpose of this law is to provide special protection of important components of natural reserves, of biodiversity and the natural, as a whole, through the establishment of protected areas.

- 2. Protected areas are set to provide the preservation and regeneration of natural habitats, of species, of natural reserves and landscapes.

- 3. This law regulates the protection of six (6) categories of protected areas, applied in the territory of the Republic of Albania. The categorization of areas, status and level of protection for each area is based on the criteria of World Center of Nature Conservation.

Article 3

Definition of Terms

Within the meaning of this law:

- 1. "Protected areas" shall be declared land, water, sea and coast territories assigned for protection of biodiversity, cultural and natural properties, co-accompanies, which is managed by legal manners and with scientific contemporary methods

- 2. "Biological diversity" (hereinafter "biodiversity") means the genetic variety

of species and ecosystems.

2.1 "Genetic variety" means the entirety of genes within population (populations) of a given species, wild or domestic. It includes various populations of the same species or genetic variability within a population.

2.2. "Variety of species" means the entirety of species, of plants and animals.

2.3. "Variety of ecosystems" means the entirety of types of ecosystems.

3. "Territorial System of ecological sustainability of a landscape" is an inner integrated complex of changed and natural ecosystems, capable to preserve natural sustainability.

4. "Bio-center" (the center of biodiversity) is the part of the landscape where long term conditions for reproduction and life activities of organisms and their natural community development are provided.

5. "Bio-corridor" (biological corridor) is the segmentation of the landscape that connects the bio-centers and enables the migration of organisms and their communities, as well as the exchange of genetic data between them.

6. "Habitat" is the environment of some botanical or animal individuals, of their populations or communities.

7. "Landscape" is a part of the territory (including marine and coastal spaces), with special relief characteristics formed by a functional integrated complex of ecosystems, including as well elements of civilization.

8. "Cave", according to this Law, is a hollow/subterranean space more than five (5) m in length, created in natural conditions under the activity of factors of inorganic origin.

9. "Vertical cave" means a vertical subterranean space that is deeper than five (5) m.

10. "Natural waterfall" means relief where water, under the activity of nature forces, without the interference of man, falls into its own river bed from a height no less than one (1) m.

11. "Canyon" means a deep mouth with perpendicular hill slopes created by physical- natural processes on base of which generally run superficial waters.

12. "Important element of the landscape" is a part of the landscape with environmental, geo-morphological or aesthetic values that holds a typical view of the landscape or helps in its ecological sustainability.

13. "Buffer area" is the limited space, [located] in the outskirts of the protected area that serves for the prevention or bumper of harmful ecological impacts in the environs and important elements of a protected area.

14. "Ecosystem" is a unit that consists of interaction of organisms with their environment.

15. "Protected area administration" is the state organ charged for the protection and administration of a certain protected area.

16. "Environmental permit" is an official document that is issued by the environmental authority for social and economic activity which impact or may impact the environment as per the requirements provided for in the legislation for the environment.

17. "Representative network of protected areas" consists in the system of protected areas in the Republic of Albania and within it ecosystems, habitats and major country representative landscapes are selected.

18. "Ecological network" makes up the system of protected areas, known on

the basis of their representative network and connected with bio-corridors. Ecological networks can be local, regional and inter-regional systems.

19. With "favorite status of protection of an ecosystem, habit or landscape" is implied the following:

a) Natural extensions and surfaces within this expanse are sustainable and in growth;

- b) The structure and special functions, which are necessary for the long-term maintenance, exist and may continue to exist in the near future;
- c) Its own typical species owing a favorite protection status.

• **Article 4**

Categories of Protected Areas

1. Important or endangered parts of the territory shall be declared protected areas, according to the following categories:

- a) Strictly natural reserve/scientific reservation/ (Category I);
- b) National Park (Category II);
- c) National Monument (Category III);
- ç) Natural managed reservation/area of management of habitats and species (Category IV);
- d) Protected Landscape (Category V);
- dh) Protected area of managed resources/protected area with multi-purpose utilization (Category VI).
- 2. A buffer area may be declared around a protected area.
- 3. For each category of protected areas shall be applied a certain level of protection.

• **Article 5**

Strictly Natural Reserve

• 1. Territories no less than 50 hectares with special natural values, formed by natural or easily changeable ecosystems, which represent bio-centers and bio- corridors of a national and regional importance, shall be declared strictly natural reserve.

• 2. Within the strictly natural reserve is applied the first level of protection where shall be prohibited:

- a) Cutting of trees and bushes
- b) Utilization of chemicals and chemical fertilizers;
- c) Construction of any kind;
- ç) Mining of minerals and peat;
- d) Hunting and fishing;
- dh) Light of fires;
- e) Grazing, domestic animals' passage and construction of objects for their shelter;
- è) Establishment of recreational, amusement and sports complexes;
- f) Passage through paths except of the landlord or the person that uses the land;

- g) Circulation with vehicles of any kind with the exception of the vehicle of protection of reservation administration and the fire brigade;
- gj) Sailing in boats, canoe and other means of sailing;
- h) Intensive reproduction of hunting animals.
- 3. Buffer area of strictly natural reservation may be declared the territory surrounding the reservation, 100 m width from the reservation border.
- 4. Any other activity to be performed in the reservation or in its buffer zone shall apply for environmental permit.

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Article 6

National Park

- 1. Wide territories no less than 1000 hectares, having unique national and international values, a major part of which are natural ecosystems, little affected by human activity, where plants, animals and natural physical environment are of a special educational and scientific importance shall be declared national park.
- 2. Within the national park is applied the second level of protection where shall be prohibited:
 - a) Land use with intensive technology, with means and manners that cause fundamental changes in biodiversity, structure and functions of ecosystems or that damage irreversibly the land surface;
 - b) Neutralization of wastes of an origin outside the territory of the national park;
 - c) Dissemination of non-country animals and plants in case when they bring changes in the area biodiversity;
 - ç) Intensive reproduction of hunting animals with exception of saving reproduction;
 - d) Construction of roads, motor-ways, railways, urban areas, lines of high voltage and long distance systems of diesel and gas;
 - dh) Washing and sprinkling of roads with chemicals;
 - e) Planting on forests with only one kind of trees;
 - ë) Light of fires outside the perimeter of assigned places;
 - f) Circulation of means of transport out of the roads;
 - g) Hunting with poisoned food;
 - gj) Mining of minerals, stones, peat, with exception of gravel and sand for the maintenance of the park;
 - h) Massive sports and tourism activity outside the defined places;
 - i) Organization of rallies with automobiles and motorbikes.
- 3. Within this area shall be performed only upon receipt of environmental permit, activities that aim at:
 - a) The change of natural state of water reservations, sources, lakes and wetlands systems;
 - b) Establishment and functioning of plants for military and protection purposes;
 - c) Scientific, research and monitoring programs;
 - ç) Scientific, research, archeological, paleontological activities and to carry such discoveries.

- d) Utilization and temporary storage of agricultural chemicals;
 - dh) Any other activity that is not prohibited explicitly by the paragraph 2 of this Article.
4. The park protection administration may approve:
- a) Grazing and passage of domestic animals and establishment of huts or temporary settings for their shelter;
 - b) Placement of data and advertisement boards, of signs and posters;
 - c) Sailing in boats, canoe and other means of sailing;
 - ç) Non-military flights with helicopters, balloons, delta planes, etc;
 - d) Circulation and parking of vehicles out of the roads and parking places;
 - dh) Mountain climbing, skiing, camping and light of fire outside the defined places;
 - e) Planting of trees, fruit-trees, seeds and fungi.
 - ë) Performance of activity of seasonal tourism structures which does not ultimately occupy land.
- 5. When the park protection administration notices that the purpose of declaring the park a national park has been infringed may limit or stop temporarily the circulation of vehicles, hunting and fishing and any other permitted activities.
6. Buffer area of national park may be declared the territory surrounding the park, 50 m width from the park border.

Article 7

Natural Monument

1. Natural formation (including peculiar trees) of a surface up to 50 hectares, particular geological and geo-morphological formation, a mineral deposit or a rare and endangered species or of a special, scientific, aesthetic value and importance shall be declared natural monument.
2. Within a natural monument shall be applied the first level of protection.
3. In compliance with the level of protection of the area the Minister of Environment in co-operation with the Minister of Territory Adjustment and Tourism and the Minister of Local Government and Decentralization, shall approve separate rules for the passage of visitors (tourists) effective for a short period of time.

Article 8

Caves as Natural Monument

1. Caves shall be declared natural monuments.
2. Entering into caves, exploration and study of caves shall be made with permit from the Ministry of Environment which is granted on the proposal of the respective local authorities to specialized scientific institutions and non-for profit organizations, in compliance with their recommendations.
3. The discovery of new caves and the results of their exploration shall be notified in detailed reports to the Ministry of Environment. The Ministry [of Environment] delivers a copy of the report to the Academy of Sciences, universities, interested non-for profit organizations and to the respective local authorities. The explorers shall be acknowledged and provided to the right of exploration authorship.

4. Caves may be visited, utilized for curative and tourism purposes only after been adapted for such activities on authorization and under supervision of regional environmental agencies and relevant tourism structures of the local government. State or private subjects provided with environmental permit may perform preparation and utilization of the caves. The Council of Ministers shall determine rules, criteria and procedures, the rights and obligations for giving in use of caves. Exploration, authorized entry and any utilization of caves shall provide their protection and neatness, conservation of micro climate, water regime, ecosystems, geological and geo-morphological features, of archeological and paleontological discoveries and of the creatures.

5. For caves, canyons and waterfalls shall be applied the first level of protection.

6. Caves, canyons and natural waterfalls are not encircled with buffer areas.

Article 9

Managed Natural Reservation (Area of management of habitats and species)

1. Territories that represent bio-centers and bio-corridors of local or regional importance or areas with plants, animals, minerals and paleontological discoveries, in particular protected or areas that are utilized for study, educational and cultural purposes shall be declared natural managed reservation (area of management of habitats and species)

2. Within the area of management of habitat and species is applied the third level of protection:

a) Change of natural state of water reservations, resources, lakes and wetlands systems;

b) Chemicals storage;

c) Circulation and parking of vehicles out of the roads and parking places;

ç) Collection of plants, minerals, paleontological discoveries and stones;

d) Establishment and functioning of plants for military and protection purposes;

dh) Placement of data and advertisement boards, signs and posters with exception of those that indicate the objective of reservation protection;

e) Mountain climbing, skiing, camping and light of fire outside the defined places.

3. Activities set forth in paragraph 2 of Article 5 of this Law and any other activity, which is not prohibited by this Article, shall be performed upon receipt of environmental permit.

4. Buffer area of management of habitats and species may be declared the territory surrounding the area of management of habitats and species, 50 m width from the area border.

5. As for the tourism utilization of natural formations of this reservation, the Minister of Environment and the Minister of Territory Adjustment and Tourism as well as the Minister of Local Government and Decentralization shall approve sustainable and controllable rules for passage of visitors (tourists) only for limited period of time observing protection measures of third level.

Article 10

Protected Landscape

1. Territories larger than 1000 ha, of a harmonious and well-formed landscape of a developed characteristic relief, of a variety of ecosystems, marine or ground, of historical monuments shall be declared protected monument.

2. Within a protected landscape is applied the fourth level of protection where shall be prohibited:

- a) Planting of forest with only one kind of trees;
- b) Neutralization of waste and light of fires outside the perimeter of assigned places; c) Dissemination of animals and non-county originated plants;
- ç) Hunting with poisoned food;
- d) Construction of motorways, sailing canals and urban areas;
- dh) Circulation with vehicles out of roads. This rule shall be not applied for state vehicles and agricultural and forestry machinery, fire brigade vehicles, ambulances, water management and veterinary services machinery;
- e) Organization of rallies with vehicles, motorbikes and bicycles.

3. Activities that change the utilization of territory, constructions, use of chemicals and pesticides, treatment of sewage waters in farms for areas larger than 2 hectares and any other activity which is not prohibited explicitly by paragraph 2 of this Article shall be performed only upon receipt of environmental permit and been approved by the Territory Adjustment Council of the Republic of Albania.

Article 11

Protected Area of Managed Resources

1. Areas which include wide, relatively remote and uninhabited territories difficult to access or regions which are still less inhabited and been under continuous pressure to be populated and utilized widely and where their transformation for intensive use is unclear or inadequate shall be declared protected areas of managed resources.

Limited access to these areas means that these areas normally will require control, which will be dependant of pressures to access and utilize the area.

2. This category may be used even for those protected areas by legislation but not been used yet for any reason.

3. Within a protected area of managed resources shall be applied the fourth level or protection.

Article 12

Forests, Waters and other Natural Properties within Protected Areas

1. Forests [located] in protected areas shall be excluded from classification as forests for utilization.

2. Management of forest and forest property, of waters and water property, as well as other properties in state ownership located inside a protected area shall be performed by the administration of area protection. The administration such activities

shall exercise directly or through an authorized subject.

3. Where these properties are in private ownership they shall be managed and utilized by the owner and legal user provided that this management is in compliance with area management plan approved by the Ministry of Environment.

4. Provisions for interventions against bugs and diseases that cause damages in forests or water of protected areas shall be applied only with approval of administration of the respective area and in the level determined by it.

Article 13

Declaration and Management of Protected Areas

1. Declaration of a protected area and of its buffer area shall be made by decision of the Council of Ministers on the proposal of the Minister of Environment upon receipt of opinion from local government organs, specialized institutions, non-profit organizations and from private owners in case their estate are included in the protected area.

2. Council of Ministers approves the procedures for proposal and declaration of buffer and protected areas. The Ministry of Environment shall prepare them [the procedures] in reliance with criteria of biodiversity convention, relevant guidelines of European Union and national environmental plans and strategies.

3. Any natural or juridical person shall have the right to ask for the Ministry that his own private territory or part of own natural objects to be declared or included in one of the categories of protected areas.

Article 14

Declaration of Protected Areas

1. The proposal to declare a protected area at least shall include the following:

a) Justification for the establishment of a protected area, how it supports objectives of administration plan of representative network of protected areas, advantages and disadvantages of a protected area establishment and proposed category of protection;

b) The results of consultation process with civil society stakeholders, in particular the approval by the local municipality within and around the proposed area including received comments and reflection into the proposal;

c) A physical observation of the proposed place;

ç) An environmental impact assessment including activity processes and categories, which can threaten the biodiversity and other features of proposed location including the surrounding areas;

d) An observation of the social and economic impact on local population that includes the utilization of proposed area and the potential impact of protected area in this utilization;

dh) A description of compensative measures that might deem necessary to be taken in order to address the transfer of property and the rights of usage of biodiversity elements.

2. State organs shall take temporary measures for protection and

administration case by case.

Article 15

Management Plans of Protected Area

1. The Ministry of Environment, other state organs and local government or in collaboration with third parties shall prepare management plans for each protected area.

2. All management plans of protected areas, which are not prepared by the Ministry of Environment, shall be endorsed by this Ministry in order to assure conformity with objectives of this law or of other related laws.

3. Management plans of protected area will be incorporated in governmental policies, plans and programs related to it as well as in the national, regional or local decision-making.

4. Management plans of protected area will include at least the following:

- a) Objectives of management of protected area;
- b) Mechanisms and direction authority either of the Ministry of Environment or of the other state organs or of other organizations or natural and juridical persons;
- c) Processes and categories of activities which threaten or are menacing to the protected area and its surrounding areas inclusive;
- ç) Regulatory or administrative measures necessary to avoid or lessen the identified threats;
- d) Permitted activities within the protected area;
- dh) The right [adequate] activities for surrounding areas including buffer areas and beyond;
- e) Conditions for control of tourism and other services;
- ë) Data on former ownership of the ground and rights to use biodiversity elements within it including traditional lifestyle of population or local community;
- f) Conditions to develop traditional lifestyle activities, of the area or of the biodiversity elements within it provided that they do not oppose [contradict] with objectives of administration of protected area;
- g) Conditions to share profits from establishment and administration of protected area, in particular with local communities and populations;
- gj) Conditions for scientific research, inventory and monitoring;
- h) Financial resources those profitable inclusive;
- i) Any other special conditions for the mentioned area.

5. Management plans of protected areas will be revised and elaborated periodically in compliance with time needs.

Article 16

Duties of Ministry of Environment for Declaration of Protected Areas

1. The Ministry of Environment shall:

- a) Formulate and publish plans of areas which will be declared protected after receipt of opinion of local government organs;
- b) Give public notice for the approved protected areas, natural monuments, protected trees, specially protected species of plants and animals, mining and

paleontological discoveries determining in details conditions for their protection;

c) Approves and announces plans for management of protected areas as well as programs for protection of particularly endangered species of plants and animals, for water sources and artificial and natural lakes in these areas.

2. Plans of managements and programs of protection shall be formulated in collaboration with managing institutions and owners of objects located in protected areas.

3. Owners and users of land which will be declared a protected area as well as any individual or authority having interest in the area shall have the right of objection the objective to declare [that area] a protected area. Objections shall be submitted in writing to the Ministry of Environment within thirty (30) days from the date of objective announcement.

4. The Ministry of Environment shall review objections in a month and notify interested [parties] about the decision taken. Against the Ministry decision the interested [parties] have the right of appeal in the district court within 15 days.

5. From the notification of the plan about declaring a territory a protected area until entry into force of the decision which declares that [territory] a protected area, owners and users of land, forests, pastures shall be prohibited to intervene or damage the state and natural values of the territory been proposed for protection.

Article 17

Implementation of Management Plan

1. Management plans and protection programs shall be implemented by the administration of area protection.

2. To follow up implementation of management plans in protected areas shall be established management committees. Composition, functions, duties and responsibilities of these committees shall be determined by decision of Council of Ministers.

3. To implement management plans institutions public or private, juridical persons local or foreign, non-for profit environmental organizations may be engaged applying rules and procedures of competing and bidding.

Article 18

Ownership in Protected Areas

1. Protected areas shall be declared territories that are public, municipal, communal property and in special cases private property.

2. Owing to special interest of nature and biodiversity protection in composition of protected areas shall be included private lands, forests, pastures, etc, in any case with the consent of the owner.

3. Territories and private objects, included in protected areas shall remain private property. They shall be administered and used by the owner or by the legal user only according to requirements of management plan of the area, endorsed by the Ministry of Environment.

4. Owners of the property of which is included within the territory of protected area after entry in to force of this law shall have the right of administration and use of

their property in accordance with requirements of management plan. In case owners disagree they shall have the right of compensation in value or in taking another land or may sell their land to the state in conformity with legislation in force.

5. Natural monuments been public property are not transferred.

Article 19

Users of Protected Areas

1. Owners of the property of which is included within the territory of protected area as well as users of this property participate in planning, protection and use of natural resources of the area. They shall be obliged to collaborate with administration of the area and implement with exactness rules, management plans and programs drafted for sustainable development of the area.

2. Activities and constructions in protected areas shall be performed only in conformity with requirements of this law, in compliance with management plan and upon receipt of environmental permit. Constructions completed or in progress contrarily with this law shall be subject of Law no. 8405 dated 17.9.1998 "On Urban Planning" and its amendments.

3. Social and economic activities, projects that aim to be implemented in a protected area shall be provided with environmental permit, upon submission of relevant study and the complete report on environmental impact assessment.

- 4. All state, private and tourism construction shall be made on the basis of studies and general adjustment plans endorsed by the Territory Adjustment Council of the Republic of Albania.

5. The administration of protected area, environment inspectors, local government organs in collaboration with the State Police and with Construction Police shall halt implementation of projects and activities with impact on environment and that in contradiction of management plan of area.

6. Juridical and natural persons, that perform permitted activities within the territory of protected areas after entry in force of this law shall be obliged to enter into a contract with managing institutions in order to exercise their activity, giving relevant payment [to managing institutions].

Article 20

Monitoring of Protected Areas

1. Ministry of Environment shall formulate objectives of monitoring of protected areas, direct their organization and realization and elaborate and publish monitoring results.

2. In the implementation of monitoring programs the Ministry shall engage public or private institutions in compliance with rules and procedures of competing and bidding. Subject been engaged in monitoring shall submit to the Ministry the monitoring results.

- 3. Subject that performs permitted activity in protected areas shall be obliged to monitor in accordance with requirements of area monitoring program and publish the results [data] of this monitoring.

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Article 21

Filing and Marking of Protected Areas

1. Ministry of Environment shall determine the manner of marking protected areas in the field and on the maps.

- 2. For marking of protected areas shall be used the emblem of the Republic of Albania.

3. Ministry of Environment shall notify respective geodesic and mapping organs about any declaration, change or removal of status of any protected area.

4. Protected areas shall be filed in the central filing system of the Ministry of Environment, which will be created using the data of relevant state institutions and other specialized institutions.

5. Ministry of Environment shall formulate and endorse rules for establishment, functioning and use of central filing system.

6. The central filing system is open to the public and any one can access it upon permit and in presence of an authorized officer.

Article 22

- **Removal and Change of the Status of Protected Area and its buffer zone**

1. The status of protection of a protected area shall be taken away or changed, according to this law when circumstances and objective of giving such status have changed.

2. The ending of status of a protected area shall be made on decision of Council of Ministers upon collection of opinions from specialized institutions, local government organs, non-for profit organizations and from owners when their estates are part of a protected area.

3. Ending of status of a protected area shall end the existence of its buffer area, too.

4. Proposal for ending the status of a protected area shall include the following:

a) Justification for status ending;

b) Environmental impact assessment that reflects the impact on the existing categorization of the protected area, biodiversity and local communities or populations;

c) The description of bumper measures;

ç) Results of processes of co-ordination and consultation with civil society stakeholders particularly with populations or communities within and around the protected area including comments and reflection on the proposal.

Article 23

Protected Area Administration

1. State authority charged with administration of protected area (administration of protected area) shall be established by decision of Council of Ministers.

2. Composition, duties, responsibilities and functioning of administration of any category of protected area shall be approved by the Council of Ministers.

3. With entry into force of this law the already established structures of administration of protected areas shall be gradually taken over by institutions determined in accordance with paragraph 1 of this Article.

4. Ministry of Environment upon approval by the Council of Ministers may take over in administration-protected areas and under its authority the area administration.

Article 24

The Right of Visit in Protected Areas

Any one shall have the right of visit in protected areas provided that he shall honor legal rights of the owner or user of the land, legal obligations deriving from this law, rules set by the area protection administration and any other laws, which set forth legal obligation for property protection.

Article 25

Activities in Protected Areas

1. Within protected areas may be performed economical, social, tourism, research and scientific, etc in accordance with requirements of this law.

2. Central government and local government organs shall promote and support initiatives, projects, programs and activities aiming at improvement of natural and ecological indicators of a protected area or positively impact on these indicators.

• 3. Within protected areas activities may be performed only upon prior provision of environmental permit or upon approval of area protection authority in cases when this is an explicit requirement of this law.

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Article 26

Objectives of Representation Network of Protected Areas

General objectives of representative network shall be:

a) to preserve directions of present and future development of the country through conservation and when necessary through restoration of ecosystems, habitats and representative landscapes as well as integration of their management into government policies, plans, programs and activities at national, regional and local level;

b) To provide sustainable use of biodiversity elements through inclusion of local communities in decision-making and any other activities related to protected areas, inclusive of defining and marking of areas, formulation of integrated management plans and direction of protected areas.

Article 27

Development, Planning, Co-ordination and Direction of Representation

Network

1. Ministry of Environment shall co-ordinate the establishment of representative network of protected areas.
2. Planning, co-ordination and direction of representative network shall be specified in a management plan of the network which shall periodically be elaborated and be in disposal of state organs and civil society.
3. Management Plan of representative network shall contain the following:
 - a) Network objectives;
 - b) Each protected area share of contribution in achieving objectives of representative network and objectives of ecological network;
 - c) Lack of coverage of all valuable areas from representative network;
 - ç) Action plan to implement and further develop the representative network.
4. Budgets supporting the establishment of representative network as well as those supporting protected areas shall be provided from state financial resources and from donors.

Article 28

General Provisions for Protected Areas

The establishment of protected areas shall be made in conformity with management plan of representative network of protected areas and ecological network management plan of the country.

Article 29

Objectives of Ecological Network

Albanian ecological network shall be established to maintain or restore a favorable protection status of ecosystems, habitats and landscapes.

Article 30

Elements of Ecological Network

The following forms ecological network:

- a) Its own central area of world, regional and national importance for protection of biodiversity, which include half-natural and natural habitats and landscapes. The central area includes elements of representative network of protected area;
- b) Corridors to improve the connection of central areas supporting movement of species;
- b) Restoration and rehabilitation areas;
- ç) Buffer areas to support and protect ecological network from outer impacts and where within these areas shall be promoted ecological and sustainable development.

Article 31

Development, Planning, Co-ordination and Direction of Ecological Network

1. Ministry of Environment shall co-ordinate the establishment of ecological network.
2. Planning, co-ordination and direction of ecological network shall be specified in a management plan of the network which shall periodically be elaborated and be in disposal of state organs and civil society.
3. Management plan of the network defines:
 - a) Network objectives;
 - b) Contribution share of each element of network to achieve such objectives;
 - c) Network deficiencies;
 - ç) Action plan to achieve objectives.
4. Management plan of network shall be endorsed by decision of the Council of Ministers.
5. Government policies, plans and programs as well as decision-making at national regional and local levels shall assure the integrity of ecological network.

Article 32

Sanctions

1. Violations of provisions of this law, which does not constitute criminal offense, shall constitute administrative contravention.
2. Types of contraventions and measures as well as authority observing contraventions and decide on relevant measures shall be determined by decision of the Council of Ministers.

Article 33

By-laws

- The Council of Ministers and relevant ministries are responsible to enact by-laws in application of this law.
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Article 34

Abolitions

- Articles 12, 20 paragraph 2, 37 paragraph 2 and 41 of Law No.7623, dated 13.10.1992 "On Forests and Forestry Service Police", as well as Articles 8 letter "c", 10 and 13 of Law No.7875, dated 23.11.1994 "On Protection of Wild Fauna and Hunting" are repealed.
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Article 35

This law is effective 15 days after publication in the Official Journal.

- **CHAIRMAN**
Servet Pëllumbi



REPUBLIC OF ALBANIA
THE ASSEMBLY

L A W
No. 9103, date 10.7.2003

ON THE PROTECTION OF TRANSBOUNDARY LAKES

Pursuant to Article 78 and 83 point 1 of the Constitution, at the proposal of the Council of Ministers,

- **THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:**

CHAPTER I

GENERAL DISPOSITIONS

Article 1

The law objective

This law aims at the environmental protection of the transboundary lakes in their natural state, guaranteeing the appropriate conditions for the development of life and ecosystems in these lakes, through the promotion of useful activities in compliance with the requirements of the sustainable development principle and stopping of activities that threaten them.

Article 2

Definition of terms

When interpreting this law:

1. "Lake administration" is the state administration created for the protection and management of the lake as a protected area.
2. "Habitat" is the term defined in Point 6 Article 3 of the Law no. 8906, date 6.6.2002 "On Protected Areas".
3. "Border of the general volume" is the volume of waters, taken from the lake, without creating problems to its water balance.
4. "Transboundary lakes" are natural reserves located in the border between the Republic of Albania and neighbouring countries.
5. "Watershed" is the Albanian part of the watershed, where waters flow naturally towards the lake.
6. "Lake user fee" is the payment that legal and physical persons, public or private, Albanians or foreigners pay for their activities in the lake or its shores. This fee does not include the fee for water usage.

Article 3

Scope of the Law

This law is implemented in the transboundary waters and their respective watersheds of:

- a) the Albanian part of Shkodra Lake;
- b) the Albanian part of Ohrid Lake;
- c) the Albanian part of Prespa Lakes.

CHAPTER II

PROTECTION OF TRANSBOUNDARY LAKES

Article 4

Protection

1. All legal and regulatory acts on environmental protection issued in the Republic of Albania, as well as the international conventions, protocols and agreements that the Republic of Albania is a party to are obligatory to be enforced.

2. All

a) physical and legal persons, public or private, Albanians or foreigners, who use water, natural and biological assets of the lake and its watershed or exercise various activities in them;

b) physical and legal persons, public or private, Albanians or foreigners, whose activities are undertaken in the watershed and who can cause damages to the lakes through their activities,

are obliged to protect the transboundary lakes and implement the provisions of this law.

Article 5

Duties of state bodies

The Ministry of Environment, in cooperation with the relevant central and local state bodies and water authorities, and each of them in its direction organize the work for the environmental protection of the transboundary lakes, control the implementation of this law obligations and participate in:

a) the development and implementation of the management plans of transboundary lakes;

b) the development and implementation of special monitoring programs;

c) the development and implementation of the local plans for the rehabilitation of contaminated or damaged parts of the transboundary lakes;

ç) the creation of the contemporary legal framework for their management and environmental protection;

d) ensuring of and efficient use of the necessary financial means;

dh) the continuous control to ensure the conservation of the natural state of the

transboundary lakes and their flora and fauna.

Article 6

Legal Protection

1. The transboundary lakes and their respective watershed should be under the special protection of the state, because they are unique ecosystems of international values. This can be done by proclaiming them protected areas, based on the law no.8906, date 6.6.2002 "On protected areas" and law no.8093, date 21.3.1996 "On water reserves", as well as on other international environmental conventions, which the Republic of Albania has adhered to.

2. To ensure the unique protection of the whole ecosystem, the proposal for proclaiming every lake as a protected area, should take into account the status that the other part of the lake in the neighbouring country enjoys.

Article 7

Elements of the protection

The environmental protection of the transboundary lakes is achieved through:

- a) strict enforcement of the relevant legal frame;
- b) implementation of scientific, technical, technological, chemical, biological and statistical methods which ensure the quality and quantity of the natural indicators of waters for the protection and promotion of the survival of biodiversity;
- c) development and implementation of the management plan, including all the environmental components and activities that will be implemented in waters, fishery, forestry, agriculture, tourism, communication and industry;
- ç) development and implementation of the concrete monitoring programs;
- d) strict implementation of the requirements of the sustainable development principle;
- dh) ensuring of and fruitful use of the financial means.

Article 8

Lakes Administration

1. Lakes administrations will be established for the management and environmental protection of the transboundary lakes, as protected areas. They will be dependent on the relevant regions (regions).

2. The composition, functions, responsibilities and duties of the administration will be defined by a Council of Ministers' Decision, at the joint proposal of the Minister of Environment, Minister of Agriculture and Food, Ministry of Territory Adjustment and Tourism and Minister of Local Government and Decentralization.

3. The representatives of business community of the watershed and environmental non-profit organizations participate in the meetings of the local government bodies, where decision on lakes and their respective watersheds are taken.

Article 9

Regulatory framework

The lake administration prepares special regulations, necessary for the management and protection of the watershed and submits them for approval to the respective Qark Council.

Article 10

Ownership

1. The Albanian water part of the lakes is public immovable and mortmain property.

2. Immovable private properties like the agricultural land, refused lands, sites, meadows, forest pastures and forest lands, included in the lake watershed remain as such, even after its proclamation as protected area. Their owners enjoy all the rights guaranteed to them, by the Constitution and the relevant legislation.

CHAPTER III

USE AND EXPLOITATION

Article 11

Implementation of the sustainable development requirements

1. In implementing the requirements of sustainable development in the transboundary lakes, their shores and watersheds, the physical and legal persons, public or private, Albanian or foreigners undertake economical, commercial, tourism, social, sportive, scientific research activities, provided that they all are in compliance with the status of watershed protection and do not risk its biodiversity.

2. The activities of point 1, under this article can be implemented only when:

- a) they obtained an environmental permit;
- b) they are approved by the relevant central and local bodies;
- c) they are undertaken in consistence with the requirements of the watershed management plan.

3. The agricultural activities of the farmers that live in the territory of the lake watershed should take into account the requirements of the watershed management plan, particularly as regards land protection and use of chemicals.

4. Urban development and tourist constructions should be based on the local construction tradition and realized in consistence with the requirements of the watershed management plan.

Article 12

Use of lake waters

- I. Transboundary lake waters can be used only in a controlled way and within

the scientifically defined levels, without damaging the natural conditions and their biological and ecological balances.

2. The aims of the use, the quantities and usage regime for each concrete case should comply with the agreements with the neighbouring countries on lake problems.

Article 13

Scientific research activities

1. The scientific research activities in transboundary lakes are implemented with the approval of the Regional Environmental Agencies (REAs) of the relevant Qark or of the Ministry of Environment. By a special regulation, the Minister of Environment classifies the scientific research activities that will be approved by the REAs and those to be approved by the Minister of Environment.

2. The scientific research institutes and other interested institutions or groups of researchers submit the activity programs they tend to undertake and on this bases, the approval of the activity is issued.

3. At the end of the scientific research activity, a final report is prepared, a copy of which should be handed over to the Ministry of Environment, which respects the copyright and preserves the confidential character of the report.

Article 14

Prohibited Actions

1. The following actions are prohibited in the transboundary lakes and in their watersheds:

- a) dumping or disposal of hazardous substances and wastes;
- b) untreated waste water discharges, urban, industrial, agricultural and human;
- c) depositing and dumping of wastes of any kind;
- ç) construction and use of waste and mining or processing industrial waste dumping sites close to them;
- d) cement constructions on the lake shores, which interrupt the multiple communications of the water with the land;
- dh) construction of buildings, installations and any other engineering platform in the shores or within the restricted area where construction is prohibited;
- e) excavation of sand, gravel and any other material from, lake shores or shallow waters, as defined in the amended law no.8093, date 21.3.1996 "On water reserves";
- ë) opening of quarries, construction of lime ovens, installation of asphalt-cement plants close to urban areas and in sites which damage the landscape of the zone;
- f) lake water exploitation without permitting and contrary to the conditions provided in the permit;
- g) uncontrolled cutting of trees and forests
- gj) inappropriate utilization and burning of pastures;
- h) undertaking of fishery and hunting activities not within the approved seasons

and with means and manners prohibited by law.

i) collection of medicinal, tanniferous and ether-oil plants with prohibited means and methods and in the prohibited periods.

j) collection of snails, frogs, tortoises, and reptiles with prohibited means and methods and in the prohibited periods.

k) seizing of rare and endangered fish, animal and bird species for trading purposes;

l) introduction to the lake and watershed of fish, animal, bird or plant species which are not authentic. .

2. The Council of ministers, at the proposal of the minister of Environment, approves the stopping of other activities in the transboundary waters, which may be encountered in the future practices.

CHAPTER IV

ENVIRONMENTAL PERMIT

Article 15

Environmental permit

1. The activities in the transboundary lakes, including construction, sportive, tourist, horticulture, aquaculture and hydrometeorological works can be implemented, only after they are issued an environmental permit and meet the conditions, defined by the Ministry of Environment, Water Authority, Council of Territory Adjustment of the Republic and local Territory Adjustment Councils.

2. The projects and activities that ask to be implemented in the transboundary waters, prepare the detailed report of the environmental impact assessment (EIA).

3. The development strategies and plans for various economical and social sectors, whose implementation will also cover transboundary lakes are subject the strategic environmental assessment, prior to their approval and implementation.

Article 16

Tariffs

1. Besides the administrative expenses for obtaining the environmental permit and other relevant licenses, the physical or legal person who will develop an activity in the transboundary lakes or on its shores, should pay the lake use fee. The fees are collected at the account of the local governments bodies and are used for the lake protection and rehabilitation. These fees are collected by the water authority.

2. The Council of Ministers , at the joint proposal of the Minister of Environment, Minister of Finance and Minister of Territory Adjustment & Tourism approve the tariff scales, specified according to the type of the activity

CHAPTER V

MONITORING AND MANAGEMENT

Article 17

Monitoring

1. Transboundary lakes and their watersheds are subject to the continuous monitoring to keep under control their quality and biodiversity.

2. The monitoring program of the transboundary lakes is part of the National Environmental Monitoring Program. It is prepared and implemented under the guidance of the Ministry of Environment, in cooperation with Directorate General of Forestry & Pastures (DGFP), Fisheries Directorate and other specialized agencies. There is a special program for each transboundary lake.

3. The monitoring programs include:

- a) identification of the indicators to be measured;
- b) identification of measurement methods and methodologies;
- c) frequency of measurements;
- ç) methods and methodologies of analyses and data review and processing to achieve scientific conclusions;

d) definition of rules and procedures for the monitoring expertise;

dh) approval of registers, which reflect the monitoring data.

4. Physical and legal persons that have been issued the environmental permit for implementing activities in the lakes, their shores and watersheds are obliged to monitor their own activity, according to the monitoring program, register the data in their individual register and publish them not less than once in three months. The expenses for the monitoring of the activity are borne by the physical or legal person himself.

5. The environmental Inspectorate and the administration for the protection of the zone, control the monitoring data register and when they are suspicious on their reliability, they order the monitoring expertise, The expenses for the expertise are borne by the physical or legal person himself.

Article 18

Inventory

1. The inventory of species and their habitats in the transboundary waters and watershed is prepared so that they are protected from endangerment or extinction and continue their normal life. Based on the inventory, a program of action and measures for the biodiversity and habitat protection is drafted and implemented.

2. The inventory is prepared under the supervision of the lake administration and with the participation of the specialised bodies and institutions and environmental non-profit organizations.

3. The Minister of Environment approves by a separate regulation, the rules, criteria, methodologies and standard documents for conducting the inventory, which are prepared by the specialized scientific institutions.

Article 19

Filing

1. The regional filing is established for flora and fauna species of each transboundary lake, as part of the National Filing. The Filing is scientific documentation where the whole lake and watershed biodiversity is reflected. It is open for the public.

2. The criteria for the drafting of the establishment of the filing system, management and utilization rules will be processed by specialized central and local bodies and approved by a regulation of the Minister of Environment.

3. The administration of lake protection proposes, on case by case bases, to the Minister of Environment, National Water Council, DGFP, Forestry Department and local government bodies, temporary or permanent measures to enhance biodiversity protection.

Article 20

Management

1. The management of transboundary lakes is realized on the bases of the management plans prepared by the Ministry of Environment, in cooperation with relevant ministries, local government, research institutions and environmental non-profit organizations.

2. The management plans of transboundary lakes include:

a) objectives of lake management;

b) identification of duties and responsibilities of various state bodies, research institutions, environmental organizations and local communities for the management and protection of lakes.

c) threatening processes and activities to the lakes;

ç) measures to mitigate or reduce the identified threats;

d) permitted activities in the lakes, their shores and watersheds;

dh) terms for tourism and other services controlling;

e) terms for the continuity of the traditional activities of the local inhabitants;

ë) terms to share with the local communities the benefits from the proclamation and management of lakes as protected areas;

f) terms for scientific research, inventory and monitoring;

g) financial sources, including those that generate income;

gj) other special conditions for a certain lake.

The management plans should comply with the international conventions on the lake protection and management, as well as be in compliance with the agreements signed with the neighbouring countries.

3. The conditions and criteria of the management plans are obligatory for all physical and legal persons, public or private, Albanian or foreigners, whose activities are implemented in the lake and in the watershed area. The lake administration, REA, Directorate of Forest Services, Directorate of Fishery, Water Authority and the DGFP, each in its own direction, follows the priority implementation of the management plan requirements.

4. The stakeholders in drafting the management plans are obliged to review and update the management plan no later than once in two years. They should notify the neighbouring countries for any change or amendment made.

CHAPTER VI

CONTROLLING

Article 21

Controlling

1. To ensure the implementation of this law and other regulations requirements, the transboundary lakes, their shores and watersheds, as well as the activities that are implemented in them, are subject to a continuous and permanent environmental controlling.

2. The economical, commercial, tourist, social and sportive activities exercised in the lakes, their shores and watersheds, are comprehensively controlled, to investigate the potential adverse effects on the environment and particularly to assess the compliance with the requirements of the environment and other permits, issued to them, in accordance with the legislation in force.

3. The controlling is exercised by the Water Authority, lake administration, Environmental Inspectorate in cooperation with the Inspectorate of Fishery, Construction Police, Forest Police and Municipal Police, as well as by the agencies that have licenced these activities, according to the competences provided by law.

4. Within five days from the finalisation of the controlling, the Environmental Inspectorate publishes the results and measures to be taken for the improvement of the situation.

CHAPTER VII

SANCTIONS

Article 22

1. When the violations of this law provisions constitute a penal act, the Environmental Inspectorate and the lake administration can open a case for penal prosecution.

2. The following violations, when not constituting a penal act, are referred as administrative contraventions:

- a) undertaking of prohibited actions, defined in point 1, Article 14 of this law;
- b) exercising of activities without environmental permit;
- c) non-compliance with the terms and requirements defined in the environmental permits;
- ç) contamination and damages of the lake waters, by discharging into them, liquid, solid, and gaseous discharges, which damage water quality, biodiversity and beaches, is punished by a fine and licence revokation.
- d) violation of the requirements and rules for the operation of plants and installations for the treatment and purification of the waste water in the area, and for processing and disposal of solid waste;

- dh) failure to monitor the activities implemented;
- e) failure to keep monitoring registers;
- ë) failure to provide and publish the monitoring data;
- f) failure to notify the population of the water contamination, caused by discharges above admissible levels, potential health risks and protective measures to be taken;

Article 23

1. For the administrative contraventions, defined in Article 22, fine penalties are imposed as follows:

- a) for letters "dh", "e", "ë" and "f" from 100 000 up to 300 000 lekë;
- b) for letters "b", "c" and "d" from 300 000 up to 500 000 lekë;
- c) for letters "a" and "ç" from 500 000 up to 1 000 000 lekë.

2. Besides the fine penalties, the Environmental Inspectorate can decide on the temporary or permanent closing down of the activity, depending on the level of pollution and damage caused.

Article 24

Complaint

1. The complaints relating to the decision of the Environmental Inspectorate can be made, within 10 days from the date the announcement or notification of the decision is taken at the Minister of Environment. The Minister responds in writing within 15 days from the depositing of the complaint.

2. The complaint against the decision of the Minister of Environment or when he does not respond within the timeframe of 15 days can be made within 30 days at the district court where the contravention has occurred.

Article 25

Transition and final dispositions

1. In compliance with the requirements of Article 6 point 1,8, Article 14, point 2, Article 16 point 2 of this law, the Council of Ministers is charged with the issuing of by acts and regulations.

2. The Council of Ministers is charged with the definition of the technical, administrative and financial measures to remove within 2004, from Lake Ohrid Watershed the dump of iron-nickel waste.

Article 26

Entry into force

This law enters into force 15 days after its publication in the official gazette.

**Chairman
Servet Pëllumbi**

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**DECISION
No. 80 dated 18. 02. 1999**

**ON
DESIGNATION OF PRESPA AS “NATIONAL PARK” AND OF
POGRADECI AS “PROTECTED LANDSCAPE AND WATER SCAPE”**

Based on article 100 of the Constitution of the Republic of Albania and article 12 of the Law No. 7623 dated 13.10.1992 "Concerning forests and Forest Police" as well as article 10 of Law No. 7875 dated 23.11.1994 "Concerning the protection of wild fauna and hunting", upon proposal from the Ministry of Agriculture and Food,

The Council of Ministers

Has decided as follows:

1 – The territory of Prespa e Madhe and Prespa e Vogel representing a surface of 27750 ha is hereby designated "NATIONAL PARK" of second management category (IUCN).

a – The area of extension of the Prespa "Natural Park" includes:

- Agricultural land (arable, vineyard, orchard)	2100 ha
- Forest land and forest vegetation	13500 ha
- Pasture and meadow land	1828 ha
- Body of water	4950 ha
- Non-production surface, construction plots, etc.	5372 ha

b – Prespa "National Park" borders:

- on the North	State boundary with FYROM
- on the East	State boundary (FYROM-GREECE)
- on the South	State boundary with Greece, separation water straight up to Wolf's Mouth, Mount of Golina (1456 m), Mount Ivan (1768 m), Zvezda Neck (1 099m).
-on the West	Quotas 1461 and 1589 m, Besheniku Mount, (1411 m), Shulleri Mount (1226m), Mount of Fusha e Madhe (1430 m), Murati Mount (1520 m), Pass of Kotodeshi, Pass of Thana.

2 – The National Environmental Agency (NEA) and the General Directorate of Forests and Pastures (GDFP) are hereby charged to submit for review of the Commission for Territorial Regulation of the Republic of Albania the study "Preservation of Biodiversity in the Ohri and Prespa region".

This decision enters into force immediately.

PRIME MINISTER
Pandeli Majko

DECISION
No. 88 dated 01. 03. 1993

ON

- **DESIGNATION OF TOURISM PRIORITY AREAS**

Pursuant to Law No. 7665 dated, 21. 03. 1993 “On development of tourism priority areas” and upon proposal from the Minister of Tourisms,

The Council of Ministers

• HAS DECIDED AS FOLLOWS:

1 –The following are designated as areas having tourism their development priority:

1.1 – on the coast:

1.1. A – The Adriatic Coast

- Velipoja, in the region of Shkodra;
- Boundary territories of the Bay of Drin, Lezha region;
- Boundary territories of the Bay of Rodon, Lac region;
- Boundary territories of the Bay of Lalzi, Durres region;
- Boundary territories of the Bay of Durres, Durres and Kavaja regions;
- Spille, Kavaja region;
- Divjaka territories, including the lagoon of Karavasta, Lushnja region;
- Territories of Pojan on the beach of Seman, Fieri district;
- Territories of Pishë Poro in Zvernec bordering on the Bay of Vlora.

1.1. B. – The Ionian Coast

Vlora region

- Karaburun Peninsula,
- Grama Beach;
- Palasa,
- Dhërmi,
- Jala,
- Himara,
- Boundary territories of the Bay of Spile,
- Boundary territories of the Bay of Palermo,
- Qeparo,

Saranda Region

- Borsh,
- Piqeras,
- Lukova,
- Boundary territories of the Bay of Kakome,
- Boundary territories of the Bay of Saranda,
- Ksamil,
- Boundary territories of the Bay of Butrinti,
- Cape of Stillo.

1.2. Lake-side

- The bank of the Shkodra Lake from Zogaj to Koplik in the regions of Shkodra and Malesia e Madhe;
- The bank of the Fierza Lake, Kukesi region;
- The bank of the Ohrid Lake from Lin to Tushemisht in the region of Pogradeci;
- The bank of the Prespa Lake from Kallamasi in Liqenas, in the Korca region;
- The bank of the Lake of Butrint in the region of Saranda.

1.3. Mountainous Parts of the Country

- Valbona, in the region of Tropoja;
- Boga, Thethi, Razma, in the region of Malësia e Madhe;
- Shishtavec, in the region of Kukës, (the entire area of birch trees and fir trees)
- Lura, in the region of Diber,
- Tërbufi – Livadh Kabashi, in the region of Puka,
- Qafshatama in the region of Kruja,
- Dajti Mountain in the region of Tirana,
- Gjinari, in the region of Elbasan,
- Mountain of Lenia in the region of Gramsh,
- Voskopoja and Dardha in the region of Korca,
- Leskovik – Ersekë, in the region of Kolonja,
- Llogara in the region of Vlora;
- Uji i Ftohtë, (Cold Water point) in Tepelena.

1.4. Grounds designated by competent authorities to set up tourist structures in the cities or points that are considered as:

1.4. a. Tourist Centers:

Durrës, Vlorë, Sarandë, Pogradec, Shëngjin.

1.4. b. Business and Transport Centers

Tiranë, Korçë, Shkodër, Elbasan, Tepelenë.

1.4. c. Museum and Historic Centers

Lezhë, Krujë, Berat, Gjirokastrë.

1.4. d. Cure Tourism

Thermal Waters of Peshkopia;

Thermal Waters of Bilaj (Kruja region);

Thermal Waters of Elbasan;

Thermal Waters of Vromoneros (region of Kolonja).

2 – Based on the Strategy for the Development of Tourism, the Ministry of Tourism is hereby charged to prepare the program of designing city planning studies for zones relying on tourism as a development priority within the date of 15. 03. 1993.

3 – Based on the program designed by the Ministry of Tourism, the Ministry of Construction, Housing and Territorial regulation is charged to take steps to conclude the city planning studies by the governmental and private institutions, as follows:

3. a. Study and endorsement of boundary lines for areas that rely on tourism as their development priority, within the date of 30.04.1993 (for lake and continental zones).

- Relative to coast areas, Decision No. 321 dated 20. 07. 1992 on the determination of the boundary coastal line will apply.

3. b. Study of the existing situation of the zones that have made tourism their development priority featuring constructions, necessary infrastructures, arable lands, hunting zones, natural parks, environmental pollution and possible water and electricity supplies, as well as the compilation of an album until 31.08.1993.

3. c. Study on above mentioned zones with regard to construction grounds and capacities within the date of 31.12. 1993, phased in line with the priorities set by the Ministry of Tourism.

4 – The district councils and the municipalities of cities in which jurisdictions there are zones that have defined tourism as their development priority are hereby charged to take measures to respond in time to requests for information or available studies as may be necessary to complete the studies mentioned in point 3 of this decision.

5 – Any ministry or central institutions is hereby charged with timely dispense of requests for information or available studies that may be necessary for the completion of studies carried out in point 3 of this decision.

6 – The Ministry of Economy and Finances is responsible for ensuring the funding for preliminary studies.

This decision enters into force immediately.

**CHAIRMAN
OF THE COUNCIL OF
MINISTERS
Aleksandër Meksi**

**DECISION
No. 266 dated 24. 04. 2003**

**CONCERNING
THE ADMINISTRATION OF PROTECTED ZONES**

Based on article 100 of the Constitution and article 23 of Law No. 8906 dated 6. 06. 2002 “On Protected Zones”, upon proposal from the Minister of Environment, the Minister of Agriculture and Food, and the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1. Concerning national parks and natural reservoirs under administration (protected zones of categories II and IV); the General Directorate of Forests and Pastures must define appropriate protection administration structures from among the staff of its affiliates in the regions. The number of employees for such zones is deliberated in conjunction with the Ministry of the Environment subject to such criteria like status of the zone, level of protection to be delivered, etc.

• 2. Employees in charge of the administration of protected zones are under the dependence of the General Directorate of Forests and Pastures and subject to the same remuneration scale as that of the employees of forest service directorates at the region level.

3. The administrations of protected zones are responsible also for nature's monuments in the region, notwithstanding the fact that they may not be located in the jurisdiction of the protected zones.

4. The administration of the protected zone is charged with the following tasks and duties:

a) administration of the protected zones;
b) guarding of the protected zones (police function);
c) oversight of the implementation of the zone's management plan;
d) oversight of the implementation of annual monitoring and bio monitoring plans in conjunction with institutes and structures specialized to monitor and publish environmental data;

e) design of regulation for the administration and protection of the area and the regulation for local fishing and hunting; for the protection of forests, pastures, medicinal plants where such plants there are.

f) in cases of infringements, administering and collecting fines;
g) collecting tariffs from the utilization and exploitation of protected zones;
h) liaising with users of all such facilities and objects;
i) controlling visitors and users;
j) requesting the use of appropriate instruments from subject who use and/or utilize protected zones;

k) building the regional environmental index, as part of the national index;
l) ensuring the efficient use of funds for the protected zone;
m) publishing annually the information on the condition of the zone;
n) instituting effective book keeping on activities, investment and scientific research carried out in the protected zone;

o) preparing the annual report on the condition of the zone and submits it to the Ministry of the Environment, the General Directorate of Forests and Pastures and the local government structures;

p) interacting with scientific research institutions, environmental NGO-s and the community for the protection of the zone and the conservation of its biodiversity;

q) holding awareness and publicity campaigns and events in conjunction with the local government, research institutions, educational and cultural structures, environmental NGO-s and local communities: preparation of publications to disseminate the values of the protected zone;

r) coordinating the celebration of environmental days and events that relate to the specific protected zone;

5. The Ministry of the Environment and the General Directorate of Forests

and Pastures are charged to implement this decision.

This decision enters into force following its publication in the Official Journal.

**PRIME MINISTER
FATOS NANO**

D E C I S I O N
No. 267 dated 24. 04. 2003

**CONCERNING PROCEDURES REGULATING PROPOSAL AND
DECLARATION OF PROTECTED AND BUFFER ZONES**

Based on article 100 of the Constitution and point 2 of article 13 of Law No. 8906 dated 6. 06. 2002 "On protected zones" upon proposal from the Minister of Environment and the Minister of Agriculture and Food, the Council of Ministers,

- **HAS DECIDED AS FOLLOWS:**

1. To endorse procedures for regulating proposal and declaration of protected and buffer zones as follows:
 - a) The Ministry of the Environment compiles the plans for the declaration of protected zones. The plans should define the zones to be placed under protection, the conditions, boundaries and proposed scale of protection for each one of them.
 - b) The plan is compiled in conjunction with the Ministry of Agriculture and Food, the Ministry of Territorial Regulation and Tourism, the respective local governments, scientific-research institutes and environmental non-profit organizations.
 - c) Any state structure or institution, central or local, physical or legal person, non-profit organization and/or community has the right to submit to the Ministry of Environment proposals for protected zones, for changes in or withdrawal of the protected zone status, the expansion or reduction of boundaries and the internal zoning of such zones.
 - d) When declaring a protected zone, consideration should be given to the network of protected zones contained in the strategy and the action plan on biodiversity.
 - e) Before publishing the plan on protected zones, a one month lead time should be assigned for suggestions and objections that may be submitted to the Ministry of the Environment.
 - f) Upon expiration of the lead-time, provided there have been no suggestions and/or objections, the plan is considered valid. Based on this plan, the Ministry starts procedures for the preparation and presentation of draft decisions to declare the protected zones.
2. In the case of one zone declared protected, the Ministry should define primarily its status, boundaries and internal zoning, as well as its surrounding buffer zones, the administration staff and line of dependence, opportunities for utilization and exploitation of the zone, revenue that may be created and manner of utilization of such revenue based on regional developmental studies.
3. The Ministry of the Environment publicly announces the endorsed protected zones, natural monuments, protected trees, especially protected plants and animals, mineral and paleontological discoveries while defining in detail the conditions for their protection.
4. In relation to protected zones declared before the entrance into force of Law No. 8906 dated 6. 06. 2002 "On protected zones", the Ministry of Environment in conjunction with the Ministry of Agriculture and Food takes steps to adjust their status in accordance with the requirements of this law.
5. The Ministry of Environment and the Ministry of Agriculture and Food are charged with the implementation of this law.

This decision enters into force following its publication in the Official Journal

PRIME MINISTER

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DECISION
No. 413 dated 22. 08. 1994

ON
DESIGNATING THE LAGOON OF KARAVASTA AND THE PARK OF
DIVJAKA AS SPECIALLY PROTECTED NATURAL ECOSYSTEM FOR
INCLUSION IN THE RAMSAR CONVENTION

- Upon proposal from the Ministry of Health and Environment Protection,
 - **The Council of Ministers**

HAS DECIDED:

1 – To designate the ecological zone of Pisha Divjake – Lagoon of Karavasta as specially protected zone for inclusion in the Ramsar Convention.

2 – The protected zone covers the surface of the National Park (Pisha Divjake) of 1162 hectares, the zone of Kulari of 815 hectares and the lagoon surface of 3967 hectares.

The borders of the ecosystem are:

North	Lumi i Shkumbinit
East	“The border coast line” as approved by the Council of Ministers by Decision No. 321 dated 20.07.1992.
South	“The border coast line” as approved by the Council of Ministers by Decision No. 321 dated 20.07.1992 and the River Seman up to its delta in the Adriatic Sea.
West	the Adriatic Sea.

3 – The western part of the zone of Kulari, north of this ecosystem, is designated a hunting reservoir of the fourth category according to the classification of the International Union for the Conservation of Nature.

The borders of the zone of Kulari are:

North	River of Shkumbin
East	“The border coast line” as approved by Decision of the Council of Ministers No. 321, dated 20.07. 1992
South	National Park (Emissary of Tërbuf)
West	Field of Shëllira e Madhe.

4 – The Ministry of Health and Environment Protection, the Ministry of Agriculture and Food, the Ministry of Tourism and the Ministry of Construction, Housing and Territorial Regulation are hereby charged to define the boundaries of the beach of Divjaka. They are also charged with developing special projects to manage tourist and city-planning issues on this beach for purposes of the conservation of the natural values of the ecosystem.

5 – Fishing in the Lagoon of Karavasta is allowed only in the traditional ways.

6 – The protection and administration of this ecosystem is the jurisdiction of the General Directorate of Forests and Pastures.

An addition of 5 forest inspectors will be made to the staff of the General Directorate

of Forests and Pastures. A budget increase is awarded to this Directorate for the last four months of the year 1994 in the amount of 125.000 leks, which is to come out of the total budget awarded to the Ministry of Agriculture and Food in the year 1994.

This decision takes effect immediately.

CHAIRMAN OF THE COUNCIL OF MINISTERS
Aleksandër Mexsi

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- **DECISION**

- **No. 531 dated 31. 10. 2002**

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- **CONCERNING THE DECLARATION OF THE LEGATINE
COMPLEX OF BUTRINT AND THE SURROUNDING TERRITORIES AS
SPECIALLY PROTECTED NATURAL ZONE AND ITS INCLUSION IN
THE LIST OF LEGATINES OF INTERNATIONAL IMPORTANCE
PARTICULARLY AS HABITATS OF WATER FOWL**

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- Based on article 100 of the Constitution and articles 2 and 4 of the Convent "Concerning legatines of international importance, particularly as habitats for water fowl" upon proposal from the Minister of the Environment, the Council of Ministers,

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• **HAS DECIDED AS FOLLOWS:**

- 1) The natural territory of the legatine complex of Butrint (Lake of Butrint, National Park of Butrint, Cape of Stillos, the islands of Ksamil) are declared specially protected natural zone for inclusion in the list of the Convention “Concerning legatines of international importance, particularly as habitats of water fowl”.
- 2) The boundaries of this zone are:
 - North – Canal of Cuke, the road connecting the village Cuke with Dritas and Pllake.
 - East – Pllake-Murrsi connecting way that passes through the mountain of Mila;
 - South – Murrsi – southern border with Greece;
 - West – from the delta of Bistrice (Cuka Canal) up to the border with Greece, including the islands of Ksamil and Stillos, with an indentation of 1 km seawards of Ion.
- 3) This zone extends over a surface of 13 500 ha, according to the map attached to this decision the central part of which is the Lake of Butrint (1600 ha).
- 4) To ensure protection and sustainable development, the zone is divided into five categories:
 - a) Category “A” are zones central to the preservation of biodiversity and are protected very strictly (418 ha);
 - b) Category “B” includes the entire territory of the National Park of Butrint. These zones are determined as archaeological and cultural heritage zones, (408 ha);
 - c) Category “C” are the zones of natural resources where traditional economic activities take places. These zones require sustainable management of the natural resources, (3060) ha;
 - d) Category “D” are buffer zones with no dwelling sites, where traditional economic activities take place, (8 962 ha);
 - e) Category “E” are buffer zones with a concentration of urban dwelling in which traditional economic activities take place, (652 ha).
- 5) Economic activities in the territory of the legatines are only allowed if they represent traditional traits of the region. Such activities are obligated to preserve environmental values and must develop in accordance with the goals of the zone’s management plan.
- 6) The Ministry of the Environment, in conjunction with the Ministry of Agriculture and Food, the Ministry of Culture, Youth and Sports, local governments and non profit organizations are hereby charged to formulate the zone’s management plan.
- 7) In conjunction with the General Directorate of Forests and Pastures and the Fishing Directorate, the Office of Administration and Coordination of the Antique City of Butrint, Sarande, under the jurisdiction of the Ministry of Culture, Youth and Sports is hereby charged with the zone’s management and with the oversight of the implementation of the management plan in accordance with Law no. 8906 dated 6. 06. 2002 “On protected zones”.

• This decision enters into force following its publication in the Official Journal.

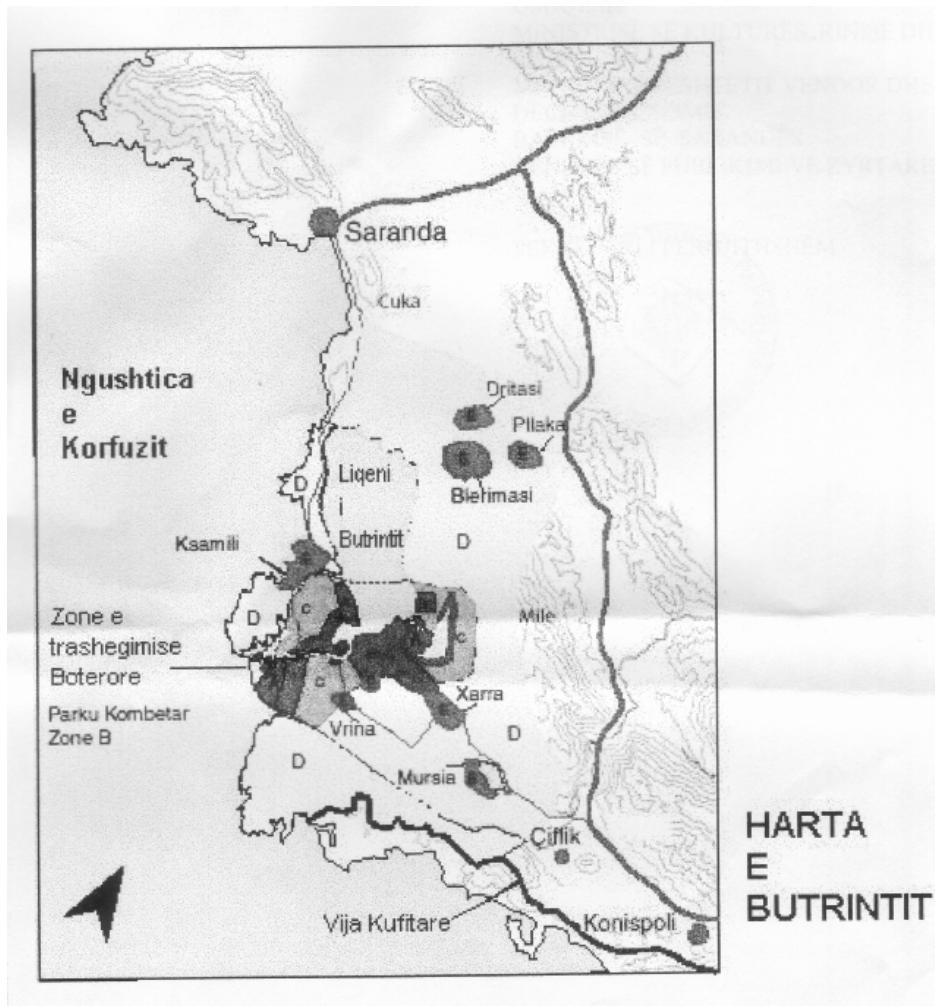
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• **PRIME**

MINISTER

- **Fatos Nano**

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**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

**DECISION
No. 451 dated 16. 09. 1993**

CONCERNING CAVE MANAGEMENT

Upon proposal from the Minister of Health and Environmental Protection, the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1- Explored and unexplored caves in the territory of the Republic of Albania represent nation's natural wealth and are protected and managed by the state.

2- The Committee for Protection and Conservation of the Environment is responsible for cave control. For purposes of carrying out its activity, the Committee works in conjunction with the Institute of Culture Monuments, Archaeological Institute and the karstic and speological organizations.

3- The exploration of caves by institutions or organizations, national or foreign, specialising in caves, is subject to licensing by the Committee for Protection and Conservation of the Environment. In the case of a cave being declared a cultural monument, application for permit should also be filed with the Institute for Culture Monuments.

4- Foreign exploration and research teams visiting Albanian caves are accompanied in their tours by Albanian cave experts.
One group of speologists only is allowed to explore one zone at a time.

5- Tariff for foreign exploration or research teams comprised of up to 10 persons is 20 USD per day spent in the cave. The amount applies to one cave explored or researched per day. In cases of exploring or researching more than one cave per day, the above amount applies for each additional cave explored in a day. The tariff is paid in lek at the account of the Committee for Protection and Conservation of the Environment at the relevant Banks' exchange rate.

6- It is prohibited to take away from the caves any discovered object.

It is prohibited to pollute, discard waste into, or abuse caves in any manner.

7- Tariff revenue generated in accordance with this decision is shared as follows: 70% goes to the Committee for Protection and Conservation of the Environment to raise funds for environmental management and 30% to the state budget.

Funds raised in accordance with point 5 of this decision are used:

- a) To bring caves to such standards as to attract visitors.
- b) To conduct research to discover archaeological objects in the caves.
- c) To procure supplies for cave exploration.

8. The Committee for Protection and Conservation of the Environment is hereby charged to produce detailed rules and regulations to make this decision implementable.

9. The implementation of this decision is entrusted to the Committee for Environmental Protection and Conservation, the Financial Police, and the General Customs Directorate. These authorities in the event of finding out that cave exploration violates the provisions of this decision in any manner, take steps to

redress the situation in accordance with the relevant legal provisions.

This decision enters into force immediately.

**Chairman of the Council of Ministers
ALEKSANDËR MEKSI**

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

**DECISION
No. 365 dated 10. 07. 1995**

**CONCERNING
ONE CHANGE IN THE DECISION OF THE COUNCIL OF MINISTERS
No. 451 DATED 16. 09. 1993 "ON THE ADMINISTRATION OF CAVES"**

Upon proposal from the Ministry of Health and Environmental Protection, the Council

of Ministers,

HAS DECIDED AS FOLLOWS:

Point 5 of Decision of the Council of Ministers No. 451, dated 16.09.1993 is changed as follows:

“Service tariff (for granting license and providing information) for foreign teams comprised of less than 10 people and for period of exploration up to 15 days is set at the amount of 50 USD. For teams comprised of more than 10 persons and exploration periods longer than 15 days, double the amount will apply.

This decision enters into force immediately.

**CHAIRMAN OF THE COUNCIL OF MINISTERS
ALEKSANDËR MEKSI**

**D E C I S I O N
No. 676 dated 20. 12. 2002**

**CONCERNING DECLARATION OF NATURE’S MONUMENTS IN
ALBANIA AS PROTECTED ZONES**

Based on article 100 of the Constitution and articles 4, 7 and 13 of the Law No. 8906 dated 06. 06. 2002 “On protected zones”, upon proposal from the Minister of Environment, the Council of Ministers,

Has decided as follows:

1. To declare as protected zones nature’s monuments in Albania listed in Attachment 1 of this decision.
2. To invalidate Decision No. 100 dated 19.05.1981 “Concerning the placing

under state protection of rare natural riches”.

3. To charge the Ministry of the Environment, the Ministry of Agriculture and Food, structures under their line of dependence like the General Directorate of Forests and Pastures and the Directorate of Fishing, as well as the local governments where these monuments are located, with the taking of measures to ensure the implementation of this decision.

This decision enters into force following its publication in the Official Journal.

**PRIME MINISTER
FATOS NANO**



- **LIST OF MONUMENTS AND NATURAL SITES OF
HISTORICAL SIGNIFICANCE**

PREFECTURE OF ELBASAN

District of Elbasan

1. Frashëri i Polos Valë-
Ash Tree of Polo Vale
2. Pylli aluvial i Shushicës
Alluvial Wood of Shushica
3. Shpella e Letanit
Cave of Letani
4. Hinka e Kosovës (Dumre)
Cone of Kosova
5. Mali (Shkëmbi) i Gradishtës

- Mountain (Rock) of Gradishta
6. Shpella e Gracenit
Cave of Graceni
 7. Liqenet e Seferanit
Lakes of Seferani
 8. Liqeni i Degës (Dumre)
Lake of the Branch
 9. Burimi i Llixhës së Hibrat
Source of the Spa of Hibrat
 10. Dushku i Lleshanit
Oak of Lleshani
 11. Mështekna e Zavalinës
Birch Tree of Zavalina
 12. Pisha e Fushë Kuqes Gjinar
Pine of Red Valley, Gjinar
 13. Dushku i Kishës Gjinar
Oak of the Church in Gjinar
 14. Lisat e Pashtreshit
Beeches of Pashtreshi
 15. Mani i Zi i Joronishtit
Black Mulberry of Joronishti
 16. Rrepet e Byshekut
Oaks of Bysheku
 17. Robulli i Zeleshnjës
Bosnian Pine of Zeleshnja
 18. Rapi i Bezistanit
Oak of Bezistani
 19. Rrapi i Vojvodës
Oak of Vojvoda
 20. Rrapi i Gurrës së Labinotit
Oak of the Source of Labinoti
 21. Ulliri i Qejfit
Olive of the Lust
 22. Rrapi i Llixhës
Oak of the Spa
 23. Rrapi i Uruçës
Oak of Uruca

District of Gramsh

1. Shpella e Kabashit
Cave of Kabashi
2. Kanioni i Sinecit (Saraselit)
Canyon of Sineci (Saraseli)
3. Shkëmbi (kanioni) i Kopaçit (Grabovë)
Rock (canyon) of Kopaci (Grabove)
4. Karsti i Tervolit
Karst of Tervoli
5. Kanioni i Holtës

- Canyon of Holta
6. Tarraca e Ballorës (Qytezës)
Terrace of the Front Side (small town)
 7. Gurrët e Krushqeve në Lisec
Sources of the Inter-married (in Lisec)
 8. Liqenet e Valamarës
Lakes of Valamara
 9. Liqeni i Dushkut
Lake of the Oak
 10. Burimet e Kërpicës
Sources of Kerpica
 11. Ujëvara e Sotirës
Waterfall of Sotira
 1. Arra e Tunjës
Walnut of Tunja
 2. Robulli i Valamarës
Bosnian Pine of Valamara
 3. Dushkaja e Katër Lisave
Field of the four oaks
 4. Moçalet e Grabovës
Wetlands of Grabova
 5. Dushku i Bulçarit
Oak of Bulçari
 6. Ahishtja e Rovjes
Beech wood of Rovje
 7. Liqeni i Zi (Lenie)
Black Lake (Lenie)
 8. Gështenja dhe pisha në Teqenë e Skënderbegasit
The chestnut and the pine at the small mosque of Skenderbegasi
 9. Robulli i Grabovës
Bosnian Pine of Grabova

District of Librazhd

1. Mështekna e Qarishtës
Birch Tree of Qarishta
2. Pylli i Stravajt
Wood of Stravaj
3. Druri i Bizgës
Tree of Bizga
4. Vrima e Dardhës së Ariut
Hole of the Bear's Pear
5. Vrima e Stërçokave
Hole of jackdaws
6. Shpella e Hasanit
Hasan's cave
7. Shpella e Shkëmbit të Bletës
Cave of the Bee Rock
8. Pusi i Faqes së Madhe

- Well of the Big Side
9. Shpella e Kosharishtit
Cave of Kosharishti
 10. Shpella e Pishkashit
Cave of Pishkashi
 11. Shpella e malit të Letmit
Cave of the Mountain of Letmi
 12. Sofra e Skënderbeut
Dining Board of Scanderbeg
 13. Burimi i Studnës
Source of Studna
 14. Gurra e Kosharishtës
Source of Kosharishta
 15. Liqenet e Rajcës
Lakes of Rajca
 16. Liqeni i Floqit
Lake of Floqi
 17. Liqeni i Shebenikut
Lake of Shebeniku
 18. Liqeni i Varrit të Plakës
Lake of the grave of the old woman
 19. Rrapi i Bërzeshhtës
Oak of Berzeshta
 20. Rrepet e Gurakuqit
Oaks of Gurakuqi
 21. Mani i Çupit
Mulberry tree of Cupi
 22. Rrapi i Hotolishtit
Oak of Hotolishti
 23. Rrapi i Taksimit
Oak of Taxation
 24. Rrapi i Gizaveshtit
Oak of Gizaveshti
 25. Ahet e Fushë Gurrës
Oaks of the Field of Sources
 26. Pylli i Barkmadhit Kostenjë
Wood of the big belly in Kostenje

District of Peqin

1. Qarri i Karrinës (Drangojvë)
Turkey Oak of Karrina (Drangojve)
2. Bokërima e Garrunjes
Reef of Garrunje
3. Vidhi i Tabakut
Elm tree of Tabaku
4. Rrapi i Haskos
Oak of Hasko
5. Rrapi i Uruçajt

- Oak of Urucaj
- 6. Lisi i Babaliut
Beech of Babaliu

PREFECTURE OF FIER

District of Fier

1. Dunat e Semanit
Dunes of Seman
2. Pishat e zeza në bregdetin e Poros – Kategoria C
Black pines in the coast of Poro – Category C
3. Kurora e lumit të vjetër të Semanit (Libofshë Adriatik)
Crown of the old river of Seman (Libofshe Adriatic)
4. Rrepet e rrugës Fier Vlorë
Oaks of the road Fier Vlore
5. Rrapi i pazarit të Cakranit (Çaireve)
Oak of the bazaar of Cakrani (Caireve)

District of Mallakastër

1. Rrepet e Vurgut të Çorrushit
Oaks of the Field of Corrushit
2. Ujërat termale të Povlës
Thermal waters of Povla
3. Rrapi i Ballshit
Oak of Ballshi
4. Lisat e Kalenjës (afër uzinës)
Oaks of Kalenja (close to the plant)
5. Rrepet e Festës
Oaks of the Feast
6. Lisi i Lapulecit –Lapulec
Oak of Lapulec - Lapulec
7. Lisat e Ngrasanit
Oaks of Ngrasani
8. Lisi i Vakëfit (Çerilerës)
Oak of the temple (Cerilera)
9. Lisi i Cfirit - Mallakastër
Oak of Cfiri - Mallakastra
10. Lisat e Lavdanit
Oaks of Lavdani
11. Mospërputhje këndore e Greshicës
Angle discordance of Greshica
12. Shpella e Poçemit (Vrima e Lakuriqit)
Cave of Pocemi (Hole of the bat)
13. Rrapi i ujit (Drizar)
Oak of the water (Drizar)
14. Arra e Hekalit
Walnut of Hekali

15. Rrepet e Poçemit
Oaks of Pocemi

District of Lushnjë

1. Rrapi i Zonjës – Bubullumë
Oak of the lady - Bubullume
2. Lisi i Koniatis – Koniatis
Beech of Koniatis -Koniatis
3. Pisha e Egër në oazin e Divjakës
Wild pine in the oasis of Divjaka
4. Dushkajat e Senës
Oak wood of Sena
5. Godulla e Pishës (Divjakë)
Pine's godulla (Divjaka)
6. Ishulli i Pelikanit
Island of Pelican
7. Ishulli i Kularit
Island of Kular
8. Kordoni litoral i lagunës së re të Divjakës
Littoral cordon of the new lagoon of Divjaka
9. Dunat e Oazit të Divjakës
Dunes of the Oasis of Divjaka
10. Burimi termomineral i Karbunarës
Thermo mineral source of Karbunara
11. Gorica e kodrës në Kryekuq
Wild pear of the hill in Kryekuq
12. Selvitë e manastirit Ardenicë
Cypress trees of the Monastery in Ardenica
13. Dushkajat e Manastirit – Lushnjë
Oaks of Monastery - Lushnje
14. Rrepet e Ngurrëzës
Oaks of Ngurreza
15. Vidhat Zharneç
Elm Trees in Zharneç

PREFECTURE OF VLORE

District of Vlore

1. Qiparisi i Kambanorës së Kishës së Vunoit
Cypress of the Bell Tower of the Church in Vuno
2. Lisat e Pilurit
Beeches of Piluri
3. Rrapi i Kosmarit Kudhës
Oak of Kosmari in Kudhes
4. Rrapi i Palasës
Oak of Palasa
5. Rrapi i Shkollës nr.1

- Oak of School No. 1
6. Rrapi i Xhamisë
Oak of the mosque
 7. Rrapi i Çesmës (Mifol)
Oak of the fountain (Mifol)
 8. Ilqet i Zarelit me (0,5 ha)
Holly oak of zareli of 0.5 ha
 9. Rrapi i Kroit të Madh
Oak of the Big Source
 10. Rrapi Laze
Oak Laze
 11. Mbihipja e Çikës
Overlap of Çika
 12. Mbihipja aktive e Dukatit
Active overlap of Dukat
 13. Shkëputje e re aktive e Llogarasë
New active split of Llogara
 14. Tarraca detare e Kusbabait
Sea Terrace of Kusbaba
 15. Tarraca detare e ish-shtëpisë së pushimit të punëtorëve
Sea terrace of the former recreation house of workers
 16. Gjiri dhe shpellat e Gramës
Bay and caves of Grama
 17. Barriera Koralore e grykës së Diallyt
Coral barrier of the Pass of Devil
 18. Falëzat e Sazanit
Sazani's praying place
 19. Shpella e Shëngjergjit ose e Bletës
Cave of Shengjergj or of the Bee
 20. Shpella e Ramicës
Cave of Ramica
 21. Shpella e Velçës
Cave of Velca
 22. Shpellat e Boderit (Smokthinë)
Caves of Boderi (Smokthina)
 23. Shpella e Haxhi Alisë (Iliriane)
Cave of the pilgrim Ali (Iliriane)
 24. Shpella e shkruar
Inscribed cave
 25. Shpella e Bilbilenjëve
Cave of the nightingales
 26. Shpella e Porto Palermos
Cave of Porto Palermo
 27. Shpella e Piratëve (Dhërmi)
Cave of Pirates
 28. Shpella e Odisesë (Surianit)
Cave of Odysseus (Surian)
 29. Shpella e Duk Gjonit
Cave of Duke Gjon

30. Kanioni i Gjipesë
Canyon of Gjipe
31. Bokërimat e Vunoit
Reefs of Vunoi
32. Rrethi i Plakës (Brataj)
Circle of the old woman (Brataj)
33. Ujëvara e Ramicës
Waterfall of Ramica
34. Dunat e Nartës
Dunes of Narta
35. Delta e Përroit të Palasës
Delta of the Stream of Palasa
36. Burim i kripur i Bashajt
Salty source of Bashajt
37. Vali i Vranishtit (burim i madh)
Big Source of Vranishti
38. Laguna Limopuo
Lagoon Limopuo
39. Rrepet e Buronjave Kuç
Oaks of Springs Kuc
40. Pisha Flamur- Llogara
Flag Pine - Llogora
41. Rrapi Mesaplikut
Oak of Mesapliku
42. Karthi i Tërbaçit
Dry Twigs of Tërbaci
43. Rrapi i Dukatit
Oak of Dukati
44. Rrepet e Izvorit
Oaks of Izvor
45. Rrapi i Tragjasit të Vjetër
Oak of Old Tragjas
46. Rrapi i Shënvarvarës (Velçë)
Oak of Shenvarvara (Velce)
47. Rrapi i Gurrave Smokthinë
Oak of the springs in Smokthine
48. Rrapi i Madh në Bashaj
Great Oak in Bashaj
49. Rrepet e Drashovicës
Oaks of Drashovica
50. Ullinjtë e Trubullit në Karbunarë
Olive trees of the turbid in Karbunare
51. Pylli i Zvernecit
Woods of Zvernenci

District of Delvine

1. Rrapi i Muzinës
Oak of Muzina

2. Rrepet e Rusanit
Oaks of Rusani
3. Rrepet e Delvinës
Oaks of Delvina
4. Pylli i Lefkës (Delvinë)
Oaks of Lefka (Delvine)
5. Pylli i Bushecit
Wood of Busheci
6. Valanidhet e Dhrovjanit
Vallonia oaks (Sumacs) of Dhrovjani
7. Rrapi i Kalasë
Oak of the Castle
8. Mëlleza e Rezmës
Black bird of Rezoma
9. Fosilet e Lefterhorit
Fossils of Lefterhori
10. Bokërimat e Muzinës
Reef of Muzina
11. Karsti i Delvinës
Karst of Delvina
12. Rruga e Gjarpërit
Road of the snake
13. Karsti i Bashajve
Karst of Bashaj
14. Kartsit i Gorjanit
Karst of Gorjan
15. Burimet e Tatzatit
Springs of Tatzati
16. Shpella e Tatzatit
Cave of Tatzati
17. Ujëvara e Kardhikaqit
Waterfall of Kardhikaq
18. Burimi karstik i Oknos
Karst spring of Okno
19. Syri i Kaltër
Blue Eye

District of Sarandë

1. Rrapi i Nivicës
Oak of Nivica
2. Rrapi i Shënvasisë
Oak of Shenvasia
3. Rrapi i Dhivrit
Oak of Dhivri
4. Shkëputje tektonike e llojit shtytje – Borsh
Tectonic split of the push type - Borsh
5. Falëzë e vjetër – Borsh
Old praying place - Borsh

6. Poria (guri i Porisë) Borsh
Stone of Poria - Borsh
7. Gryka e Bogazit
Gorge of Bogazi
8. Kanoini i Leshnicë
Canyon of Leshnica
9. Gjiri i Kakomesë
Bay of Kakome
10. Pllakat e Sarandës
Plates of Saranda
11. Shpella e Konispolit
Cave of Konispoli
12. Shpella e Lukovës
Cave of Lukova
13. Kanali i Vivarit
Canal of Vivar
14. Liqeni i Rezës
Lake of Reza
15. Burimet e kripura të Mullirit (Rrëzës)
Salty springs of the Mill (Corner)
16. Burimet karstike të Fterës
Karstic springs of Ftera
17. Pylli i Butrintit
Wood of Butrint
18. Ishujt e Ksamilit
Islands of Ksamil
19. Ixuari i Borshit
Ixora of Borsh

PREFECTURE OF KORÇË

District of Korçë

1. Guri i Prerë
Cut stone
2. Guri i Capit
Stone of Capi
3. Piramidat e Tokës së Zhombrit
Pyramids of the land of Zhombri
4. Bokërimat e Moglicës
Reef of Moglica
5. Ishulli i Malligradit
Island of Malligrad
6. Varrezë fosilesh të kretës së poshtëme (Lavdar)
Graveyard of fossils in lower bank (Lavdar)
7. Mospërputhje këndore e Polenës së Vjetër
Angle discordance of Old Polena

8. Burim uji dhe gazi të djegshëm në thyerjen tektonike të Polenës
Spring of water and burning gas at the tectonic fraction of Polena
9. Liqenet e Lenies
Lakes of Lenia
10. Lisat e Shënthanasit
Oaks of Shenthanasi
11. Rrobulli i Kuq
Red Bosnian Pine
12. Zgavra e Zaverit (Prespë)
Cavity of Zaver (Prespa)
13. Dushqet e Manastirit (Djellas Prespë)
Oaks of the Monastery (Djellas Prespe)
14. Venjat e Dishnicës
Shrubs (stink juniper) of Dishnica
15. Pisha e Shëndëllisë
Pine of Shendellia
16. Rrepet e qytetit (Shënmëria)
Oaks of the town (Shenmeria)
17. Shparthi i Osojës-Bakullit
Hungarian oak of Osoja - Bakulli
18. Pisha e Voskopojës
Pine of Voskopoje
19. Pisha e Makrezës
Pine of Makreza
20. Bredhi i burimit të Çardakut (Gurit i Capit)
Fir tree of the Spring of Veranda (stone of Capi)
21. Ahishtja e Protopapës Opar
Oak wood of Protopapa, Opar
22. Bleri i Shën Pjetrit (Vithkuq)
Linden Tree of Shen Pjetri, Vithkuq (Saint Peter, Vithkuq)
23. Plepi i Gjyrasit
Poplar Tree of Gjyras
24. Pylli i përzjerë i Maliqit
Mixed wood of Maliq
25. Ahishtet e Bofnjës
Oak wood of Bofnja
26. Venjat e Kallamasit
Shrubs (stink juniper) of Kallamasi
27. Rrobulli i Lenies
Bosnian pine of Lenie

District of Pogradec

1. Burimi i Drilonit
Spring of Drilon
2. Guri i Kamjes
Stone of Kamje
3. Mullarët e Gurtë – Trebinjë
Stone Stacks - Trebinje

4. Fragment i shkëputjes tektonike të grabenit të Ohrit (Pogradec)
Fragment of the tectonic split of Graben in Ohrid (Pogradec)
5. Shpella e Mëmlishtit
Cave of Memlisht
6. Shpella e Radokalit
Cave of Radokali
7. Shpella e Baribardhës
Cave of Baribardha
8. Shpella e Shën Marenës
Cave of Shen Marena
9. Mani i Shën Marenës
Mulberry tree of Marena
10. Kanioni i Llëngës
Canyon of Llenga
11. Selvitë e kishës Pogradec
Cypresses of the Church, Pogradec
12. Rrepet e Tushemishtit
Oaks of Tushemisht
13. Gurët "nusja dhe dhëndëri" Senisht
Stones "the bride and the bridegroom" Senisht
14. Shpella e Najazmës (Tushemisht)
Cave of Najazma (Tushemisht)
15. Rrapi i Radokalit
Oak of Radokali
16. Rrapi i Selcës së Sipërme
Oak of Selca e Siperme
17. Lisi i Leshnicës
Beech tree of Leshnica
18. Liqenet e Lukovës
Lakes of Lukova

District of Kolonjë

1. Banjat e avullit të Postenanit
Steam Baths of Postenan
2. Kanioni i Virkës
Canyon of Virka
3. Shpella e Podës
Cave of Poda
4. Bokërimat e Piskalit
Reefs of Piskali
5. Dritare dhe mbulesa tektonike e Qinam-Vodicës
Tectonic window and cover of Qinam-Vodica
6. Tisi i Golos (Gërmenj)
Tis of Golo (Germenj)
7. Ujëvara e Rehovës
Waterfall of Rehova
8. Travertinat (çmersat) e Blushit
Incrustations of Blushi

9. Pusi karstik i Llokafit
Karstic well of Llokafi
10. Lisat e Shën Mërisë
Beech trees of Saint Mary
11. Lisat e Shënkollit (Lëngëzë)
Beech trees of Shenkolli (Lengeze)
12. Grumbulli i Plepit të Egër (Varishtë)
Collection of Wild Poplar (Varishte)
13. Robujt e Badrës
Bosnian Pines of Badra
14. Liqeni akullnajor i Gramozit
Iced Lake of Gramoz
15. Burimet termale të Vromonerit (Leskovik)
Thermal springs of Vromoneri (Leskovik)
16. Rrapi i Leskovikut
Oak of Leskoviku
17. Dafina e Cerckës
Laurel tree of Cercka
18. Korrija e Mullirit "Shën Thanasi" Gostivisht
Thicket of the Mill "Shen Thanasi" Gostivisht
19. Rrapi i Mbrezhdanit
Oak of Mbrezhdani
20. Pishat e Pogonicës (Sotirës Radanj)
Pines of Pogonica (Sotira Radanj)
21. Rrepet e Glinës
Oaks of Glina
22. Bredhi i Shtikës
Fir tree of Shtika
23. Selvitë e Radovës
Cypresses of Radova
24. Korrija e Shënkollit e Vodicës
Thicket of Shenkolli and Vodica

District Devoll

1. Shpella e Trenit
Cave of Tren
2. Gurët Mumjet e Trenit
Stones Mummies of Tren
3. Guri i Ariut (Eçmenik)
Stone of the Bear (Ecmenik)
4. Burimet e Progrit
Springs of Progri
5. Ahishtja e Shënkostandinit
Oak wood of Shenkostandini
6. Pylli i Shën Thanasit
Forest of Shen Thanasi
7. Dushkaja e Dobrogovës
Beech wood of Dobrogova

8. Ahishtja e Bradvicës
Oak wood of Bradvica
9. Bredhi i Vishjes
Fir tree of Vishnja
10. Plepat e Pilurit
Poplars of Piluri

PREFECTURE OF GJIROKASTER

District of Gjirokastër

1. Viroi (mema e ujit) i Gjirokastrës
Viroi (mother of the water) of Gjirokastra
2. Pylli i Gurtë – Nderan
Stone Forest - Nderan
3. Shpella e Vanistrës (Skotinia)
Cave of Vanistra (Skotinia)
4. Kanioni i Piksit
Canyon of Piksi
5. Tarraca e Nderanit
Terrace of Nderan
6. Shembja e Zhulatit
Split of Zhulati
7. Gurra e Nivanit
Spring of Nivani
8. Rrëshqitja e Kllezit
Slide of Kllezi
9. Rrëshqitja në malin e Karparielit
Slide of the Mountain of Karpariel
10. Burimi i Libohovës
Spring of Libohova
11. Burimi mineral i Glinës
Mineral spring of Glina
12. Burimi i Nepravishtës
Source of Nepravishta
13. Qafa e Çajupit
Pass of Cajupi
14. Shkëmbi i Zheit
Rock of Zhei
15. Zhveshja e Muzinës
The barren land of Muzina
16. Dalja e magmatikeve në gëlqerorët afër Picarit
Appearance of magmatics in the lime rocks in the vicinity of Picarit
17. Liqeni i Kacojthit
Lake of Kacojthi
18. Venjat e Konckës
Shrubs (stink juniper) of Koncka
19. Vithimat e Buretos
Elm tree wood in Bureto

20. Vrimat e Konckës
Holes of Koncka
21. Rrapi i Zhulatit
Oak of Zhulati
22. Rrapi i Fushëbardhës
Oak of Fushebardha
23. Rrapi i Mashkullorës
Oak of Mashkullora
24. Rrapishte e Mashkullorës
Oak wood of Mashkullora
25. Rrapi i Çerçizit –Gjirokastër
Oak of Cercizi - Gjirokaster
26. Rrapi i Libohovës
Oak of Libohova
27. Gështenja e Nepravishtës
Chest nut of Nepravishta
28. Rrepet e Këllezit
Oaks of Kellezi
29. Rrapi i Dhoksatit
Oak of Dhoksati
30. Rrapi i Manastirit Stegopul
Oak of Manastiri Stegopul
31. Rrapi i Tranoshishtes
Oak of Tranoshishte
32. Rrepet e Selos
Oaks of Selo
33. Rrepet e Mullirit në Selo
Oaks of the Mill in Selo
34. Përralli i Bodrishtës
Kermes Oak of Bodrishta
35. Pishat e Kërres
Cypresses of Kerre
36. Rrepet e Koshovicës
Oaks of Koshovica
37. Selvitë e Kishës Hllomo
Cypresses of the Church Hllomo
38. Rrepet e Çatistës
Oaks of Catista
39. Lisat e Poliçanit
Beeches of Polican
40. Selvitë e Hllomosë
Cypresses of Hllomo
41. Rrapi i Poliçanit
Oak of Polican
42. Rrapi i Ndëranit
Oak of Nderan
43. Lisat e Skoresë
Beeches of Skore
44. Lisat e Çorrokut – Sheper

- Beeches of Corroku -Sheper
- 45. Rrepet e shkollës – Sheperit
Oaks of the School - Sheper
- 46. Lisat e Manastirit – Nivan
Beeches of the Monastery - Nivan
- 47. Rrepet e Nivanit
Oaks of Nivan

District of Tepelenë

1. Shpella Mema e Ujit
Cave of the Mother of Water
2. Sterra e Cikës
The Pitch-Black of Cika
3. Shpella e Lekë Petës
Cave of Leke Peta
4. Shpella e Ujit –Dhëmbel
Cave of the Water - Dhembel
5. Vrima e Shkëmbit
Hole of the Rock
6. Ujëvara e Progonatit
Waterfall of Progonati
7. Shpella e Kasarit
Cave of Kasari
8. Kanionet e Nivicës
Canyons of Nivica
9. Lugjet e Dhëmbanit
Troughs of Dhemblani
10. Lisi i Levanit
Beech of Levan
11. Buza e Bredhit – Luzat
Rim of the Fir - Luzat
12. Rrapi i Selam Musait
Oak of Selam Musai
13. Shpella e Mezhgoranit
Cave of Mezhgoran
14. Shpella e Leklit
Cave of Lekli
15. Burimet e Ujit të Ftohtë
Springs of Cold Water
16. Pusi i Shëndëllisë
Well of Shendellia
17. Mogillat e Vasjarit
Water springs of Vasjar
18. Tarraca erozive e Bënçës
Erosive terrace of Benca
19. Shkëmbi i Prerë Dukaj
The cut rock in Dukaj
20. Triavgat në Gllavë

- Triavgat in Gllave
21. Rrepet e Dervenit
Oaks of derveni
 22. Rrapi i Damës
Oak of Dama
 23. Rapi i Progonatit
Oak of Progonati
 24. Rrapi i Qesaratit
Oak of Qesarati
 25. Rrepet e Donies –Kalivaç
Oaks of Donie - Kalivac
 26. Rrepet e Ujit të Ftohtë
Oaks of the Cold Water
 27. Lisi i Luzatit
Beech of Luzati
 28. Rrapi i Hormovës
Oak of Hormova
 29. Mrezhda e Zhabokikës
Shrubs (phillyrea) of Zhabokika

District of Permet

1. Rapi i Megallares- afër fshatit Gjinakar
Oak of Megallare – in the vicinity of the village of Gjinakar
2. Pylli i Gerhotit, afër fshatit Zhepë
Forest of Gerhot, in the vicinity of Zhepe
3. Bredhi i Çarshovës së Vjetër
Fir tree of old Carshova
4. Rrapi i Zhepës
Oak of Zhepa
5. Pylli i Çukës
Forest of Cuka
6. Pylli i Ropushës
Forest of Ropusha
7. Horizonte vithisëse dhe olistolite – Çarçovë
Sliding and olistolite horizons - Carcove
8. Perëndi e Borockës (Kanioni, Guri i Bletës)
Goddess of Borocka (the Canyon, stone of the bee)
9. Pusi i Cilikojkave afër fshatit Çorrogunj
Well of Cilikojkas in the vicinity of the village Corrogunj
10. Pusi i Nëmërçkës
Well of Nemercka
11. Shpella e Pëllumbave
Cave of the Doves
12. Cirku i Nëmërçkës
Circus of Nemercka
13. Guri i Qytetit
Stone of the city
14. Guri i Atos – afër fshatit Kutal

- Stone of Atos – in the vicinity of the village Kutal
- 15. Kanioni i Lëngaricës
Canyon of Lengarica
- 16. Bokërimat e Dangllisë
Reefs of Dangellia
- 17. Gropa e Kazanit
Hole of Qaldron
- 18. Guri i Petranit
Stone of Petran
- 19. Kanioni i Kamenikut
Canyon of Kameniku
- 20. Ujëvara e Sopotit afër fshatit Sterbec
Waterfall of Sopot in the vicinity of the village Sterbec
- 21. Ujrat Termale të Bënjës
Thermal Waters of Benja
- 22. Uji i Zi Këlcyrë
Black water of Kelcyra
- 23. Rrepet e Grykës së Këlcyrës
Oaks of the Gorge of Kelcyra
- 24. Bredhi i Petranit
Fir tree of Petrani
- 25. Selvia e Kishës – Leusë
Cypress of the Church - Leu
- 26. Grumbulli pyjor i Polmenit (rap +arrë)
Forest stock of Polmeni (oak + walnut tree)
- 27. Rrepet e Kuqarit
Oaks of Kuqari
- 28. Bredhi i Kokojkës Frashër
Fir tree of Kokojka, Frasher
- 29. Arra e Llukanit-Frashër
Walnut tree of Llukani - Frasher
- 30. Gështenja e Teqesë Frashër
Walnut tree of the Small Mosque in Frasher

PREFECTURE OF LEZHA

District of Lezhe

- 1. Rëra e Hedhur
The man-made sandbank
- 2. Rrapi i Grykës
Oak of the Gorge
- 3. Rrepet e Kolshit
Oaks of Kolsh
- 4. Shpella e Hutit
Cave of the owl
- 5. Shpella e Sukës së Vogël
Cave of Small Suka
- 6. Dritarja tektonike e Mirditës

- Tectonic window of Mirdita
- 7. Rivat e Drinit
Shrubs of drini
- 8. Këneta e Kashtës
Marshland of the Straw
- 9. Rivat e Drinit
Drini's shrubs
- 10. Rrapi i Pirajave (Blinisht)
Oak of Piraja (Blinisht)
- 11. Lisi i Markatomajt
Beech tree of Markatomajt
- 12. Pylli (dushk, frashër, shkozë) i Shënmërisë Kallmet (1 ha)
Forest (oak, ash trees, hornbeam trees) of Shenmeria, Kallmet (1ha)

District of Mirdite

- 1. Kanioni i Shehut të Keq
Canyon of the Bad Mosque Man
- 2. Shpella Kusia e Nue Gjonit
Cave of the stewpan of Nue Gjoni
- 3. Rrobulli i Blaçit
Bosnian Pine of Blac
- 4. Guri i Gjonit
Gjon's Stone
- 5. Guri i Nuses
Bride's stone
- 6. Kroi i Bardhë
White spring
- 7. Mrizi i Shënaprenës
Bushes of Shenapremte
- 8. Rrapi i Kaçinarit
Oak of Kacinari
- 9. Lisat e Shpalit
Beeches of Shpal
- 10. Lisat e Marpepës
Beeches of Marpepa

District of Kurbin

- 1. Tarraca Detare e Laçit
Coastal Terrace of Lac
- 2. Gryka e Shkopetit
Gorge of Shkopet
- 3. Frashëri – Kurbin
Ash tree of Kurbin
- 4. Lisat e Shënmillit
Beeches of Shenmill
- 5. Plepi i Bardhë
White Poplar

6. Shpella e Shënavlashit (Shënnadoi)
Cave of Shenavlash (Shennadoi)
7. Gështenja e Vjetër
Old chestnut
8. Rrapi i Daulles
Oak of the drum
9. Burimi i Vinjollit
Spring of Vinjollit
10. Ishulli i Cabakut
Island of Cabaku
11. Kordoni litoral i Bregut të Ri
Littoral cordon of the new coast
12. Selvitë e Shënmërisë
Cypresses of Shenmaria

PREFECTURE OF DIBRA

District of Diber

1. Shpella e Gurit të Kuq
Cave of the red stone
2. Karsti i Malit të Bardhë
Karst of the White Mountain
3. Burimi dhe shpella e Sopanikës
Spring and cave of Sopanika
4. Liqenet e Kasnisë
Lakes of Kasnia
5. Pasqyrat e Gramës
Mirrors of Grama
6. Gropa e Panairit
Hole of the Fair
7. Liqeni i Zi (mbi Radomirë)
Black Lake (over Radomira)
8. Ujëvara e Pocestës (Maqellarë)
Waterfall of Pocesta (Maqellara)
9. Bjeshka e Zonjave Zimur
Highlands of Zimur Ladies
10. Gryka e Setës (pjesa më e ngushtë dhe më e thellë)
Gorge of Seta (the narrowest and deepest segment)
11. Shpella e Rusit (grykë Nokë)
Cave of Rusi (Gorge Noke)
12. Shpella e Qytezës
Cave of the town
13. Shpella e akullit – Bulaç
Ice Cave - Bulac
14. Burimi i Ujit të Ftohtë Vleshë
Spring of Cold Water Vleshte
15. Burimi i Kërçinit
Spring of Kercini

16. Kroi i Mbretit – Serakol
Spring of the King - Serakol
17. Burimi termomineral i Llixhave të Peshkopisë
Thermo mineral spring of the Spa in Peshkopia
18. Liqeni i Luleve (Lurë)
Flower lake (Lure)
19. Liqeni i Zi (Lurë)
Black lake (Lure)
20. Liqeni i Madh (Lurë)
Great Lake (Lure)
21. Hartinat e Lurës
Scotch pines of Lura
22. Shllinasi
Shllinasi
23. Guri i Kërçinit
Stone of Kercini
24. Krasta e Pocestit
Crest of Pocesti
25. Boroviku i Begiunecit
Stork of Gegiunec
26. Burimet e Bellovës
Springs of Bellova
27. Gryka e Madhe Lurë
Great Gorge, Lure
28. Rrafshi i Korabit
Plain of Korab
29. Morenat e Fushëlurës
Aspens (populus tremela) of Fushelura
30. Cirku i Kurorës së Lurës
Circus of the Crown, Lure
31. Kodra e Parave, Billicë
Money Hill, Billice
32. Fusha e Pelave – Lurë
Field of the Mares - Lure
33. Rrapi i Kërçishtit
Oak of Kercisht
34. Pisha e Blliqës
Pine of Bllica
35. Ahu i Blliqës
Oak of Bllica
36. Lisi i Dobit
Beech of Dobi
37. Vakufi i Çangës
Temple of Canga
38. Lisi Kabë
Beech tree in Kabe
39. Vakufi i Sinës së Sipërme
Temple of the Upper Sina
40. Rrobulli i Lurës

Bosnian Pine of Lura
41. Rrapi i Çidhnës
Oak of Cidhna

District of Bulqizë

1. Druri i Male Zeqirit – Zerqan
Tree of Male Zeqiri - Zerqan
2. Zabeli i Madh Zerqan
Big Shrub Thicket in Zerqan
3. Shpella e urës së qytetit
Cave of the city bridge
4. Shkëmbi i Qytetit
Rock of the city
5. Tre çesmat e Zerqanit
Three fountains of Zerqan
6. Bregu i Pepesë (qarri i Pepesë)
Bank of Pepe (Turkey oak of Pepe)
7. Qarri i Muharremi
Turkey oak of Muharremi
8. Gurra dhe shpella e Zerqanit
Spring and cave of Zerqan
9. Gurra e Vakëfit të Zerqanit
Spring of the temple in Zerqan
10. Liqeni i Zi – Martanesh
Black lake - Martanesh
11. Ujëvara e Duriçit
Waterfall of Durici
12. Xixëll Martanesh
Xixell Martanesh
13. Shpella e Xixëlles Valikardhë
Cave of Xixella, Valikardhe
14. Qarri i Allushit Valikardhë
Turkey oak (quercus cerris) of Allushi, Valikardhe
15. Shpella e Ftohtë Gjuras
Cold Cave in Gjuras
16. Qarri i Kovashicës
Turkey oak of Kovashica
17. Vakufi Zerqan
Temple in Zerqan
18. Qarri Gjinovec
Turkey oak in Gjinovec
19. Pisha Zogjë
Pine in Zogje
20. Qarri Peladhi (Zerqan)
Turkey oak in Peladhi (Zerqan)

District of Mat

1. Guri i Gjatë – Urxuall
Long stone - Urxuall
2. Kepi i Skënderbeut Varosh
Scanderbeg's cape in Varosh
3. Kanioni i Urakës
Canyon of Uraka
4. Rrapi i Marqethit
Oak of Marqethi
5. Lisi i Qershizës
Beech of the small cherry
6. Puset e Valzës
Wells of Valza
7. Maja e Boshtrës (Macukull)
Mount of Boshtra 9Macukull)
8. Gurri i Vashës
Spring of the Maid
9. Lisi i Tushës, Frankth
Beech of Tusha, Frankth
10. Lisi i Bershinit
Beech of Bershini
11. Kanioni i Filmit
Canyon of the Film
12. Kroi i Gjeneralit (Gur i Bardhë)
Spring of the general (white stone)
13. Tisat e Mbasdejës
Tis of Mbadeja
14. Lisat e Lam Porës
Beeches of Lam Pora
15. Burimi i Shutresë
Spring of Shutre
16. Gështenja e kalit e Gurit të Bardhë – Mat
Chestnut of the Horse of White Stone - Mat
17. Lisi Qafë Shënkollit
Beech of Shenkolli Pass
18. Rrapi i pazarit të Klosit
Oak of the bazaar in Klos
19. Qarri i Bardhë në Sheshaj
White Turkey Oak in Sheshaj
20. Lisi i Fushë Lorës në Barbullej
Beech of Fushe Lora in Barbullej
21. Lisi i Bërshinit – Bërshi
Beech of Bershini - Bershi
22. Vidhi i Patllit Suç
Elm Tree of Patlli Suc
23. Lisat e Porës – Macukull
Beeches of Pora – Macukull
24. Lisi varreve të Rexhës (Macukull)
Beech of the graves in Rexhe (Macukull)
25. Lisi Macukull (Varrit të Mirë)

- Beech of Macukull (Good Grave)
- 26. Lisi i Varrit të Turkut
Beech of the Turk's grave
- 27. Lisat e shkollës në Macukull
Beeches of the School in Macukull
- 28. Vidhi i Qafë Shënkollit (Dukagjin)
Elm Tree of Shenkolli Pass (Dukagjin)
- 29. Lisi te varret e Shqypit (Barbullej)
Beech at the graves in Shqyp (Barbullenj)
- 30. Lisi i kodër varreve (Urxuall)
Beech of the grave hill (Urxuall)
- 31. Lisi te varret e Kurrmetës (Shqefen)
Beech of the graves of Kurrmeta
- 32. Lisi i Bushkashit
Beech of Bushkashi
- 33. Lisi i Teqesë së Domit
Beech of the Mosque of Dom
- 34. Rrapi i Çelës – Patin
Oak of cela - Patin
- 35. Lisat e Kishës Groshot
Beeches of the Church, Groshot
- 36. Lisat e Xhamisë Remull
Beeches of the Mosque, Remull
- 37. Rrapi i Zabelit – Gurrë e Madhe
Oak of thicket– Great Spring

PREFECTURE OF KUKËS

District of Kukës

- 1. Pisha e Gjegjanit
Pine of Gjegjan
- 2. Gryka e Çajës
Gorge of Caja
- 3. Cirku akullanajor i Zepës
Iced Circus of Zepa
- 4. Kroi i Bardhë
White Spring
- 5. Kanioni i Bicajt
Canyon of Bicaj
- 6. Kanioni i Vanavës
Canyon of Vanava
- 7. Lisat e Kalisit
Beeches of Kalis
- 8. Karsti i Arnit
Karst of Arni
- 9. Këneta e Kuksit
Marshland of Kukës
- 10. Kroi i Kuq Gjallicë

- Red Spring, Gjallice
- 11. Guri i Mëngjezit, Shishtavec
Morning Stone, Shishtavec
- 12. Guri i Shqipës (Borje)
Stone of the Eagle (Borje)
- 13. Burimi i Kolosianit
Source of Kolosian
- 14. Dushkajat e Novoseit
Oak field of Novosei
- 15. Mështekna e Shishtavecit (liqeni i Kallabakut)
Birch tree of Shishtavec (Lake of Kallabaku)
- 16. Rrobulli i Lakut të Topojanit
Bosnian Pine of the Loop of Topojani

District of Has

- 1. Burimi i Krumes
Spring of Kruma
- 2. Burimet e Brudit
Springs of Brudi
- 3. Gurra e Vranishtit
Source of Vranishti
- 4. Gurra e Domajve
Source of Domaj
- 5. Pisha e Gjinajve
Pine of Gjinaj
- 6. Shpella e Pëllumbave
Cave of Doves
- 7. Shpella me oborr
Cave with Yard
- 8. Shpella që tingëllon Mazrek
Sounding Cave in Mazrek
- 9. Maja e Qytetëzës
Mount of Small Town
- 10. Ahishtja e Liqenit të Kuq
Oak wood of the Red Lake
- 11. Pisha në Gjinaj
Pine in Gjinaj

District Tropojë

- 1. Rasa e Pecmarrës
Plate of Pecmara
- 2. Shpella e Haxhisë
Cave of Haxhia
- 3. Liqenet akullnajore të Doberdolit
Icy lakes of Doberdoli
- 4. Liqenet akullnajore të Sylbicës
Icy lakes of Sylbica

5. Shkëmbi i Forcës
Rock of the Strength
6. Burimi Karstik i Qirecit
Karstic Source of Qireci
7. Rasa e Currajt
Plate of Curraj
8. Depozitimet fluvio-glaciale të Shoshajt
Fluvial-glacial depositions of Shoshaj
9. Depozitimet fluvio-glaciale të Shëmtirës
Fluvial-glacial depositions of the Ugly
10. Bredhishtja e Ragamit
Fir wood of Ragami
11. Shelgu i Rrjetëzuar
The willow grid
12. Burimi i Qukut të Dunishës
Spring of Quku of Dunisha
13. Burimi i Shoshanit
Source of Shoshani
14. Burimet e Valbonës
Sources of Valbona
15. Shpella e Haxhisë
Cave of Hadzi
16. Shpella e Akullit
Ice Cave
17. Lugina e varur akullnajore e Kukajt
Suspended ice valley of Kukaj
18. Lugina Akullnajore e Motinës
Ice Valley of Motina
19. Kanioni i Shoshanit
Canyon of Shoshani
20. Blijtë në Markaj
Linden trees of Markaj
21. Dushkajat e Qafë Luzhës
Oak woods of Qafe Luzhe
22. Liqeni i Ponareve
Lake of Ponars
23. Mështekna e Lugut të Zi
Birch tree of Black Trough
24. Ahishtja Gurra e Hasan Gashit (Mërtur)
Oak wood of the Spring of Hasan Gashi (Mertur)
25. Rrobulli në liqenin e Ponarëve
Bosnian Pine at the lake of the Ponars
26. Arra e Dragobisë
Walnut of Dragobia
27. Shpella e Dragobisë
Cave of Dragobia
28. Hormoqi i Valbonës
Hormoq of Valbona
29. Ahishtja e Vranicës

Oak wood of Vranica

PREFECTURE OF SHKODRA

District of Shkoder

1. Burimi i Vrakës
Spring of Vraka
2. Olistolitet e Kodrës së Tepesë
Olistolites of the Hill of Tepe
3. Mbhipja tektonike e Shirokës
Tectonic Overlap of Shiroka
4. Fragment i Thyrjes tektonike Shkodër – Pejë (Karmë)
Fraction of the tectonic split between Shkodra – Peja (Karma)
5. Blloku Gravitativ i Gurit të Zi
Gravity block of the Black Stone
6. Ujëvara e Thethit
Waterfall of Thethi
7. Rasa e Palajve
Plate of Palaj
8. Guri i Lekës
Leka's stone
9. Shpella e Gjeçovit
Cave of Gjecovi
10. Portat e Shalës
Gates of Shala
11. Shpella e Thethit
Cave of Thethi
12. Shpella e Gajtani
Cave of Gajtani
13. Pragu i Kapreit
Threshold of Kaprei
14. Shpella e Jubanit
Cave of Jubani
15. Cirku i Gropës së Bukur së Jezercës
Circus of the Beautiful Hole of Jezerca
16. Burimet e Shtarzës
Springs of Shtarza
17. Liqeni i Jezercës
Lake of Jezerca
18. Pisha Flamur e qafës së Pejës
Flag Pine of the Pass of Peja
19. Ura shkëmbore e Markzagorës
Rocky bridge of Markzagora
20. Burimet e Okolit – Thethit
Springs of Okoli -Theth
21. Shpella e Majës së Arapit
Cave of the Mount of Arapi
22. Liqeni i Pejës

- Lake of Peja
23. Gështanjat e Mgullit (Pult)
Chestnuts of Mgullit
 24. Bliret në Lesniqe
Linden trees in Lesniqe
 25. Kanioni i urës së Shtrenjtë
Canyon of the expensive bridge
 26. Shpella e Zhyles
Cave of Zhyle
 27. Shpella e Melagjisë
Cave of Melagjia
 28. Shpella e Muriqit
Cave of Muriqi
 29. Kanioni i Grunasit
Canyon of Grunasi
 30. Kërleka e Kakisë
Kerlek of Kakia
 31. Shpella e Liqethit Cukal
Cave of the Lake Cukal
 32. Burimet e Kirit
Sources of Kiri
 33. Habitati i Salamandrës Alpine
Habitat of the Alpine Salamandra
 34. Shpella e Kataraktit
Cave of the Cataract
 35. Fusha e Liqethit
Field of the small lake
 36. Pylli i ishullit të Franc Jozefit
Forest of the island of Franc Joseph
 37. Lisat e Minaqit (Domne)
Beeches of Minaqi (Domne)
 38. Rrepet e Vorrezave të Ramajt
Oaks of the cemetery of Ramaj
 39. Rrapi i Hoxhë Dheut
Oak of Hodze Ground
 40. Çinari i Tophanës
Small oak of Tophana
 41. Rrapi i Toplanës
Oak of Toplana
 42. Ahët e Gurrës së Krenave
Oaks of the water springs of Heads

District of Pukë

1. Shpella e Kaurit
Cave of the Christian
2. Fosilet e Kçirës
Fossiles of Kcira
3. Peneplena e Gomsiqes

- Peneplena of Gomsiqe
4. Guri i Shenjtë
Sacred stone
 5. Gështenjat e Kokdodit
Chestnut of Kokdodi
 6. Bungat e varrezave në Korthpule
Graveyard banks in Korthpule
 7. Qarret e varrezave të Shënkollit në Kryezi
Turkey oaks at the graveyard of Shenkolli, Kryezi
 8. Qarri i Xhamisë së Kryeziut
Turkey oak of the Mosque of Kryezi
 9. Ujëvara e Kryeziut
Waterfall of Kryeziu
 10. Mrizi i Ndërlugjeve
Field in between the Troughs
 11. Mani i Zi
Black mulberry
 12. Hurdha e Tisit
Garlic of Tis
 13. Sofra e Lekës
Leka's dining board
 14. Karsti i Munellës
Karst of Munella
 15. Pisha e Dardhës
Pine of the Pear
 16. Akacjet e Migjenit
Acacia of Migjeni
 17. Pisha e Shejzës
Pine of Shejza

Distric of Malësia e Madhe

1. Syri i Sheganit
Eye of Shegani
2. Fortesa e Kelmendit
Fortress of Kelmendi
3. Burimet e Koprishtit
Springs of Koprishiti
4. Syri i Gjonit
Eye of Gjoni
5. Shpella e Krevenicës
Cave of Krevenica
6. Morenat e Razmës
Aspens of Razma
7. Cirku i Livadhit të Bogës
Circus of the Meadow in Boga
8. Burim i Vuklit
Source of Vukli

9. Blini i Bzhetës
Linden tree of Bzheta
10. Vidhat tek pusi i Markajve
Elm trees at the well of Markaj
11. Ahu i Gerçës (Mrizi i Gerçës)
Oak of Gerca (shadow place of Gerca)
12. Carraca e Vrithit
Carac of Vrithi
13. Tarraca e Greçës
Terrace of Greca
14. Shpella e Gjolajve
Cave of Gjolaj
15. Kanioni i Bashkimit Vermosh
Canyon of the Union Vermosh
16. Mrizi (ahu) i Pleshtit (Bogë)
Shadow place (oak) of the Flea (Boga)
17. Vulfenia e Shtegut të Dhenëve
Vulfenia of the Sheep Pass
18. Mullaret e Radit (Rapsh)
Hay stacks of Radi (Rapsh)
19. Arra e Madhe
Big walnut
20. Foljeta e Lohjes
Small oak of Lohje
21. Çinari (Foljeta) e Ganjollit
Small oak of Ganjolli
22. Shpella e Pucit
Cave of Puci
23. Pusi i Xhek Markut
Well of Xhek Marku
24. Shpella e Njerëzve të Lagur
Cave of the Wet People
25. Kanioni i Poicës
Canyon of Poica
26. Mullarët e Gurtë të Bajzës
Stone stacks of Bajza
27. Pusi i Cilikokajve
Well of Cilikojkas
28. Kalaja e Shtegut të Dhenëve
Castle of the Sheep Pass
29. Lugu akullnajor i Runicës
Ice Trough of Runica
30. Depozitimet fluvio-glaciale të Bogës
Fluvial glacial depositions of Boga
31. Lugu akullnajor i Seferçës
Ice Trough of Seferca
32. Gështenja e Reçit
Chestnut of Reci

PREFECTURE OF DURRËSI

District of Durrës

1. Kepi dhe Falëza e Rodonit
Cape and praying place of Rodon
2. Plazhi i Kallmit
Beach of Kallmi
3. Çinari i Balliasit
Small oak of Balliasit
4. Plazhi i Shënpjetrit
Beach of Shenpjetri
5. Shkëmbi i Kavajës
Rock of Kavaja
6. Rrapi i Rubjekës
Oak of Rubjeka
7. Pylli i Kolndrekajve – Ishëm
Forest of Kolndrekaj – Ishem

District of Krujë

1. Sarisalltëku dhe shpella
Sarisatlek and the cave
2. Gryka e Vajës
Gorge of Vaja
3. Gryka e Zezë
Black Gorge
4. Selvia e Fushëkrujës
Cypress of Fushekruja
5. Rrapi i Buranit
Oak of Burani
6. Masivi i pishës së Zezë Qafë Shtamë
Blak Pine Wood in the Pass of Shtama
7. Kroi i Nënës Mbretëreshë
Spring of Mother Queen
8. Rrapi ose Çinari i Bretit
Oak (small oak) of Bret
9. Rrapi i Ballabanecit
Oak of Ballabaneci
10. Rrapi i Taslloit
Oak of Taslloi
11. Rrepet e Aramerasit - Fushë Krujë
Oaks of Aramerasi – Fushe Kruja

PREFECTURE OF TIRANË

District of Tirane

1. Bokërimat e Mustafa Koçajt
Reefs of Mustafa Kocaj

2. Shpella e Shutresë
Cave of Shutre
3. Shpella e Zezë (Pëllumbasit)
Black Cave (Pellumbasi)
4. Shpella e Valit
Cave of Vali
5. Tarraca detare e Dajtit
Coast terrace of Dajti
6. Karsti i Malit me Gropa
Karst of the Mountain with holes
7. Gryka e Skoranës
Gorge of Skorana
8. Gryka e Murdarit
Gorge of Murdari
9. Shkalla e Tujanit
Staircase of Tujani
10. Bokërimat e Mnerit
Reefs of Mneri
11. Rrapi i Priskës
Oak of Priska
12. Rrapi i Kranës – Dajt
Oak of Krana - Dajt
13. Rrapi i Ndroqit
Oak of Ndroq
14. Arra e Babë Myslymit
Walnut of Father Myslym

District of Kavajë

1. Plazhi i Gjeneralit
Beach of the general
2. Falëza e Bardhorit
Prayer place of Bardhori
3. Plazhi i Carrinës
Beach of Carrina
4. Fosilet detare të Thartorit
Marine Fossiles of Thartori
5. Burimet sulfurore të Fliballies
Sulfur springs of Fliballie
6. Shpellat karstike në gjips
Karstic caves in gypsum
7. Karsti në gjipsin e Mengajve
Karst in gypsum of Mengaj
8. Burimet e kripura të Golemasit
Salty springs of Golemasi
9. Dafina e Kalasë së Turrës
Laurel of the Castle of Turra
10. Gurrët në Rrjesht
Lined stones

11. Lisi i Cikalleshit
Beech of Cikalleshi

PREFECTURE OF BERATI

District of Berat

1. Lisi i Çesmës së Prokopisë
Oak of the Fountain of Good Luck
2. Shpella e Kapinovës
Cave of Kapinova
3. Shpella e Shahinovës
Cave of Shahinova
4. Gështenjat e Mimasit
Chestnut of Mimasit
5. Lisi i Pashallisë
Beech of Pashalli
6. Rrapi i Lybeshës
Oak of Lybeshë
7. Rrapi i Veleshnjës
Oak of Veleshnja
8. Rrapi i Burimit, Paftal
Oak of the spring, Paftal
9. Pylli i Kulajve, Velçan
Forest of the Kulaj, Velcan
10. Rrapi i Zhitomit
Oak of Zhitomi
11. Ulliri i Drobonikut në Palikesh
Olive of Drobonik in Palikesh

District of Skrapar

1. Stera e Katofiqit
Ground of Katofiq
2. Stera e Prosekut
Ground of Prosek
3. Shpella e Pirogoshit
Cave of Pirogosh
4. Sterra e Kakrukës
Ground of Kakruka
5. Bokërimat e Tomorricës
Reefs of Tomorrca
6. Lisi i Baba Fetahut
Beech of Father Fetah
7. Arra e Madhe e Zhepës
Great Walnut of Zhepa
8. Kanioni i Osumit
Canyon of Osum

9. Kanioni i Gradecit
Canyon of Gradec
10. Cirqet akullnajore të Tomorrit
Icy circuses of Tomorr
11. Lisi i Osojës
Beech of Osoja
12. Transgresioni i Paleogjenit të sipërm në qafën e Devriës
Transgression of Upper Paleogen in the Devrie Pass
13. Karsti i Qafës së Devriës
Karst of Devrie Pass
14. Burimi i Guakut
Spring of the Dummy
15. Lisi i Munushtirit
Beech of Munushtir
16. Sterra Uvlen (pusi i Ramies)
Ground of Uvlem (well of Ramie)
17. Stera e Borës
Ground of the Snow
18. Morenat e Ujanikut
Aspens of Waterflow
19. Vrima e Dragoit (Kuçedrës)
Hole of the Dragon (hydra)
20. Qafa e Kulmakut
Pass of Kulmaku
21. Plepat, Konak të Tomorricës
Poplars, Veranda of Tomorrica
22. Rrapi i Verseshtës
Oak of Verseshta
23. Ahishtja e Leshnjës
Oak wood of Leshnja
24. Rrobulli i Kulmakës
Bosnian Pine of Kulmaka
25. Pishat e Gurrit të Prerë, Grevë
Pines of the cut sone, Greve
26. Rrapi i Vërzhezhës
Oak of Verzhezha
27. Koshnica
Koshnica
28. Bredhi i Kuçit
Fir tree of Kuci
29. Ahishtja e Symizës
Oak wood of Symiza
30. Ahishtja e Lirzës
Oak wood of Lirza
31. Arrat në Novaj
Walnut trees in Novaj
32. Dushkaja e Tendës së Qypit
Oak wood of the vase tent

CHAPTER TWO:

ENVIRONMENTAL

IMPACT

ASSESSMENT

L A W
No. 8053 dated 30. 06. 1999

**CONCERNING THE RIGHT
TO ACCESS TO OFFICIAL DOCUMENTS**

- Based on article 23, 17, 18 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

-

- **The Assembly of the Republic of Albania**

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object

The object of this law is to regulate the right to access to official documents.

Article 2

Definitions

For purposes of this law,

- a** - "public authority" means any body of the state administration and public entities;
- b** - "official document" means any document kept by the public authority in accordance with effective regulation in its public capacity;
- c** - "person" means any physical or legal entity, national or foreign;
- d** - "public" means at least one person.

CHAPTER II

**THE RIGHT TO ACCESS TO INFORMATION AND THE OBLIGATIONS
OF THE PUBLIC AUTHORITY**

Article 3

The right to information

Any person is entitled to the right to request information on official documents relating to the activity of state bodies and persons in state offices without having to explain the motives of the request.

The public authority is obligated to give any information relating to any official

document except when otherwise provided by law.

Any information on an official document that has been given to a person, may not be refused to any other person, except when this information constitutes personal information on the very person to who the information has been given in the first place.

Article 4

Restrictions

If information on an official document is restricted by law, the public authority releases to the requesting person a written statement explaining the reasons for withholding the information and the policy for requesting for such material.

- If restriction applies only to part of the information contained in the official document, the remainder may not be refused to the requesting person.

Article 5

The right to information on subjects in state offices

Any person is entitled to the right to personal information about persons in state office or in public service, kept in official documents, for as long as such information relates to qualities required by law or by regulation for persons who fill these posts.

Article 6

The obligation to provide quality information service

- The Public authority issues rules and creates structural and practical facilities to ensure public access to information in an accurate, complete and expedient manner.

Article 7

Manner of accessing information

An integral copy of the requested official document is made available to the requesting person.

The public authority, upon request from the concerned person or upon its own suggestion, may offer to the requesting persons various forms of accessing the information, including verbal. In any such case, the requesting person must give his consent in writing.

Article 8

Official documents made available to the public without a request

The public authority is obligated to make public and multiply on its own, in sufficient quantities and appropriate formats, documents that facilitate the public's information

on:

a – location of central and local bodies, venue and names of public employees from which the public may obtain information, submit applications or complaints;

b – rules, procedures and manner of obtaining the various forms, explanations on the purpose and content of such forms and other supporting documents and certification to make the application complete;

c – the overall legal regulation that govern the operations of the public authority; the overall policies it implements and any eventual change to the foregoing.

d– detailed explanation on the work method and practice.

Article 9

Preliminary documentation

In accordance with laws, by-laws and published regulation, the public authority prepares in advance for reviewing or copying, in expectation of requests from the public, such documents as:

a – Final decisions on a given issue, including the minority point of view, and ordinances and instructions to ensure implementability of such decisions;

b – Internal ordinances and instructions impacting relations of the public authority with the public;

c – Copies of any official document, irrespective of format, which has been given before at least to one person and which the public authority believes to be of interest to other persons;

d – The index or file numbers of official documents.

Article 10

Deadline for non-acceptance of request

The public authority decides on full or partial non-acceptance of the request within 15 days from its submission date. In cases of non-acceptance, the public authority gives a grounded, full or partial negative, response in writing to the requesting side.

Article 11

Deadline for response

- The public authority fulfills the request within 40 days from its submission date, except in cases provided otherwise by this law.

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Article 2

Extension of deadline

- In cases when it is impossible for the public authority to satisfy the request within the time limits stipulated in Article 11 due to specificity of the request or the need to consult a third party, the Public Authority notifies in writing the concerned side not later than 7 days from the expiration of the original deadline on the

impossibility of full or partial satisfaction of the request citing the grounds causing the impossibility.

In such circumstances the public authority proposes to the concerned side one of the following solutions:

a – a new deadline starting at the end of the original deadline but not longer than 10 days without renewal;

b – the modification of the request by the requesting person in a manner that enables the public authority to honor time limits enshrined in this law.

- The concerned side can elect one of the above solutions. In the event the concerned side does not respond before the expiration of the first deadline, the public authority makes a decision to extend the deadline.

Article 13

Fees for information services

In cases when delivery of information services entails costs, the public authority may levy fees which in any case should be set in advance.

Fees for standard services or services having set a certain practice are publicized.

The fees for other services are set on a case by case basis and are communicated to the concerned side at the time of acceptance of the request.

The fees may not be higher than the costs for delivery of the service. The costs may include only material expenses for service delivery.

Information described in Article 8 is given free of charge.

For purposes of this law, decisions and documentation relating to fee setting procedures, by their own nature, represent official documents.

CHPATER III

COMPLAINTS

Article 14

General provision

The violation of the provisions of this law, when not a criminal offence, is an administrative breach and is regulated by Law No. 7697, dated 7. 04.1993 “On administrative breaches” with subsequent additions.

Article 15

Administrative complaint

Any person is entitled to the right to administrative complaint when at his/her own discretion concludes that the rights provided by this law have been infringed.

Procedures for administrative complaint are regulated by law No. 8475, dated 12. 05.1999 “Code of Administrative Procedures of the Republic of Albania”.

Article 16

Complaint in the courts

Any person is entitled to complain in the courts when at his/her own discretion evaluates that the rights provided by this law have been infringed.

- Procedures for court complaints are regulated by the provisions of the Code of Civil Procedures on apply to administrative conflicts.

Article 17

Indemnification

Any person suffering damage as a result of violation of the provisions of this law is entitled to indemnification by the violator.

Complaint and indemnification procedures are regulated by law.

CHAPTER IV

CLOSING PROVISIONS

Article 18

Ombudsman authority

The implementation of this law is the responsibility of the Ombudsman.

Authority of the Ombudsman in relation to the right to information is regulated by law No. 8454, dated 4. 02.1999 "On the Ombudsman".

Article 19

Entrance into force

- This law enters into force 6 months following publishing in the Official Journal.

**Chair of the Presidium
Skender Gjinushi**

L A W
No.8990, dated 23.1.2003

• **ON ENVIRONMENTAL IMPACT ASSESSMENT**

• In reliance with Articles 78, 81 paragraph 1 and 83 paragraph 1 of the Constitution of the Republic of Albania and on the proposal of the Council of Ministers,

THE ASSEMBLY OF REPUBLIC OF ALBANIA

D E C I D E D:

•
• **CHAPTER I**

•
• **GENERAL PROVISIONS**

•
• **Article 1**

•
• **Purpose [of the law]**

• This law aims at provision of:

• a) General, integrated and in time assessment of environmental impacts of projects or activities that want to be implemented preventing and lessening negative impacts on the environment;

• b) An open assessment process and impartially administered through participation of central and local organs, the public, and environmental non-for profit organizations, of the project proposer and natural and juridical persons specialized in this field.

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• **Article 2**

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• **Object [of the law]**

• This law sets forth rules, procedures, deadlines, rights and duties on the following:

• a) To identify, correct and assess direct and indirect impacts of project of activity on the environment where they will be implemented;

• b) To compare advantages and deficiencies of a project proposed in other potential variants that include changes;

i) Place where the project will be implemented;

ii) Measurements and its capacities;

iii) Technology;

iv) Comparisons with the state of environment unless project is implemented;

- v) Determination of measures to prevent and bumper damages on the environment;
 - c) Provision of a technical, professional, legal and administrative processing of the request and decision making by relevant organs.

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- **Article 3**

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- **Definitions**

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- Within this law, the below words shall have these meanings:
- 1. "Acceptable average impact" is the negative impact on environment which can be lessened, is not accumulated and does not cause environmental dispersed [diffused] damage.
- 2. "Significant impact" is the impact on environment which is not easily lessened, accumulates and causes diffused dispersed damage of environment.
- 3. "Direct impact" is the impact cause only by implementation of a given project.
- 4. "Indirect impact" is the previously accumulated or distantly displaced impact that may be forecasted.
- 5. "Project" is:
 - a) Implementation of construction works, installations or schemes;
 - b) Intervention into the natural and scenery environment including utilization of natural resources and mining properties.
- 6. "Classification" is the process of reviewing the summary report of environmental impact assessment in order to categorize a project in accordance with appendixes 1 and 2 of this law.
- 8. "Proposer" is the natural and juridical person that asks for approval of a project, plan, program or policy.

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- **CHAPTER II**

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- **ENVIRONMENTAL IMPACT ASSESSMENT**

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- **Article 4**

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- **Projects that undergo Impact Assessment on Environment**

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- 1. All projects and activities described in appendixes 1 and 2 of this law, prior to approval by relevant organs shall undergo the process of impact assessment on environment.
- 2. Projects and activities shall undergo two levels of revision to assess such impact:
 - a) Profound [advanced] process of impact assessment on environment;
 - b) Summary [outlined] process of impact assessment on environment.

- 3. Projects and activities of appendix 1 and projects and activities that ask for implementation in a protected area or in the marine environment of the Republic of Albania shall undergo the profound process of impact assessment on environment

- 4. Projects of appendix 2 and changes or rehabilitations of projects of appendix 1 shall undergo summary process of impact assessment on environment.

- 5. A project of appendix 2 shall undergo the profound process of impact assessment on environment only when regional environmental agency or Ministry of Environment based on criteria of appendix 3 of this law deems that this project may have significant impact on environment.

- **Article 5**

- **Strategic Environmental Assessment**

- 1. Strategic environmental assessment shall undergo the following:

- a) Strategies and action plans on energy, mines, industry, transport, agriculture, forests, on natural resources and mining properties management and on waste management;

- b) Territory adjustment national and regional plans of urban and rural centers, industrial areas, coastal areas, tourism areas, protected areas and highly pollution and damage sensible areas.

- 2. State organ or natural or juridical person that submits a proposal in accordance with paragraph 1 of this Article shall compile strategic environmental assessment report and asks for evaluation of it from the Minister of Environment prior to endorsement by relevant organs. Assessment is given through environmental declaration which shall be published.

- 2. Procedures, deadlines and parties obligations in all phases of strategic environmental assessment process shall be the same as for projects requiring profound process of impact assessment on environment.

- **CHAPTER III**

- **PROCEDURES OF IMPACT ASSESSMENT ON ENVIRONMENT**

- **Article 6**

- **Request for Approval**

- 1. The request for approval of the project and accompanying [attached] documentation the proposer shall submit to the regional environmental agency of the region where the project will be implemented or activity will be exercised.

- 2. The request contains name, address, juridical status of the proposer and the project proposed for approval.

- 3. Accompanying documentation contains:

- a) For projects described in appendix 1, the profound report of impact assessment on environment;
- b) For projects of appendix 2, summary report of impact assessment on environment.
- 4. Minister of Environment shall determine the list of documents attached to the request according to type and nature of projects or activities to be exercised.

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• **Article 7**

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• **Reports of Impact Assessment on Environment**

- 1. The report of impact assessment on environment is the fundamental document where is based the process of environmental impact assessment on the proposed project.
- 2. Reports shall be compiled by licensed natural and juridical persons, selected, contracted and paid by the proposer. The compilers of the report shall be liable for accuracy of data and recommendations in accordance with laws in power.
- 3. In compilation of environmental impact assessment report may be used data from public organs in accordance with requirements of Law No.8503, dated 30.6.1999 "On the right of information on official documents".
- 4. On the proposal of Minister of Environment, the Council of Ministers approves the national methodology of the process of impact assessment on environment where shall be defined in details the methodologies and requirements for compilation of reports of impact assessment on environment and strategic environmental impact assessment.

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• **Article 8**

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• **Summary Report of Impact Assessment on Environment**

- Summary report of impact assessment on environment contains the following:
 - a) Objective of the project;
 - b) Detailed objective description;
 - c) Data on present environment of the area and in its vicinity where the project is implemented;
 - ç) Detailed description of all installations that are part of the project or will be used during its implementation;
 - d) Construction plan and the deadlines of its implementation;
 - dh) Description of engineered values that are constructed or enlarged and of necessary works for project implementation;
 - e) Potential impacts on environment and proposed measures to prevent or bumper these impacts;
 - ë) Monitoring program of project impact on environment;
 - f) Conformity of the project with territory adjustment plan and with economic development plan of area where project will be implemented;

- g) Summary of consultations with local government organs, the public and environmental non-for profit organizations and of their opinions;
- gj) Rehabilitative measures in case of pollution and damage of environment as well as their cost;
- h) A copy of the license of natural or juridical person which has prepared the report of impact assessment on environment.

- **Article 9**

- **Profound Report of Impact Assessment on Environment**

- Profound report of impact assessment on environment apart from data of summary report contains in addition the following:
 - a) Procedures and reasons of selection of site where project will be implemented, description of at least two additional options of location of project;
 - b) Its direct and indirect level of impact on environment;
 - c) Potential impacts of options [of project] on environment and health;
 - ç) Risks of accidents with significant impact on health and environment and measures to prevent these;
 - d) Trans-border impact on environment if any;
 - dh) Technical measures plans to prevent and bumper negative impacts on environment;
 - e) Detailed descriptions about sustainable use of energy, of natural and mining resources;
 - ë) Potential negotiations plan with local government organs, the public and environmental non-for profit organizations during the phases of planning, review and implementation of the project.

- **Article 10**

- **Initial Review**

- The regional environmental agency within five (5) days of receipt of the request shall conduct initial review of documentation and the following:
 - a) Accept for review the request and accompanying documentation provided that requirements of Articles 8 and 9 of this law are been satisfied and asks for at least 5 copies in Albanian language of the report of impact assessment on the environment;
 - b) Reject the request if documents are not been prepared in accordance with requirements of Articles 8 to 11 and notify in written the proposer about changes and adjustments that he should make in the documents;
 - c) Procedures of request review shall not commence if the proposer does not submits corrected and amended documentation.

- **Article 11**

- **Classification of the Request**

- 1. Regional environmental agency in collaboration with the proposer within five (5) days from the receipt of request shall classify the proposed project in accordance with appendixes 1 and 2 and decide whether it will undergo the profound process of impact assessment on environment.
- 2. When the proposer has included the profound report of impact assessment on environment into the submitted documentation the classification shall be considered completed.

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• **Article 12** •

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• **Profound Process of Impact Assessment on the Environment** •

- 1. When from the classification results the project should undergo the profound process of impact assessment on environment the regional environmental agency shall request in written to the proposer to submit the profound report of impact assessment on environment.
- 2. The regional environmental agency notifies about this decision the Ministry of Environment, organs that issue licenses of construction and activity as well as local government organs of the area where the project will be implemented.
- 3. The proposer may present a complaint to the Minister of Environment within ten (10) days from the date of notification of the decision, which announces the final decision within ten (10) days from the date of complaint submission.

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• **Article 13** •

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• **Amendments to the Project** •

- 1. When the proposer requests to make amendments to the project or to its implementation way during the time that the request has started the procedures of review, shall submit such amendments in written to the regional environmental agency that has accepted the request.
- 2. The regional environmental agency or the Ministry of Environment shall accept the proposed amendments when such amendments to the project or to its implementation way are clear and accurate and if there is real possibility of their review. In the acceptance notice to the proposer is made known the prolongation of the review deadlines caused by such amendments.
- 3. When proposed amendments are unclear, the regional environmental agency or the Ministry of Environment shall reject in written the acceptance of such amendments and requests to the proposer to submit those again.
- 4. When proposed amendments are to the extent profound that constitute a new project, the regional environmental agency or the Ministry of Environment shall reject the acceptance of such amendments and suggest to the proposer to initiate procedures of a new project assessment.
- 5. Against the rejection of amendments the proposer may appeal in the court within thirty (30) days from receipt of [rejection] notification.

- **Article 14**

- **Opinion of Regional Environmental Agency**

- 1. Regional Environmental Agency after inspection in the field of data presented in the report on impact assessment on environment and in all other documents shall consult with local government units, with those of urban and tourism development and prepare in written its own justified opinion in favor of approval or refusal of the project as well as propose conditions to be placed in the approval documentation and forward these conditions to the Ministry of Environment within twenty (20) calendar days from the day of request acceptance for review.
- 2. The detailed description of duties of regional environmental agency in the process of impact assessment on environment shall be determined by guidelines issued by the Minister of Environment.

- **Article 15**

- **Deadlines**

- 1. Deadlines of the review process shall commence with submission of the proposer's request from the regional environmental agency to the Ministry of Environment and shall expire with decision announcement from the Minister of Environment.
- 2. The time of twenty (20) calendar days from the date of request acceptance by the regional environmental agency to its submission to the Ministry of Environment shall be a preparatory phase.
- 3. For projects requiring a profound assessment process, the review shall be conducted within three (3) months from the date regional environmental agency has forwarded the request to the Ministry of Environment. For projects requiring a summary assessment process, the review shall be conducted within two (2) months.
- 4. Time during which the proposer makes interventions to fill in requests, data, documents, complaints review, shall be deduced by the compulsory deadlines for the Ministry of Environment.

- **Article 16**

- **Commission of Requests Review**

- 1. The Minister of Environment shall establish the commission of requests review which proposes the decisions. Composition, duties and functioning of the commission shall be determined in its charter approved by the Minister of Environment aiming at representation of all aspects of environment in it.
- 2. If during the review it is noticed that the project, different from the classification of the regional environmental agency, requires profound process of impact assessment on environment and when the documentation does not contain the necessary data, the proposer shall be obliged to submit those to the Ministry of Environment in order to continue the review procedure.

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- **Article 17**

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- **Review Criteria**

- 1. The review of request from the commission shall be conducted on basis of review criteria that consist of the following:
 - a) Verification of level of impact on environment;
 - b) Conformity of the project with national and regional plans of social and economic development and with territory adjustment plans;
 - c) Ability of the proposer to bear rehabilitation costs of damaged and polluted environment by its activity;
 - ç) Technical and technological characteristics of the project to apply requirements for prevention of pollution and damage to environment;
 - c) Consideration of opinions of interested parties.
- 2. Meeting of the commission of request review is open to interested public, non-for profit organizations, the proposer and the media.

- **Article 18**

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- **Specialists**

- 1. Minister of Environment to provide the necessary capacities and high professional level in request review shall engage specialists, natural or juridical person, local or foreign, licensed and experienced in the field of forecasting and impact assessment on environment.
- 2. Specialists shall prepare in written their opinions, shall be called in the commission meetings and give required explanations.
- 3. The specialist that has taken part in preparation of impact assessment on environment report of a project can not be called to review the same.
- 4. Specialists are compensated for their work in accordance with rules determined by the Council of Ministers on the proposal of the Minister of Environment and the Minister of Finance.

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- **Article 19**

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- **Consultation with Interested Parties**

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- The Minister of Environment shall require an opinion whether the project is in conformity with national and regional development programs and plans and about the expected level of impact on environment forwarding the description of the project and the profound impact assessment on environment report to:
 - a) Central organs covering the field of project objective;
 - b) Urban and tourism development organs;
 - c) Local government organs of the area where the project will be implemented;
 - ç) Specialized institutions in the forecast of impact on environment.

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- **Article 20**

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- **Public Debate**
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- 1. The project and the report of impact assessment on environment shall undergo a public debate where participate representatives of the ministry which licenses the project, territory adjustment and tourism organs, local government organs, specialized institutions, interested people, environmental non-for profit organizations and the proposer.

- 2. The debate shall be organized and directed by the local government organ where the project will be implemented which within five (5) days upon receipt of consultation request from the Minister of Environment shall:

- a) Notify the public and environmental non-for profit organizations and put into their disposal the impact assessment on environment report for a period of one (1_ month;

- b) In collaboration with the Ministry of Environment and the proposer set the debate day, notify participants ten (10) days in advance and within one month deadline organizes the open debate with all the interested.

- 3. If in the conclusion of the debate participatory parties does not submit their opinions to the Ministry of Environment, the commission of request review shall continue the procedures.

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- **Article 21**
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- **Review Result**
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- 1. After review of documentation including the one prepared during the process of review the commission prepares the final report.

- 2. The final report contains the proposal for approval of the request vested in the form of a declaration or environmental permit, or justified rejection of the request.

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- **Article 22**
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- **Decision-making**
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- 1. Within five (5) days from submission of the commission report the Minister if Environment shall take the respective decision announcing the environmental declaration or permit.

- 2. Environmental declaration contains:

- a) Norms of discharges of expected pollutes in air, water and land;

- b) Compulsory measures based on best available techniques of construction put into use of the project;

- c) Compulsory measures for protection of air, water land, biodiversity and to prevent the pollution transferal from one component of the environment to another;

- c) Requirements for monitoring of discharges determining measurements methodology, their frequency, assessment procedure and publication of results;

- d) Conditions on limiting the trans-border pollution above the permitted levels;
- dh) Additional measures to prevent surpassing of the quality norms of environment;
- e) The requirement of reporting and comparing determined impacts during preparation of the report with real effects of project implementation.
- 3. When the decision rejects the request, environmental declaration shall contain full rejection justification from the environmental, technical, legal and administrative point of view.
- The proposer may present the request and attached documentation no prior than one year from the date of its rejection.
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- **Article 23**
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- **Notice and Appeal of Decision**

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- 1. The Minister of Environment shall notify its decision which is published and a copy of the environment declaration or permit shall be delivered to the proposer, state organs that license activity and local government organs of area where the project will be implemented.
- 2. Against the decision the proposer may appeal in court within thirty (30) days of its publication.

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- **Article 24**
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- **Honor of Environmental Conditions**

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- 1. Conditions and requirements defined in the environmental declaration shall be considered by the territory adjustment councils including those in the content of construction permits.
- 2. Projects and activities described in appendixes 1 and 2 shall be implemented only in conformity with conditions set forth in the environmental declaration, in environmental permit and in construction permit.
- 3. Projects of appendixes 1 and 2 shall not be licensed if they have not underwent the process of impact assessment on environment and to them it has not been approved the environmental declaration.

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- **Article 25**
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- **Annulment**
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- 1. The Minister of Environment shall annul at any time the environmental declaration or permit approved by him when proves that these have been issued based on false documents. The annulment shall be published and a

copy of it shall be delivered to the licensing organ, local government organ of the area where project is implemented and to the proposer.

- 2. The project and activity to which are been annulled the environmental declaration or permit shall be suspended by the Inspectorate of Environment in co-operation with the Construction Police but this suspension shall not last less than 3 months and more than one year, a time within which request and documents for review shall be prepared and submitted.

- 3. If the proposer does not submit documents within this time period, the Inspectorate of Environment in co-operation with the Construction Police and the licensing organ inspectorate shall order definite closing of the activity. Orders of suspension and definite closing of the activity shall be published and copies of them shall be delivered to local government organ of area where project is implemented and to the proposer.

- 4. Against orders of suspension and definite closing of activity the proposer may file a complaint to the Minister of Environment within ten (10) days from receipt of notice and the Minister shall reply within twenty (20) days from receipt of complaint. Against the decision of the Minister the proposer may appeal in court within thirty (30) days from receipt of notice.

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- **Article 26**

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- **Public Participation**

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- 1. The interested public and environmental non-for profit organizations shall participate in all phases of the impact assessment on environment process decision-making inclusive. The Minister of Environment shall determine with separate normative act duties of environmental organs in order to guarantee public participation and of environmental non-for profit organizations in this process.

- 2. When the interested public and environmental non-for profit organizations observe irregularities in the process of impact assessment on environment shall require the Minister of Environment partial or entire re-review of the process of impact assessment on environment and the Minister shall reply within twenty (20) days from receipt of request.

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- **Article 27**

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- **Communication with Proposer**

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- The Ministry of Environment and regional environmental agency shall continuously notify the proposer issuing official notice to him on attitudes and actions that undergo during the entire process of request review.

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- **Article 28**

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- **Withdraw of Request**
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- 1. The proposer may withdraw the request been submitted for impact assessment on environment of a strategy, action plan, project or activity at any time and in any phase of its review notifying in written the regional environmental agency where he has deposited the request.
- 2. In this case, the Minister of Environment shall order cease of request review and filing of all submitted and prepared documentation during the review which is not returned to the proposer. The proposer shall pay all occurred expenses of the Ministry of Environment for the review of the request until the moment of its withdrawn.
- 3. The request may be submitted again for review but it can not be submitted prior to one year from the date of withdraw.

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- **Article 29**
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- **Archiving of Documentation**
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- 1. The Ministry of Environment shall archive all documentation of the process of impact assessment on environment no less than fifteen (15) years from [the date of] decision. Archiving and its administration shall be made in accordance with legislation in force.
- 2. The proposer for its own needs may require copies of documentation or part of it through submitting a written request to the Ministry of Environment that honors the request within 15 days from receipt. For this service the proposer shall pay a fee in accordance with rules defined by the Minister of Environment.
- 3. Any natural or juridical person has the right of acquaintance with proposer's archived documentation in application of guidelines on information about official documents, approved by the Minister of Environment.

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- **Article 30**
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- **Acceptance of Expenses**
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- 1. Expenses of preparation of impact assessment on environment report, of public discussion, of review and consultation shall be at the cost of the proposer.
- 2. Expenses committed by the regional environmental agency and the Ministry of Environment for the request review and decision shall be valued as service fee. The value of such fee includes all administrative expenses occurred during the process of review and decision and shall be determined by guidelines of the Minister of Environment.
- 3. The proposer shall liquidate one third of the fee when submitting the request for review and two thirds prior to final review in the commission. The request shall not be handled by the regional environmental agency and the

commission shall not commence the review if the proposer has not executed payments.

- 4. Paid fee is not reimbursable, regardless of the fact of approval or not of the request by final decision.

- **Article 31**

- **Administrative contraventions**

- 1. The making of false declarations, preparation of documents or information distribution aiming at the approval of the request shall constitute administrative contravention and shall be punished with a fine from 50 thousand to 300 thousand ALL in accordance with the importance of the contravention.
- 2. The fine shall be given and executed by the Inspectorate of Environment. Against it a complaint may be filed to the Minister of Environment within ten (10) days which shall reply to the complaint within fifteen (15) days upon filing.
- 3. Against the decision of the Minister of Environment or when the latter does not respond within fifteen days, an appeal may be made in the court.
- 4. When these breaches constitute criminal offense the Ministry of Environment shall denounce for criminal prosecution.

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- **CHAPTER IV**

- **FINAL PROVISIONS**

- **Article 32**

- **Obligation of Application**

- Provisions of this law shall be applied even in cases when a natural or juridical person asks for to make significant changes in approved project prior to entry into force of this Law.

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- **Article 33**

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- **By-Laws**

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- The Council of Ministers is responsible to enact by-laws in application of Article 7 paragraph 4 and Article 18 paragraph 4 of this Law.
- The Minister of Environment is responsible to enact orders and guidelines in application of Article 6 paragraph 4, Article 14 paragraph 2, Article 16 paragraph 1, Article 26 paragraph 1, Article 29 paragraph 2 and 3 and Article 30 paragraph 2 of this Law.

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- **Article 34**
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- **Entry in Force**
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This law is effective 15 days after publication in the Official Journal.

CHAIRMAN
Servet Pëllumbi

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- **Councilor: Ilir Shurdhi**
- **Editor: Gazmend Hanku**
- **Operator: Servete Muzhaqi**
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Appendix 1

Activities that undergo profound process of impact assessment on environment

1. Refineries of diesel and gas, liquidation and processing of coal and bituminous sands, plants for regeneration of used oils higher than 100 000 tons/year.
2. Thermo-plants of production of energy and other burning plants with a production of heat higher than 50 MV.
3. Hydro-plants.
4. Factories of fuse of minerals (including minerals that contain sulfur).
5. Calcimining and bake of minerals that contain toxic elements such as mercury, arsenic and cadmium.
6. Factories of steel and cast iron casting (primary and secondary communion) including continuous casting.
7. Factories and foundries of iron metals:
 - Lamination factoring;
 - Forge with machine hammer, energy of each exceeds 50 KJ for machine hammer whilst heat power exceeds 20 MV;
 - Application of protective coating with mixed metal with an input exceeding 1 tons of gross steel per hour.
8. Foundries of iron metals with a production capacity higher than 100 tons per day.
9. Foundries or factories for:
 - Production of colored metals and non-ferric metals from minerals, concentrates or secondary matters of metallurgical, chemical and electrolytic processes;
 - Casting including mixing of colored metals, recuperated products (refining, casting in the foundry, etc) with a casting capacity exceeding 1 tons per day for lead and cadmium or 10 tons per day for all metals.
10. Factories for superficial treatments of metals and plastic materials using an electrolytic or chemical process in which volume of vats of treatment exceeds 10 m³.
11. Production and processing of alloys for non-ferric metals containing arsenic, mercury and lead with a higher capacity than 1000 tons a year.
12. Mining and processing of coal, lignite and bitumen with higher capacity higher than 50 000 tons a year.
13. Mining of diesel with higher capacities than 50000 tons/year.
14. Mining of gas for commercial purposes where the mined quantity is higher than 250 000 m³ a day for natural gas.
15. Factories for protection of cement in rotary furnaces (burning and drying) with a production capacity exceeding 300 tons per day or for lime (calcium oxide) production in rotary furnaces with a production capacity exceeding 30 tons per day or in other furnaces with a production capacity exceeding 30 tons per day.
16. Factory for production of glass including glass fibers with a fuse capacity exceeding 10 tons per day.
17. Foundries for fuse of mineral substances including production of mineral fibers with a fuse capacity exceeding 10 tons per day.
18. Factories for production of ceramics using fire and in particular, tiles, bricks,

- porcelain bricks with a production capacity exceeding 30 tons per day.
19. Mining of stones and open mines of argyle where the site surface is larger than 5 hectares or peat extraction where surface of site is larger than 50 hectares.
 20. Production of cardboard fibers over 100 000 m²/year.
 21. Production of furniture over 10000 m³/year of raw material.
 22. Integrated works for industrial production of substances or groups of substances listed in paragraphs (a-g) with chemical processes:
 - (a) For Production of base organic chemicals such as:
 - Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
 - Hydrocarbons containing oxygen such as: alcohol, aldehydes, acetones, carboxylic acids, ethers, acetone, peroxide, resin;
 - Sulfuric hydrocarbons;
 - Nitrogen hydrocarbons such as amine, amide, components of nitrogen, components nitrate, cyanides, isocyanides;
 - Hydrocarbons containing phosphor;
 - Halogen hydrocarbons;
 - Organic-metallic components;
 - Base plastic materials (polymers, synthetic fibers and fibers of cellulose base);
 - Synthetic rubbers;
 - Colorants and pigments;
 - Active agents superficial and superficies.
 - (b) For production of base inorganic chemicals such as:
 - Gases such as ammoniac, chlorine, or hydrogen chloride, fluoride or hydrogen fluoride, carbon dioxide, components of sulfur, hydrogen, sulfur dioxide, carbonyl chloride;
 - Acids such as chromium acid, hydro-fluoride acid, phosphoric acid, nitric acid, hydrochloric acid, sulfuric acid, ileum and sulfurous acid;
 - Alkaline such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
 - Salts such as ammonium chloride, potassium chlorates, potassium carbonate, sodium carbonate, perorates, silver nitrate;
 - Non-metals, metal oxides or other organic compounds such as calcium carbide, and silicon carbide.
 - (c) For production of fertilizers with phosphates and phosphates and nitrogen bases (simple or composed fertilizers);
 - (ç) For production of vegetable and health products and of biocides;
 - (d) Plants that use chemical or biological processes for production of pharmaceuticals, paints and pesticides;
 - (dh) Chemical plants for production of explosives;
 - (e) Chemical plants that produce protein food additives, ferments and other protein substances through chemical or biological method;
 23. Plants for burning, recuperation, chemical treatment or bury of hazardous waste.
 24. Plants for burning of urban waste with capacity higher than 1 tons/hour.
 25. Landfill for deposit of non hazardous waste with capacity higher than 30 tons/day.
 26. Construction of long distance railways and for airports with base access roads higher or equal to 2100 m.
 27. Construction of a new road with two or more lanes or redirection or widening of

- an existing road with two or less lanes when are to be provided two or more lanes, in which this new road or redirected section should be 5 km or more in continuity.
28. Roads of internal waters pass and ports for the traffic of roads of internal waters pass that allows passing of ships of a tonnage greater than 500 tons.
 29. Merchandise ports, docks for loading – unloading connected with the land or external ports (excluding railway docks) which can hold ships of a tonnage greater than 1000 tons.
 30. Extraction of subterranean water or artificial schemes of recharging the subterranean waters where the annual volume of refilled (recharged) water is equal or higher than 5 million m³.
 31. Works for transferal of water sources from basins of rivers, where the transferal aims at preventive shortcuts of waters pass roads and where the quantity of transferred waters is higher than 100 million m³/year.
 32. In all cases works for transferal of water sources from river basins where the multi-annual stream of the basin is higher than 1000 million m³/year and where the quantity of transferred waters is higher than 5 % of this stream. In both cases potable water transferal using tubes is excluded.
 33. Barriers and other reservoirs designed for protection and deposit of water, where an additional water quantity is higher than 5 million m³.
 34. Tubes for transportation of diesel products or chemicals with diameter greater than 500 mm and a greater distance than 10 km.
 35. Plants for intensive cultivation of fowls, pigs and sheep that have more than:
 - a) 10 000 fowls;
 - b) 500 pigs;
 - c) 1000 sheep;
 36. Construction of high voltage lines with a minimum voltage of 220 KV or with a greater distance than 10 km;
 37. Plants of treatment of urban liquid discharges with a higher capacity than 150 000 equivalent inhabitants;
 38. Industrial plants for:
 - a) Production of pulp from wood or other similar fibers;
 - b) Production of paper and cartoon with production capacity higher than 50 tons/day.
 39. Warehouse for conservation and deposit of diesel, its products, petrochemicals and chemicals with capacity greater or equal to 100 000 tons.
 40. Plants for initial treatment (operations such as washing, whitening and mercerization), or coloring of fibers and textiles where the capacity of treatment is higher than 10 tons/day.
 41. Factories for treatment of leather where the treatment capacity is higher than 6 tons of ready product/day.
 42. Treatment and processing aiming at production of food from:
 - Raw material of animal origin (and others except of milk) with capacity of production of ready product higher than 30 tons/day;
 - Raw material of vegetable origin with capacity of production of ready product higher than 250 tons/day (average value based on one fourth);
 - Treatment and processing of milk, quantity of milk generated

- higher than 100 tons/day (average value on annual basis);
- Plant for deposit and recycling of animal waste and animal skeletons with a treatment capacity higher than 10 tons/day;
 - Plant for superficial treatment of substances, objects or products that use organic solvents in particular for clothing, printing, over-clothing, degreasing, water-proof, paints or suppression with a capacity higher than 100 tons/year.

Appendix 2

Activities that undergo Summary Process of Impact Assessment on Environment

1. Agriculture, forestry and aquatic life:
 - (a) Projects for rehabilitation of rural areas;
 - (b) Projects for using of non-agricultural lands or half-natural areas for purposed of intensive agriculture;
 - (c) Projects of water management for agriculture needs including projects of irrigation and drainage of the land;
 - (ç) Reforestation and deforestation for purposes of destination change of the land use;
 - (d) Intensive fishing farms.
2. Mining Industry:
 - (a) Stone pits, open quarries and mining of peat (projects not included in appendix 1);
 - (b) Subterranean mines;
 - (c) Mining of mineral – gravels from marine and river drainage;
 - (ç) Deep drilling in particular:
 - Geo-thermal drilling;
 - Drilling for water supply excluding drilling to monitor the land sustainability;
 - (d) Surface industrial plants for mining of coal, diesel, gas and bituminous sand.
3. Energy Industry (projects not included in appendix 1):
 - (a) Industrial plants for generation of electrical energy, steam and hot water;
 - (b) Industrial plants for storage of gas, steam, hot water, for transmitting energy through wires (projects not included in appendix 1);
 - (c) Surface conservation of gas;
 - (ç) Subterranean conservation of burning gases;
 - (d) Surface conservation of liquid fuels;
 - (dh) Natural briquette of coal and lignite;
 - (e) Hydro-electrical generating plants.
4. Production and processing of metals (which are not included in appendix 1):
 - (a) Production of red iron and steal with continuous metal-casting;
 - (b) Plants for processing of iron metals;
 - (c) Foundries of iron metals;
 - (ç) Fuse including mixture of colored metals, including recuperated products (refinery, fuse in foundry, etc.);
 - (d) Plants for surface treatment of metals and plastic materials;
 - (dh) Production and assembling of vehicles and production of motors of vehicles;
 - (e) Mole;
 - (ë) Plants for annealing and synthesis of metallic minerals.
5. Mining Industry: (projects which are not included in appendix 1):
 - (a) Industrial furnace of coke (dry distillation of coal);

- (b) Factory for production of cement;
 - (c) Factory for production of glass and glass fibers;
 - (ç) Foundries for fuse of mineral substances including mineral fibers;
 - (d) Production of ceramics, tiles, bricks, stubborn bricks, stone or porcelain coating through burning.
6. Chemical Industry (projects which are not included in appendix 1):
- (a) Treatment of intermediary products and production of chemicals;
 - (b) Production of pesticides and pharmaceutical products, paints and varnish, elastic matter and peroxides;
 - (c) Warehouses for trading or conservation purposes of diesel, diesel products and chemical products.
7. Food Industry:
- (a) Production of oils and vegetable/ animal fat;
 - (b) Packaging and wrapping of vegetable products;
 - (c) Production of diary products;
 - (ç) Distillation of beer;
 - (d) Production of syrups and candies;
 - (dh) Factories of fish and fish oil;
 - (e) Sugar factories.
8. Leather, wood and paper industry:
- (a) Factories for production of paper (for projects not included in appendix 1);
 - (b) Plants for pre-treatment (washing, whitening, mercerization);
 - (c) Plants for treatment of leathers and heels;
 - (ç) Plants for processing and production of cellulose.
9. Rubber Industry:
- Production and treatment of products with basis of elastic matter.
10. Infrastructure project:
- (a) Projects of industrial development;
 - (b) Projects of urban development including construction of malls and vehicles parking places;
 - (c) Construction of railways, inter-mode facilities and transport and inter-mode terminals (projects which are not included in appendix 1);
 - (ç) Construction of airports (for projects not included in appendix 1);
 - (d) Construction of roads, ports and installations in ports, including even the fishing ports (projects not included in appendix 1);
 - (dh) Construction of water canals in ground, which are not included in appendix 1;
 - (e) Other installations designed to hold water or to conserve it for a long time (projects which are not included in appendix 1);
 - (ë) Trams, elevators and undergrounds [subway] used only or mainly for passengers;
 - (f) Oil and installation tubes of gas (projects which are not included in appendix 1);
 - (g) Work in the coast against erosion and works that will change the coast during

construction such as moles and other protective marine works, excluding maintenance and rehabilitation of such works;

- (gj) Discharging of subterranean waters and schemes of artificial refill of subterranean waters which are not included in appendix 1;
- (f) Work for transfer of water sources between basins of rivers which are not included in appendix 1.

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- 11. Other projects:

- (a) Permanent roads used for testing and rallies of motor vehicles;
- (b) Installations used for waste elimination (projects which are not included in appendix 1);
- (c) Plants for treatment of polluted waters (projects which are not included in appendix 1);
- (ç) Installation for collection of waste (projects which are not included in appendix 1);
- (d) Warehouses for conservation of iron waste including metallic chassis of out of use vehicles;
- (dh) Installation for production of artificial mineral fibers;
- (e) Installations for recovery or destruction of explosive substances;
- (e) Landfills of industrial waste;
- (f) Places used for collection of dead animals or undesirable ones;
- (g) Food industries which are not included in appendix 1.

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- 12. Tourism and free time:

- (a) Ski aerial tramways [telphers], vehicles with wiring and developments accompanied by these types of activities;
- (b) Tourist ports;
- (c) Tourist villages and hotel complexes outside urban areas and of developments accompanied by these types of activities;
- (ç) Camping places (areas);
- (d) Amusement Parks.

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• **Appendix 3**

Selection Criteria

1. Project Characteristics

- Project characteristics consider particularly the following:
 - Project size;
 - Combined impact on environment with existing or future projects;
 - Use of natural resources;
 - Generation [recycling] of waste;
 - Pollution and disturbance;
 - Risk for accidents based mainly from substances and used [old] technologies.

2. Location of project implementation

- Environmental sensitiveness of geographical areas that might impact from the project should be considered particularly at:
 - Existing use of the land;
 - Relative abundance, quality and regenerative capacity of natural resources in the area;
 - Absorbing capacity of natural environment paying special attention to the following areas:
 - (a) Marshland;
 - (b) Coastal areas;
 - (c) Forest and mountainous areas;
 - (ç) Natural parks and reservations;
 - (d) Strictly protected areas;
 - (dh) Areas within which quality standards in national and EU have been exceeded;
 - (e) Overpopulated areas;
 - (f) Landscapes of cultural, archeological and historical importance.

3. Potential impact characteristics

- Potential impacts of projects should be reviewed in accordance with criteria 1 and 2 but particularly based on the following:
 - Extension of impact (geographical area and extension in distance of affected population);
 - Trans-border feature of the impact;
 - The size and complexity of the impact;
 - Possibilities of impact exercise;
 - Duration, frequency and reversibility of the impact.

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• **DECISION**
No. 249 dated 24. 04. 2003

**CONCERNING THE ENDORSEMENT OF APPLICATIONS FOR
ENVIRONMENTAL LICENSES AND INFORMATION ITEMS IN THE
ENVIRONMENTAL LICENSE**

Based on article 100 of the Constitution and point 1 of article 37 of Law No. 8934 dated 5. 09. 2002 "On protection of the environment" upon proposal from the Environmental Minister, the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1. Physical and legal persons, national or foreign, in order to obtain an environmental license must submit a request concerning the approval of the project or the activity they desire to carry out and supporting documentation, as defined in Annex 1 attached to this decision.

2. The request is submitted at the environmental agency of the region where the site of the activity is located.

3. The environmental license contains the items, requirements and conditions described in Annex 2 attached to this decision.

4. The Ministry of Environment is responsible for the implementation of this decision.

This decision enters into force after its publication in the Official Journal.

**PRIME MINISTER
Fatos Nano**

ANNEX 1

DOCUMENTS IN THE APPLICATION FOR ENVIRONMENTAL LICENSE

1. Application of the physical or legal person addressed to the Environment Ministry for approving the project and granting an environmental license.

2. Description of the project of the activity treating of:

a) Characteristics of the project:

i) description of the main processes, technology, capacity, primary materials, intermediate and finished products;

ii) plan of action on construction and exploitation stages;

iii) other interventions that are required for purposes of this project (for example: roads, drinking water supply, etc.)

b) Location of the project:

i) planimetry and boundaries of the project;

ii) maps and photographs showing location of the project;

iii) existing plans of utilization of territory on which the project builds;

c) Possible impacts on the environment and health:

- i) impacts on human health, the fauna and flora, the land, water and air, climate and landscape, on cultural and historical heritage;
 - ii) nature of impact (direct, indirect, permanent, temporary, positive, negative):
 - iii) measures for the alleviation of impacts on the environment;
 - iv) impacts of a cross border nature;
3. Decision of the courts on registration of the applicant as a physical or legal person.
 4. The evaluation report on environmental impact designed by a certified physical or legal entity and hired by the applicant of the environmental license.

ANNEX 2

ENTRIES OF THE ENVIRONMENTAL LICENSE

1. Name of the Ministry of Environment as the authority empowered to grant environmental licenses with an impact on the environment.
2. Name, address of the physical or legal entity obtaining the license.
3. The legal provision justifying the granting of the environmental license.
4. Details on the safeguards against discharges in every discharging joint and in total for the entire activity cited against discharging norms.
5. Requirements for the implementation of the monitoring program including indicators of condition, impact, stations of sample extraction and frequency and method of measurement or estimation, forms of presentation and registration of data.
6. Identification of measures for reduction of consumption of water, primary materials, energy and improvement of technology along the lines of a program developed for this purpose.
7. The obligation to submit once very three months the monitoring data from the regional environmental agencies and publish these once a year.
8. Definition of measures and schedules for the rehabilitation of the damaged or polluted environment.
9. Measures for treatment of waste and hazardous waste produced by the activity.
10. Obligatory restoration measures in the event of activity shutting down.
11. Deadline for renewal of the environmental license and expiration of the license in case the activity stops.
12. The obligation for carrying out environmental assessments.
13. The obligation to implement the requirements contained in the license even in cases of the company being transferred under ownership or utilization title of another person.
14. Sanctions in the event of failure to comply with the conditions of the environmental license.
15. Tariff for obtaining the environmental license.
16. Date of entrance into force of the environmental license.

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• DECISION
No. 268 dated 24. 04. 2003

**• CONCERNING THE CERTIFICATION OF ENVIRONMENTAL
SPECIALISTS ON ENVIRONMENTAL IMPACT ASSESSMENT AND
ENVIRONMENTAL AUDITING**

Based on article 100 of the Constitution and point 3 of article 31 of the Law No. 8934 dated 5. 09. 2002 "On protection of the environment", upon proposal of the Environmental Ministers, the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1. To endorse the following criteria, rules and procedures for the certification of specialists to assess environmental impact and to conduct environmental audits:

I. APPLICATION FOR CERTIFICATION

- a) The Minister of the Environment is the authority to endorse certification of specialists in the field of assessing environmental impact and carrying out environmental audits.
- b) The certified specialist is entitled to the right to formulate the report on the assessment of environmental impact, to conduct environmental audits, to act as expert of environmental problems, to be called on to review environmental reports or the results of environmental audits.
- c) Physical and legal entities, public or private, the qualification and professional experiences of which are closely linked with the protection of the environment such as research institutes, laboratories, university departments, environmental not-for-profit organizations and specialists from various walks are entitled to apply for certification to assess environmental impact and conduct environmental audits.
- d) Civil servants of the Public Administration, the post and tasks of which may create a conflict of interest, may not be certified as specialists for the purposes of this decision.

II. DOCUMENTATION

To apply for certification as specialist on assessment of environmental impact and environmental audits, the applicant must submit to the Ministry of Environment the following documents:

- a) request for certification;
- c) the court's decision on registration as a physical or legal person; a description of the assignments and professional and research results in the field of environmental protection.

III. APPLICATION REVIEW

- a) The request and documentation are reviewed by the review commission and are endorsed by the Environmental Minister within one month from the date of application submission.

- b) Application review is based on the following criteria:
 - the applicant must have higher education and not less than five years of professional experience;
 - - he/she must have participated in the formulation of an evaluation report on environmental impact; in an environmental audit; in an expertise mission or in the review of any of the above.
 - - he/she must have been a participant in project or environmental studies.
 - c) Following successful review of his/her request, the applicant is granted a certificate. In case of application refusal, the applicant will be notified of the reasons in writing.
 - d) Refusal may be appealed with the court of law within one month from the date of receiving written notification.

IV. NATIONAL REGISTER OF SPECIALISTS

- a) For purposes of recording the certified specialists, the Ministry of Environment establishes the national register of certified specialists according to rules and regulations established by the Environmental Minister.
- b) The register will be accessible to the public in accordance with rules set in the administration regulation.
- c) Every end of year, the Ministry of Environment publishes annual data of the register.

V. CERTIFICATE WITHDRAWAL

- a) The certificate is declared invalid by special order of the Environmental Minister, following proposal from the review committee in cases when:
 - there is substantial proof the specialist has not been true about the data contained in the report;
 - the specialist receives a post in the public administration that carries a conflict of interest;
 - the commission is able to prove that the reports on assessment of environmental impact or the various reviews prepared by the specialist are of poor quality and do not honor the legal and methodological requirements for formulating such documents;
- b) The decree declaring invalidity of the certificate must be published.
- c) The specialist may appeal against the invalidation decree at the court of law within one month from the day of its publication.

VI. TARIFF

- a) The applicant is obligated to pay a tariff of 10 000 leks for the review of his application.
- b) The tariff is paid at the time of application submission and is not refunded even when the request is not granted.

2. The Ministry of Environment is hereby charged to implement this decision. This decision enters into force following its publication in the Official Journal.

PRIME MINISTER
Fatos Nano

CHAPTER THREE:

ENVIRONMENTAL

PROTECTION

MINING LAW OF ALBANIA

No. 7796, dated 17.2.1994

In reliance of Article 16 of Law No. 7491, dated 29.4.1991 "On the main constitutional provision", on the proposal of the Council of Ministers,

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

NAME AND FIELD OF USE

Article 1

This is the mining law of Albania (1994).

Article 2

The field of this law is the entire territory of the Republic of Albania including the submarine and subterranean parts that are under its jurisdiction.

CHAPTER II

GENERAL PRINCIPLES

Article 3

In this law, if not differently speaking:

"**State**" means the Republic of Albania;

"**Minister**" means the member of the Council of Ministers, who for the period holding this post is responsible for the mining industry;

"**Ministry**" means the ministry having under its jurisdiction the mining industry;

"**Person**" means a juridical or natural person;

"**Mineral**" means any substance in the solid, liquid or gaseous state that is present in a natural state, on or under the ground, in or under the water, in the sterols and been formed by geological processes excluding petroleum that is in liquid state, natural gas that is in the gaseous state and the water, but including the sand, stones, rocks, gravel and clays;

"**Mine**" means:

1. Any excavation on or under the ground including even the submarine parts and sterols as well as any drilling or research and discovery well, which is operational and not constructed for purpose of mineral searching or exploitation;
2. Any place where a mining property is utilized including the mining area and all buildings, structures, machineries, dams, roads or other subjects located in such an area, which are used or to be used for search, benefit, exploitation or processing of

such a mineral;

“**underground**” in relation with a mine means: any place in a mine that is under the natural surface of the land, which connects to the land surface through a vertical well, a dry well, tunnel, slope tunnel or a combination of those;

“**Quarry**” means any place (except of underground mine) where materials or minerals are mined directly from the surface through excavation or other manner to provide materials for construction, commerce, for industrial or processing purposes;

“**Mineral exploitation**” means execution of any excavation, drilling or search well according to paragraph 1 of this Article or exploitation of any mining source by any manner aiming at the mining of a mineral including search and discovery within a mining body;

“**Processing**” in relation to a mineral means the processing the mineral to the extent of ready product including mining, the enrichment processes, refinery, calcinations, casting, its gassing, etc;

“**Mining permit**” means a permit issued in conformity with this law to enter into activities related to the search, discovery and exploitation of minerals;

“**Facilitation [preferential] agreement**” means an agreement between the permit possessor and the minister in compliance with Article 44;

“**Public interest**” means something where the society and people in general have some financial interests, which affect their legal rights or opportunities;

“**Mining property rent [the royalty]**” means payment in percentage of the sold mineral value that is payable to the state;

“**Effective date**” means the date in which the minister signs the permit.

Article 4

This law determines relations between the state and juridical and natural persons aiming at provision of mining rights and execution of mining activities. Excluded from the application of this law are the petroleum that is in liquid state, natural gas that is in gaseous state and water.

Article 5

All mining rights provided for in compliance with this law and the exercise of any mining activity in Albania must be relied in the Albanian legislation.

Article 6

Other activities in conformity with mining rights shall be declared in the public interest aiming at the use of land.

Article 7

The state promotes the development and modernization of the mining sector in Albania, in the conditions of the market economy, based on the free competition and initiative.

CHAPTER III

THE STATE AUTHORITY AND THE MINING RIGHTS

Article 8

All the minerals existing in the natural state in the territory of the jurisdiction of this law, despite of their origin, form or physical state, under or on the ground surface, in the depth or in the waters are immovable property of the state, which is represented by the relevant ministry.

Article 9

The state shall grant the mining rights in compliance with this law to the natural or juridical persons, local or foreign, permitting the possessor of the mining right to exercise the mining activities.

Not a single person may exercise mining activities except of those enjoying the rights provided for by this law.

Article 10

When the minister or the person authorized by him deems that the grant of the mining rights in compliance with this law may affect seriously and cause contradictions with inhabitants of the respective region, prior of granting any such right must be consulted with the relevant local government authorities.

Article 11

Any mining right granted prior of entry into force of this law shall be exercised in compliance with this law.

Article 12

A mining right is inviolable, distinctive and independent of the right of property. Been an object of prior approval in writing by the minister, the rights deriving from the mining permit may be transferred and given in terms. New constructions and installations that impact in the main operations shall be considered as immovable auxiliary activities of the mining right.

Article 13

No mining right shall authorize its possessor to use the underground, wells, traverbanks, tunnels, drillings or other underground works for any other purpose which is not specified in the granted permit. The use of land or underground works for deposit, toxical, radioactive or other waste disposal of that kind shall be prohibited.

Any cultural, monetary, historical, archeological, etc, that is discovered in the permitted area for mining execution activities is state property and belongs to the

state. The possessor of the mining permit in case of discovery of the above properties shall notify immediately the General Directory of Mines.

CHAPTER IV

MINERAL GROUPING

Article 14

For the purpose of this law, minerals are divided in the following groups:

- a)** First Group Metal minerals
- b)** Second Group Non-metal minerals
- c)** Third Group Coals and bitumen
- d)** Fourth Group Minerals and construction materials
- e)** Fifth Group Precious stones
- f)** Sixth Group Half-precious stones

Minerals of each group are given in Table A², which is integral part of this law.

CHAPTER V

MANAGEMENT

Article 15

- The minister is the competent authority to act on behalf of the state in execution of this law.
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Article 16

Aiming at application of provisions of this law in the field of mining activities in Albania shall be established the General Directory of Mines. Research and scientific institutions of the mining industry provide consultancy and technical assistance to the Ministry and the General Directory of Mines on several aspects of the mining industry that are within the field of their activity.

Article 17

The minister in application of this law shall enact the necessary by-laws.

² Note of the translator: The Table A is missing in the original text.

CHAPTER VI

STATE MINING ENTERPRISES

Article 18

In compliance with provisions of this law all the economic unions and state enterprises that operate outside them engaged in mining activities operate independently and are treated in all aspects as the private sector.

Article 19

The state with laws aims at the privatization of areas and activities of economic unions and state enterprises operating outside them.

Article 20

The contribution of the State Mining Enterprise in the privatization process shall be estimated based on the market value either of the rights or of properties belonging to the enterprise at the time of capital transfer.

CHAPTER VII

MINING RIGHTS FOR GROUPS 1, 2 AND 3 OF MINERALS

A) THE SEARCH PERMIT

Article 21

On the application of a person, the minister may grant to him a permit of search, the form of which is described in the regulation. The possessor of permit has the exclusive right of search within the permitted area on presence of minerals.

Article 22

The permitted area for search must not exceed 400 square meters, be unfragmented and must not cover any area, which is object of another search discovery or exploitation permit granted in compliance with this law, with exception of cases when the possessor of such permit given its consent in writing.

Article 23

The maximal time limit shall be one year and is not object of an extension.

Article 24

A person cannot be bearer of more than one search permit simultaneously.

Article 25

The application for a search permit must contain:

- a)** Name and address of the applicant;
- b)** Specifications of financial resources and technical capacities needed to the permit applicant as well as his experience in the field of mining industry;
- c)** A description of the search area including a map;
- d)** Specifications of the proposed search program, the proposed methodology, an estimation of costs and the time limits of program execution.

Article 26

Within 60 days from the application receipt, the Minister must notify the applicant about his decision with regard to the application for search permit.

Article 27

The search permit grants the following rights to its possessor:

- a)** Entrance in the permitted area with personnel, means, machineries and equipment necessary or indispensable for the conduct of the search of minerals on or under the ground;
- b)** The search of minerals, execution of necessary operations and works with the condition that the permit possessor cannot engage in drilling, excavation or other underground techniques for which he is not authorized to use such techniques according to his search permit;
- c)** Extraction and removal of minerals samples from the ground in non-commercial quantities but only for studies.

Article 28

Except of other compulsory conditions of the search permit, each search permit is object of the following:

- a)** The possessor of the permit must report promptly to the minister in writing about the state of all minerals having an economic interest;
- b)** All the land surface faults occurred during the search must recover in the previous state, which is considered complete upon approval of the General Directory of Mines;
- c)** The possessor of the permit must take all the necessary measures to prevent the damage of flora or other properties.

Article 29

The permit possessor shall report in a timely and defined manner based on the regulations to the General Directory of Mines about the work performed in the search area, expenses and results. A representative part of the geological sample shall be delivered to the General Directory of Mines together with the results of all tests and treatment conducted to the sample.

B) THE DISCOVERY PERMIT

Article 30

The minister upon application of the person considered of having sufficient financial and technical resources and mining experience may grant to this applicant a discovery permit that shall guarantee to him the exclusive right to discover the specified minerals in his permitted area.

Article 31

The application for a discovery permit must contain:

- a)** Name and address of the applicant;
- b)** His experience in the discovery of minerals;
- c)** The existing financial and technical resources needed to the applicant to obtain the permit;
- ç)** The proposed area for the permit including a map of the area;
- d)** The mineral of groups of minerals (group 1, 2 or 3) for which permit is requested;
- dh)** The proposed methodology of discovery;
- e)** The proposed program of work and a work-plan with deadlines together with estimated expenses allocated for its implementation, as well as a minimal work program guaranteed by person approved by the minister acting as guarantor.

Article 32

The possessor of a discovery permit shall be favored towards other requesters for obtaining a discovery permit in the area of his issued search permit, during the time limit of his search permit and for a period of thirty days after its expiration, provided that the permit applicant meets conditions of paragraphs (b), (c), (dh) and (e) of Article 31.

Article 33

The minister within sixty days from application receipt must notify the discovery permit applicant about his decision with regard to this application.

Article 34

The initial time limit of the discovery permit is two years and shall be object of three extensions one year each if is requested by the permit possessor. The application for time limit extension must be submitted at least 30 days prior of the previous time limit expiration. These time limit extensions shall be granted if the minister deems that the permit possessor has fulfilled the financial obligations in conformity with the permit issued and submits a convincing work program for further continuation of the discovery.

Article 35

Within ninety days after the effective date of the permit, its possessor must

commence works in the field.

Article 36

The maximal permitted area of a discovery permit is 200 square kilometers and is unfragmented. It must not cover areas object of search, discovery or exploitation licenses of other persons with exception of the case when the minister and other possessors of the permits agree that the new permit will not affect the rights of the existing contracts.

Article 37

A possessor of the discovery permit may hold more than one permit simultaneously.

Article 38

The possessor of the discovery permit must leave parts of his permitted discovery area progressively in conformity with the time limits.

- a)** Until the end of the initial time limit, the possessor shall leave at least 40 % of the initial permitted area;
- b)** Until the end of one-year first extension, the possessor shall leave at least 50 % of the initial permitted area;
- c)** Until the end of one-year second extension, the possessor shall leave at least 70 % of the initial permitted area;
- d)** Until the end of one-year third extension (until the end of the fifth year), the possessor shall leave all parts of the initial permitted area that are not covered by a mining exploitation permit.

Article 39

The minister shall approve any one-year extension required by the discovery permit possessor as a condition for discovery permit extension. After this official approval by the minister, the permit possessor has the right to continue the discovery.

Article 40

The discovery permit possessor must pay to the state an annual payment for his discovery area. This payment is payable on the effective date of the discovery permit issuance and each year in this effective date dependant of the square kilometers included in his discovery permit at the time of this payment. The annual payment that includes the discovery area must specify in the discovery permit and is the equivalent in ALL of 300 SFr in the moment of payment.

Article 41

The discovery permit grants the following rights to its possessor:

- a)** Entrance in the permitted area with personnel, means, machineries and equipment necessary or indispensable for the purpose of discovery of minerals on or under the ground;

- b)** To discover minerals and conduct such necessary work for this purpose as the search well, trenches, holes in small or big dimensions as well as search works on or under the ground;
- c)** To mine, remove and export from the permitted area, samples of minerals in a non-commercial quantity for study purposes.

Article 42

The possessor of the discovery permit must keep a complete and detailed record of the work conducted for the discovery of minerals and other operations in conformity with his discovery permit and these records are at any moment valid for inspection in Albania by the competent organs that the minister designates.

The discovery permit possessor shall provide the General Directory of Mines with the copy of such information regarding with the discovery and other operations executed by him according to the directory request.

Obligations of Articles 28 and 29 shall apply even to the possessor of the discovery permit.

Article 43

The possessor of the discovery permit during the time limit of his permit has the right of conversion of parts or his permitted area in one or more exploitation permits excluding those parts from the obligations of the discovery permit.

The application for exploitation permit is provided for in Article 45.

C) THE EXPLOITATION PERMIT

Article 44

The minister after the application of the person considered to own sufficient financial and technical resources and mining experience might grant to this applicant an exploitation permit that guarantees to him the exclusive right to use one or more minerals specified in his permitted area. The document of the exploitation permit shall be determined according to regulations.

The minister is authorized to negotiate and to enter into negotiations for signing of a facilitation agreement with the possessor of the permit.

The Council of Ministers shall approve such agreement if under its competence and the People's Assembly approves such agreement on facilitations that are not provided for in the legislation in force.

Article 45

The application for an exploitation permit must:

- a)** Contain the name and the address of the applicant;
- b)** To specify the area for which the exploitation permit is requested including herein a map;
- c)** To specify the mineral or minerals in groups 1, 2 or 3 for which the exploitation permit is requested;
- ç)** To give details of the source of minerals for which exploitation permit is requested

including details of all discovered minerals, of minerals reserves of various categories and the mining exploitation conditions;

d) To be accompanied with a technical report on exploitation, treatment of minerals and possibilities of increase of their value in Albania and the purpose of the applicant on these minerals;

dh) To provide the proposal of a working program together with the deadlines of works and investments implementation;

e) To provide details of the proposed mining operations including the following:

(i) The calculated production capacity with acceleration of the work operations;

(ii) Types of products;

(iii) Proposals on pollution prevention, treatment of sterols, protection of natural properties, claim and the progressive rehabilitation of damaged ground caused by the mining exploitation and on minimization of the mining exploitation impact on superficial and subterranean waters and lands of the neighboring areas with the permitted area;

(iv) Effects that might happen to environment from mining operations and proposals of their minimization;

(v) Any particular risk (on health or any other thing) that might occur during the exploitation of minerals and the proposals of their control and elimination;

ë) To provide a detailed forecast of capital investments, labor costs, of revenues and the estimated financial resources;

f) To provide specifications of his proposals with regard to employment and qualification of Albanian citizens;

g) To provide specifications on the expected requirements of the infrastructure and the initial measures that he will undertake.

Article 46

When the applicant of the exploitation permit is not possessor of the discovery permit, the application must include complete details of the financial and technical capacity of the applicant and information regarding his experience in the mining field.

Article 47

The minister must notify the applicant of the exploitation permit about his decision on the application within ninety days from its receipt. Such decision with regard to the application is taken in compliance with Article 45.

The minister must be sure that the land given for mining use is studied prior to the issuance of the exploitation permit. For such purpose the minister may request to the applicant of the exploitation permit to prepare a study at the own expenses of the applicant as per the requirements specified by the minister.

All the exploitation permits must publish through the press and other media.

Article 48

The maximal permitted area of a mining exploitation permit is 15 square kilometers and is unfragmented. A possessor of the mining exploitation permit might hold more than one permit simultaneously.

Article 49

The time limit of the mining exploitation permit is up to twenty years, starting from its effective date and is subject of four extensions up to five years each, if the permit possessor requests these extensions in a time no later than one year prior to the expiration date of the previous time limit.

Article 50

The mining exploitation permit possessor must pay to the state on the effective date of the issuance of exploitation permit and annually on the same date an annual payment for his permitted area of exploitation. The minister shall determine the amount of such payment in different time for each exploitation permit according to criteria approved by the Council of Ministers.

The annual payment for a mining exploitation permit has the minimal value of the equivalent in ALL of three thousand SFr and the maximal value of the equivalent in ALL of ten thousand SFr per square kilometer.

Article 51

The possessor of the mining exploitation permit no later than fifteen days after the end of each calendar month must pay to the state the equivalent of Swiss frank a rent of mining property (royalty) of 2% of the market value of the overall sold mineral quantity to consumers during this calendar month and produced by his permitted area. The regulation determines the procedure of market value determination of minerals.

Article 52

The mining exploitation permit grants to the possessor the following rights:

- a)** To execute necessary actions to implement effectively the mining operations in his permitted area of exploitation;
- b)** To mine and remove from his permitted area the mineral or minerals for which the exploitation permit has been issued;
- c)** To install and operate within his permitted area enrichment factories, casting plants, refineries and other factories that increase the value of the mined minerals in his permitted area of exploitation.

Article 53

The possessor of the mining exploitation permit has the right to construct, install and operate within its permitted area buildings, camps and deposit room, tubes, power generators, transmission equipment, communication systems, railways, fuel deposit plants and other necessary infrastructure for the activity operations.

Article 54

The state has no obligation to provide any infrastructure within or outside the

permitted area. When the possessor of the permit wants to use the environs or infrastructure that belongs to the state and used for public purposes he has the right to use this infrastructure in compliance with legislation in force.

Article 55

The possessor of the mining exploitation law has the right without permit or authorization to sell in Albania or to use for export the produced minerals, final products and their under-products in compliance with the mining exploitation permit for his permitted area.

Article 56

The possessor of the mining exploitation law must submit the financial and technical report of all operations executed in compliance with the mining exploitation law and makes available these reports for inspection at any time by the competent organs determined by the minister.

Article 57

The possessor of the mining exploitation law must keep in Albania the complete documentation as well as other information to show the work done in conformity with permits, must keep the current account, the quantity, quality and value of all minerals mined from the permitted exploitation area. All this information including the financial part must be kept in compliance with the Albanian legislation and with an accepted practice used in the international mining industry.

Article 58

The possessor of the mining exploitation permit must submit to the General Directory of Mines technical, operation and production data in the form and time intervals determined in the regulation.

Article 59

The possessor of the mining exploitation permit must submit for approval to the minister an annual working program, the budget and the plan of production of his permitted area of exploitation.

Such program should cover the work-plan of the calendar year in which is the effective date of the permit and at least ninety days prior of the calendar year with which the proposed plan is related to, the budget and the production plan.

The submission by the part of the possessor of the mining exploitation permit shall be official if the minister does not receive a change in writing of the abovementioned program within forty days from the submission date.

Article 60

When the minister considers that the possessor of the mining exploitation permit is using harmful practices of use of minerals and their treatment or is managing working

operations in contrary with the objective of optimal exploitation of the mines, he shall notify the permit possessor (issuing a detailed notice about such practice) and request to him within a certain time limit the necessary explanations.

If during the defined time limit in the notice of the first paragraph, the mining exploitation permit possessor does not fulfill the specified requirements, the minister shall issue an order to oblige the possessor of the mining exploitation permit to take measures within a certain time and to fulfill the requirements presented by him.

Article 61

In cases when the minister notices that the ground is used or may be used in such manner, which according to the minister's opinion impacts directly the object of this law concerning the optimal exploitation of any mineral present or potentially present in enough quantity to exploit profitably, on or under the ground, or over the sterols of the ground, the minister shall intervene to solve this problem and take the necessary measures in conformity with the legislation in force.

• Article 62

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The mining exploitation permit possessor shall notify the minister:

- a)** One year in advance if proposed to stop the production of a mine in the above mentioned area;
- b)** One hundred and eighty days in advance if proposed to suspend the production of such mine;
- c)** Ninety days in advance if proposed to reduce the production of such mine with more than 10 % of the planned production in the approved production plan.

This notice must contain the detailed reason or reasons for the interruption, suspension or reduction of the production of such mine.

CHAPTER VIII

MINING RIGHTS FOR THE FOURTH GROUP OF MINERALS AND CONSTRUCTION MATERIALS

A) SEARCH AND DISCOVERY PERMIT

• Article 63

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The minister upon application of a person considered to own sufficient financial resources and technical experience on the fourth group of minerals, may grant to this person a permit defined in the regulation, through which this person has the exclusive right to search and discover within his permitted area minerals of the fourth group that may be the premises to open a quarry of the second type.

A permit of this type has a maximum two years time limit and a surface of maximal 30 square kilometers.

The extension of the permit is dependant of the specifications of the activity the person wants to execute.

A person may be bearer of more than one permit of this type simultaneously. In the case when the permit is for discovery, the person shall pay to the state on the effective date of the permit a payment in value of the equivalent in ALL of hundred SFr per square kilometer of his permitted area.

- **Article 64**

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The application for a discovery permit of minerals of the fourth group must contain:

- a) Name and the address of the applicant;
- b) The existing financial and technical resources and his experience in the search and discovery of the fourth group minerals;
- c) The proposed area of permit and a map;
- ç) The fourth group minerals and a map;
- d) The proposed discovery methodology and the working program with the deadlines together with the estimated expenses needed to implement this program.

- **Article 64**

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The minister within sixty days upon receipt of the application must notify the application for the discovery permit about his decision with regard to the application.

B) EXPLOITATION PERMIT

- **Article 66**

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An exploitation permit through a quarry is needed for exploitation of mines and construction materials with exception of the following cases:

- a) When the owner of the land extracts materials out of the surface of this land and uses for construction in his land;
- b) When local authorities or other persons involved in the construction of public roads or other public construction use the remains of the necessary excavations or those from excavations of the discovery wells beside roads or such works;
- c) In case of, the mining exploitation permit possessor that takes construction materials from his area and uses in his mining operations.

- **Article 67**

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The minister shall rule on any agreement with regard to assessments conducted by the person in charge of the inspection according to Article 66. His order is final on the case.

- **Article 68**

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The minister through a normative act shall determine the location of the construction of quarries for public purposes (type 1). Any quarry for public construction concerning its activity is under control by the general director of the General Directory of Mines.

- **Article 69**

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Shall be authorized to issue two types of quarry permits:

a) The first type of quarry permit – is a permit permitting to exploit minerals and construction materials from a public quarry on payment (that the minister will determine in the issued permit, the amount of this payment is determined in the regulation). The initial maximal time limit of the first type permit is one year, object of renewal (of the quarry permit) every six months in a row according to application of the possessor, which must be submitted at least thirty days prior to the expiration of the previous period.

b) The second type of the quarry permit – is an exclusive permit to open and exploit a quarry for minerals and construction materials on payment (that the minister will determine in the issued permit, the amount of this payment is determined in the regulation). The initial maximal time limit of the second type quarry permit is ten year, object of renovation every year (one after the other) according to application of the possessor (of the second type quarry permit), which must be submitted at least thirty days prior of expiration of the previous period.

• **Article 70**

The application for the quarry permit must contain:

a) Name and the address of the applicant;

b) To define the minerals or materials of the fourth group for which the permit is applied.

c) To specify the initial time limit of the permit;

ç) To provide details of financial resources applicable to applicants of the permit with the purpose of expenses payment of exploitation of minerals and the construction materials;

d) In case of the first type of the quarry permit to show the minimal and maximal annual quantities of production and the specifications for each mineral or material for which permit is applied;

dh) In the case of the second type of the quarry permit, the following is required additionally:

1. To specify the exact location of the proposed quarry by the permit applicant;

2. To provide details of the mineral source for which the quarry permit is required;

3. To provide a proposed exploitation and investment program and a work-plan with deadlines;

4. To provide a detailed estimation of the capital investments, activity expenses and the revenues as well the type of the estimated financial resources;

5. To provide details on the potential infrastructure needs and preliminary measures for its improvement;

6. To provide a detailed list of minerals and construction materials that will be produced by the quarry, the calculated capacity of production, the operations acceleration and the planned markets of product sale;

7. To detail the permit applicant's experience in the exploitation of the quarry and commerce of the types of minerals and materials that will be produced by the quarry;

8. To provide details on the aspects of environment protection regarding to the proposed work operations in the quarry including the following:

(I)- Proposals on pollution prevention, treatment of sterols and preservation of natural resources;

(ii)- The regional potential impacts on the pollution of environment by the work of the

quarry and the proposals on their minimization;

(iii)- The special risks (for objects or any other thing), which occur during the exploitation of the minerals and the materials as well as the proposals on their control and elimination;

9. To provide details of the applicant's proposals with regard to employment and qualification of Albanian citizens.

- **Article 71**

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The minister must notify on his decision on the application for a quarry permit within 30 days from its receipt. The regulation determines the form the permit. The permit must contain additionally other specific terms.

- **Article 72**

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With regard to the second type of the quarry permit in which production is destined for export, the minister negotiates and enters into agreement with the applicant of the quarry permit to conclude a preferential agreement according to Article 44.

- **Article 73**

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The quarry permit possessor must pay to the state on the effective date of the exploitation permit and each year on the same date, an annual payment on ALL equal to the equivalent of one thousand and five hundred SFr per square kilometer of his permitted area of exploitation

- **Article 74**

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The quarry permit possessor, no later than 15 days after the end of each calendar month, must pay to the state a mining property rent (the royalty), in the equivalent in ALL of the SFr of 2 % of the market value for the gross quantity of mineral sold to consumers during that calendar month and produced by his permitted area. The procedure of the market value calculation is determined in the regulation.

- **Article 75**

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The minister has the right to give in administration to the local government organ, by a separate act, the construction materials of the fourth group (the sand, gravel and the filling earth).

CHAPTER IX

GROUP 5 AND 6 OF MINERALS

- **Article 76**

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No one can apply for and exploit the minerals of group 5 or 6 without a mining permit

issued by the minister.

- **Article 77**

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The applicant, prior of application for a mining permit, must border the area of land for which he wants to obtain a mining permit and must notify through the local government organs the owner or owners of such land whether the land does not belong to the state, because he wants to exploit this property owned by others to apply for a mining permit.

- **Article 78**

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Any person even one that has already a mining permit for other groups of minerals, in one part or in the entire area, may apply to the Minister for a mining permit that covers minerals of group 5 or 6. The application must:

- a) Contain the name and address of the applicant;
- b) To define the land for which the applicant applies and to specify whether this land is owned by the state or by other owners;
- c) To provide the name and address of each registered owner of the land with which the mining permit application is related to if this land is not state owned. To ensure the registered owner approval in writing for the issuance of mining permit on his property;
- ç) To specify the minerals and materials of group 5 and 6 for which the mining permit is applicable.

- **Article 79**

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Within thirty days after receipt of the application, the Minister must notify the mining permit applicant on his decision concerning the application. If the Minister decides to grant the mining permit he must include in the notice the value of the mining property rent (the royalty), special terms if any, which must be applied by the possessor of the mining permit, as well as the agreement and other warranties that the possessor of the permit (in co-operation with the Minister) must apply aiming at the provision of:

- (I)- The correct reporting of all exploited minerals from his permitted mining area;
- (ii)- The value of those minerals;
- (iii)- Payment in the defined amount and time of the mining property rent (the royalty) that his mining permit includes.

- **Article 80**

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A mining permit may be granted for a maximal area of two hectares and be unfragmented. The same person may hold more than one permit simultaneously. A mining permit cannot be granted for an area on which another mining permit has been already granted in compliance with this law with exception of the case when the possessor of this already granted permit gives in advance his irrevocable approval in writing.

- **Article 81**

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A mining permit is valid for a maximal period of five years starting from the date when the minister notifies the approval of the application for the mining permit.

- **Article 82**

- The mining permit possessor, in conformity with terms imposed by the Minister in his permit, may search, discover and exploit minerals and materials of group 5 and 6 for which the permit is granted. In addition to, the applicant with regard to the search, discovery and exploitation of those minerals and materials may:

- a) Establish buildings and objects serving to the activity for which permit is granted;
- b) To exercise any right in compliance with the given permit;
- c) To execute within his permitted area any activity on search, discovery and exploitation of the minerals and materials for which permit is granted;
- ç) To take out from his permitted area all minerals and materials for which the permit is granted;
- d) To sell minerals and materials only through a person with license for minerals business and in no other manner.

- **Article 83**

- The possessor of the mining permit in registration and sale of minerals and materials taken out from his permitted area must comply with all rules and procedures determined by the regulation.

- **Article 85**

- No one can trade the minerals of group 5 or 6 without a license granted by the minister for minerals commerce.

- **Article 86**

- The application for minerals commerce must:

- a) Contain the name and address of the applicant;
- b) To detail the applicant's experience in the commerce of group 5 and 6 minerals;
- c) To specify minerals for which the commerce license is applicable;
- ç) To provide data on the applicant's financial resources needed for the license of proposed minerals commerce.

- **Article 87**

- The minister in compliance with Article 86 must notify the license applicant within thirty days after application receipt.

CHAPTER X

RELATIONS BETWEEN THE MINING PERMIT POSSESSOR AND OWNER OF THE LAND

- **Article 88**

Relations between mining permit possessors and owners of the land shall be regulated according to the Albanian legislation in force.

CHAPTER XI

GENERAL OBLIGATIONS OF POSSESSORS OF THE MINING PERMIT

- **Article 89**

- Each possessor of a mining permit regarding the selection of employees searching a job and have the adequate experience must have preference to employ Albanian citizens.

- **Article 90**

- Each possessor of a mining permit must undertake the qualification of his Albanian personnel.

- **Article 91**

- The possessor of a mining permit shall take the necessary precautions and equipment to insure the life, working conditions and the health of his employees and of all other persons who enter the area where the possessor of the mining permit performs his work operations in conformity with the technical safety regulations and those of the protection at work.

- **Article 92**

- The possessor of a mining permit must provide medical equipment and the relevant team of doctors.

- **Article 93**

- The possessor of a mining permit applies during the entire period of his mining activity the social insurance according to the relevant Albanian law. Any insurance owned by the possessor of the mining permit or his shareholders is executed in compliance with the Albanian legislation on insurance.

- **Article 94**

- The possessor of a mining permit must make possible the inspection of his working operations by the state authorized representatives.

- **Article 95**

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The possessor of a mining permit must guarantee that all activities related to his mining permit are executed in conformity with rules of health protection. The possessor of the mining permit in cases when is noticed that any installation or operation executed by this possessor or on behalf of him damages others property or causes pollution of the ecosystem flora and fauna, must undertake all the necessary measures for protection of environment.

- **Article 96**

- The possessor of a mining permit must prepare an operational work-plan for the protection of environment, which must be approved by the Minister of Health and Environment Protection. The plan, above all, includes the transportation and deposit of sterols in the solid, liquid or gaseous state that are generated from his working operations.

- **Article 97**

- The possessor of a mining permit, who uses water in his working operations, must return it to the river, lake or to other sources from which it is taken in a clean condition in order not to affect the people's health and the development of flora and fauna.

- **Article 98**

- The rehabilitation of the land surface related to the mining activity must be executed by the possessor of the mining permit in conformity with a separate rehabilitation program proposed by the possessor of the mining permit and approved by the minister.

- **Article 99**

- In cases when the mining permit has expired and the area pertaining to the mining permit has been abandoned, the person possessor of the mining permit immediately prior to expiration of the permit or abandonment of the mining area must rehabilitate and recover it to its previous natural state within a reasonable period. This action is considered completed upon approval by the minister. Such action shall not apply in the case of objects or buildings:

- a) Which the state may accept (on the minister notice) as its own property without the right of compensation;
 - b) Which the owner of the land wants to remain owned by him and on which has been agreed between him and the previous possessor of the mining permit in writing in a notarized agreement.

CHAPTER XII

SPECIFIC BENEFITS TO PROMOTE PRIVATE INVESTMENTS

• **Article 100**

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When the minister deems that the activity of the mining permit possessor or his shareholders is mainly oriented to the export of minerals, and with the purpose of promoting investments in the mining sector, to the mining permit possessor and his shareholders, in compliance with Article 44, shall be granted additional benefits for minerals of group 1, 2 or 3 as below listed:

- a)** The right to impose directly the required means and equipments for the work operations;
- b)** The right to keep accounts in US Dollars or in other foreign currency accepted by the Bank of Albania;
- c)** The to exchange the foreign currency with the local one according to the exchange rates of the Bank of Albania in the time of the exchange;
- d)** The right to export and deposit outside the country his profit generated from export sales covering occurred expenses;
- e)** The right of exchange of revenues in local currency to foreign currency according to the exchange rate of the Bank of Albania, needed for payment of imports, outside debts, profit and shares of the shareholders;
- f)** The right of opening a foreign account in relation to financing projects;
- g)** The right to keep or operate bank accounts in Albania or outside the country;
- h)** To ensure that the mining sector in relation to other sectors of the economy is not favored less as far as the fiscal package is concerned and which consists on the following:
 - (i) The levy on property and land as provided for in the Albanian legislation;
 - (ii) The import custom fees according to the range provided for in the Albanian legislation;
 - (iii) The mining property rent (the royalty) as determined in this law;
 - (iv) The profit tax in the range as provided for in the Albanian legislation and the effective dates of the issuance of mining permits;
 - (v) Local taxes of the jurisdiction where the company acts according to the legislation in force.
- l)** Exception from turn over tax or other taxes that will substitute it on subjects benefiting by this law;
- k)** The guarantee that the legislation in reliance of which the mining right has been granted to the possessor of the mining right and his shareholders during all the time of possession of the mining permit to those subjects that have benefited this right according to this law. Amendments in this legislation, including the entry into force of new laws shall not be applicable on these objects with exception of the case when the minister and the possessor of the mining permit agree in writing;
- i)** The right that any agreement between the state and the possessor of the mining permit shall be resolved with arbitration in compliance with rules of the International Chamber of Commerce, Paris France or of an Albanian competent court.

• **Article 101**

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In cases when the minister extends one or all benefits according to Article 100 to the possessor of the mining permit, these benefits must be specified in the document of the mining permit of the preferential agreement.

CHAPTER XIII

THE REGISTER OF THE MINING PERMITS

- **Article 102**

- The General Directory of Mines shall keep a register of all issued, renewed, transferred or annulled mining permits. For any registration shall be a payment of the equivalent on ALL of hundred SFr. The register must be available for inspection.

- **Article 103**

- With regard to any legal transaction concerning the registered mining permit:

- a) Has priority the registered permit to the unregistered one;
- b) Has priority the previous registered permit to the later registered one.

- **Article 104**

- No transformation of the mining permit or of its right shall be effective if the minister rejects it in writing and if the transferal and the approval of the minister are not registered in the register.

CHAPTER XIV

DISCIPLINARY MEASURES ADOPTED IN CASES OF EXERCISE OF MINING ACTIVITIES WITHOUT VALID MINING PERMIT, THE RIGHT OF THE MINISTER TO LIFT THE MINING PERMIT

- **Article 105**

- A person who executes mining activities without a mining permit issued in compliance with this law shall be considered a trespasser of this law and is obliged to pay a penalty imposed by the Minister, which should not be less than the equivalent in ALL of 50 thousand Sfr and not more than the equivalent in ALL of 500 thousand Sfr of each violation.

- **Article 106**

- The minister has the right to lift any mining law to the possessor in the following cases:

- a) When after issuance of the permit is noticed that in the application for mining permit has incorrect data concerning the subject financial and material side;

- b)** When committing violations of this mining law;
- c)** When commits breaches of the obligations been defined in his mining permit;
- d)** Closes down or interrupts the work in a mine for more than 180 consecutive days;
- e)** Unjustifiably reduces production in a permitted mining area.

- **Article 107**

- The lift of mining permit in compliance with Article 106 must follow the below procedure:

- a)** The minister must notify the possessor of the mining permit specifying his intention to lift the mining law and the reason of such action;
- b)** The possessor of the mining permit is given 90 days upon receipt of the above notice to:
 - (i)-Appeal in the court for disagreements between the state and the possessor of a issued mining permit (filed to the international arbitration or Albanian courts), if he deems that the decision of the minister to lift the mining permit is not right;
 - (ii)-To correct on the minister's consent violations contained in Article 106, paragraphs b, c and e on basis of which the mining permit is to be lifted;
- c)** If the possessor of the mining permit files an appeal with regard to paragraph b, letter (i) of this Article, on the validity of the decision to lift the mining permit, the minister can not continue the procedure of permit lift without the final decision of the court with the condition that the possessor of the mining permit acts in conformity with the appeal procedure;
- d)** If the possessor of the mining permit does not honor the rights of paragraph b of this Article, after 90 days from the date of the minister notice, in compliance with paragraph a of this Article, the right of possession of mining permit is lifted.

- **Article 108**

- When the mining permit is lifted based on a reason specified in Article 106, the minister has the right to execute each paragraph of the agreements completed by this possessor in his name and to follow unlimited any other legal right that he [the possessor] might have [enjoy] in order to redeem the compensation of damages caused by this person.

CHAPTER XV

MISCELLANEOUS

- **Article 109**

- All the required or permitted notices in compliance with this law shall be in writing.

- **Article 110**

- Technical data and study samples that the mining permit possessor submits to the General Directory of Mines shall be kept secret from the state with exception of cases

when the possessor of these agrees to follow the below order (can not execute the subsequent letter prior to the previous one):

- a) The termination of the time limit of the mining permit;
- b) Leave of the area in which technical data and study proves have been taken from;
- c) Two years after provision of this data by the Directory of Mines;
- d) The publication of such data.

This Article cannot limit the state right of use of such information in preparation of economical and financial reports of its needs.

- **Article 111**

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The possessor of mining permit for mineral groups 1, 2 and 3 has the right to import in Albania, to process and to re-export those minerals excluded from taxes for import, export and other state taxes.

- **Article 112**

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The state or any person acting on behalf of the state in any case is not obliged to pay damages of persons or property to third parties deriving because of exercise of the mining rights based on this law. The possessor of the mining permit must indemnify the state and any other person acting on behalf of the state on actions executed by the third parties.

- **Article 113**

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This law is effective 15 days after publication in the Official Journal.

Promulgated with the Decree No. 783 dated 28.2.1994 of the President of the Republic of Albania, Sali Berisha

L A W
No. 8025 dated 9. 11. 1995

CONCERNING PROTECTION AGAINST IONIC RADIATION

Based on article 16 of law no. 7491 dated 29. 04. 1991 "Concerning basic constitutional provisions", upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER 1

GENERAL STIPULATIONS

Article 1

This law defines the terms and conditions for protection against ionic radiation in cases of activities using radioactive substances and radiation equipment for purposes of protecting those professionally exposed to such radiation, the population and the environment, in general, from the potential danger of radiation.

Article 2

For the purposes of this law:

- a)** "Ionic radiation" means the electromagnetic or particle radiation that causes directly or indirectly the ionization of the substance with which it interacts.
- b)** "Radioactive substance" means any substance emitting ionic radiation.
- c)** "Radiation equipment" means any equipment utilized to generate ionic radiation.
- d)** "Radiation business" means any activity carried out by using radiation substance and/or equipment.
- e)** "Radiation installment" means any unit in which radioactive substance and/or equipment are used or stored.
- f)** "Radioactive waste" means any radioactive substance or object polluted with radioactive substance that can no longer be used.
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- g)** "Nuclear safety" is the entirety of conditions ensuring normal operation of radiation business, prevention of accidents and alleviation of consequences, protection of the workers, population and environment against radiation.
- h)** "Competent authority" means the commission for protection against radiation which is the authority defined by this law as being responsible for enforcing obligations and rights in the field of protection from ionic radiation.
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- i)** "Office for protection against radiation" is the executive arms of the commission for protection against radiation.
- j)** "License" means the document authorizing its holder to carry out activities using radioactive substances and/or radioactive equipment.

Article 3

The provisions of this law are binding upon every physical or legal entity, which:

- a)** Holds, transfers, acquires, uses, manufactures or installs radiation equipment.
- b)** Carries out radiological research and mining works; milling, extraction, enrichment, sale, transfer, import-export, lease and preservation of radioactive substances.
- c)** Treats radioactive waste, food and any product polluted with radioactive substance.

Article 4

Any physical and legal entity, national or foreign, engaged in the activities described in article 3 of this law, must be licensed by the competent authority. Procedures for licensing are defined in the relevant regulations.

Article 5

Physical and legal entities duly licensed are obligated to implement the provisions of this law and relevant by-laws.

CHAPTER II

ORGANIZATION OF RADIATION PROTECTION STRUCTURES

Article 6

- At the Ministry of Health and Environment Protection is established the commission for protection against radiation as the competent national authority to oversee and enforce the implementation of the provisions of this law and other legal and sublegal acts concerning radiation. The Commission is chaired by the Minister of Health and Environmental Protection. At least 50 per cent of its members must be specialists for protection against radiation. Commission members are nominated by the Chairman for a four year term. Manner of remuneration for the members is defined by the Ministry of Health and Environment Protection. Under the subordination of the commission for protection against radiation is established the Office for Protection Against Radiation as its executive arm. The head of this office is also secretary of the Commission.

Article 7

The Commission for Protection against Radiation has the following obligations and rights:

- a) Drafts regulations, instructions and normative acts for practices of protection against ionic radiation and nuclear safety which are binding to all physical and legal entities.
 - b) Controls the enforcement of legal and sub-legal acts concerning protection against radiation.
 - c) Licenses the subjects engaged in activities described in article 3 of this law.
 - d) Technically leads the operations of national and local authorities to institute immediately the necessary measures for relieving the effects of nuclear accidents.
 - e) Recommends and proposes improvements to the legislation in the field of protection against radiation.
 - f) Approves standards of safety for protection against radiation.
 - g) Cooperates with national and international organizations on issues of protection against radiation.
 - h) Mobilizes research and scientific institutions throughout the country for the identification of solutions to problems in the field of protection against radiation.
- - i) Defines the organization structure of the office for protection against radiation and nominates and discharges its head.
 - j) Cooperates with the State Inspectorate of Labor.

Article 8

The Office for protection against radiation has the following duties and rights:

- a) Submits to the commission's review the regulatory acts concerning the activity for protection against radiation.
- b) Controls in real practice the implementation of legal and sub-legal acts in the field of protection against radiation.
- c) Inspects radiation installations.
- d) Collects information and conducts measurements and analysis necessary for

control of protection against radiation.

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- e) Prepares documentation for granting, withdrawal and suspension of licenses and submits it for review to the Commission.
- f) Prepares the paperwork for the meetings of the commission and drafts reports requested by this Commission.

CHAPTER III

CLOSING PROVISIONS

Article 9

The Commission for Protection Against Radiation approves regulation concerning:

- a) Licensing procedures for activities described in article 3 of this law.
- b) Protection of the population and environment from ionic radiation.
- c) Protection of persons professionally exposed to radiation.
- d) Standards and practical acts concerning the activities involving radiation.
- e) Safety measures for substances, equipment and installations emitting radiation.
- f) Operations of the Office for Protection Against Radiation.

Article 10

- The violation of the provisions described in articles 4 and 5 of this law, when not a criminal deed, is punished as an administrative infringement with fines from 10 thousand to 100 thousand leks.

Fines are administered by the control structures designated by the Commission for Protection Against Radiation.

Appeal of the decisions of control structures and execution of decisions are carried out in accordance with Law No. 7697 dated 7. 04. 1993 "Concerning Administrative Infringements".

Article 11

Provisions coming into conflict with this Law are hereby repealed.

Article 12

This law enters into force 15 days following its publication in the Official Journal.

- **Proclaimed by Decree No. 1293, dated 21. 11. 1995 of the President of the Republic of Albania, Sali Berisha.**

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L A W
No.8934, date 5.09.2002

“ON ENVIRONMENTAL PROTECTION”

Pursuant to article 59 paragraph 1/d, 78, 81 paragraph 1 and 83 paragraph 1, of the Constitution, upon proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER 1

GENERAL PROVISIONS

Article 1

The Law Objective

This law regulates the relation between the man and the environment, protects the environmental elements and processes and guarantees the material conditions for the sustainable development by completing the necessary legal frame for the implementation of the constitutional right to have an ecologically sound environment. The law aims at:

- a. The rational use of the environment, the reduction of the discharges into and pollution of the environment, prevention of its damage, rehabilitation and restoration of the damaged environment;
- b. The improvement of environmental conditions, related to the quality of life and protection of public health;
- c. The preservation and maintenance of natural resources, renewable and non-renewable, a rational and efficient management by ensuring their regeneration;
- d. The coordination of the state activities to meet the environmental protection requirements.
- e. The international cooperation in the field of environmental protection
- f. The promotion of public participation in the environmental protection activities
- g. The coordination of the economic and social development of the country with the requirements of environmental protection and sustainable development.
- h. The establishment and strengthening of the institutional system of environmental protection on national and local level.

Article 2

The field of application

The protection of environment from pollution and damage constitutes a national priority for all state institutions, physic and legal persons, foreign and nationals that exercise their activities within Albanian territory.

Article 3

Definition of terms

For the purpose of this law:

1. "*Environment*" is the entity of interactions of biotic and non biotic elements, which enhance and feed the living life on earth, including the natural biophysical environment of air, soil, water, diversity of biologic ecosystems, human health, values of cultural, scientific, religious and social heritage.
2. "*Environmental protection*" means an activity aiming at the prevention, restriction of pollution and deterioration of environment as well as environmental regeneration, preservation and improvement.
3. "*Environmental pollution*" is the direct or indirect introduction of substances, vibrations, energy, heat, radiation, noise and biological factors in air, water and soil, which can change the environmental quality and damage the life.
4. "*Environmental damage*" means deformation of the physical, chemical and structural features of the natural ecosystem; reduction of biological activity and diversity of natural ecosystems; damage of ecological balance and life quality caused mainly by water, air or soil pollution and natural disasters, as well as from overuse of natural and mining resources.

5. "*Discharge in the environment*" is the discharge or release into the environment, in a direct or indirect way, of gaseous, solid or liquid substances, energy, vibrations and noises, from one or several stationary, movable or diffused sources.
6. "*Hazardous substances*" are substances, the production, transportation, storage, use or discharge in the environment, from their characteristics, damage or are likely to damage the human health, environmental quality, flora, fauna, biocenosis and biotopes, due to their properties.
7. "*Wastes*" are substances, objects or parts of them, determined by the relevant authority, which are no longer used or which the owner likes to carry away. These materials will be considered wastes, as long as the materials taken from them or the energy generated are not included on the production process.
8. "*Hazardous wastes*" are the erosive, toxic, corrosive, explosive, inflammable, carcinogenic, infective and radioactive substances that can alter the natural state of water, soil or air with grave consequences for human health and natural ecosystems.
9. "*Environmental indicator*" is a variable that provides information on an environmental phenomenon in a summarized and simple way, making it perceptible by giving a numerical value to the measurement and communication. The environmental phenomena related with the quality of the environment and its elements, discharges into the environment, environmental pollution and damage, biodiversity and its damage or conservation level, measures taken for environmental protection.
10. "*Environmental monitoring*" is the collection, assessment and generalization of the environmental information through a continuous and periodical surveillance of a set of qualitative and quantitative indicators that characterize the environmental elements and their changes, due to the impact of natural and human factors.
11. "*Activity having an impact on the environment*" is any economic and social activity, which makes use of the environment or its elements or discharges into the environment substance and energy, by changing the environmental qualities.
12. "*Environmental impact*" is any change of the physical environment, including health, economical, social, aesthetic, natural and physical consequences.
13. "*Transboundary environmental impact*" is any impact on an area located in the jurisdiction of a country, when the activity is performed entirely or partially in an area under the jurisdiction of another country, which excludes the phenomena of global environmental impact (climate changes, international waters, biodiversity and soil).
14. "*Project*" means:
 - 1- implementation of the construction works, installations or schemes;
 - 2-intervention in the natural environment and landscape, including the exploitations of natural resources and mineral assets.
15. "*Environmental impact assessment*" (EIA) is the process undertaken to identify, foresee, interpret, measure, communicate and prevent the impact of a project on the environment, according to its alternatives, so that the best alternative to prevent or mitigate the adverse impacts is selected, prior to project approval and implementation.

16. "*Strategic environmental assessment*" is the process of assessing the possible impacts on the environment, of a policy, plan or program.
17. "*Environmental declaration*" is the official document issued by the Minister of Environment, after the review of the request and relevant documentation for the approval of the project, plan or program, according to paragraph 14, point 1 of this article. The declaration might refuse or approve the forwarded request, accompanying it with obligatory conditions to be implemented by the proponent and competent authorities.
18. "*Environmental permit*" is the official document, issued by the Ministry of Environment, after the review and consultation of the request and its relevant documentation, with all the concerned stakeholders. The permit approves the exercise of any activity having an impact on the environment, and determines the conditions and circumstances to be obligatory implemented, in order that pollution and damages on environment do not exceed the allowed norms.
19. "*Environmental quality norms*" are a series of requirements, to be met at a certain time, in a certain element of the environment, regarding the content of pollutants in various parts of air, water and soil, whose values should not exceed the allowed levels.
20. "*Pollution above environmental norms*" means the exceeding of the environmental quality norms.
21. "*Norms on environmental discharges*" refers to the highest admissible level of pollutant's content in the discharges, for a given period of time. Norms on discharges are applied at the points where the discharges run off the installation, without being diluted.
22. "*Natural resources*" are biotic and abiotic elements that are used or can be used by people to meet their needs.
23. "*Renewable sources*" are natural resources regenerated in a natural way or which can be totally or partially regenerated with other ways. All the other sources are non-renewable.
24. "*Historical environmental damage*" refers to the pollution with hazardous wastes or substances in industrial areas and its surroundings, caused by the activities of the enterprises, which are actually operational, closed down, abandoned, privatized or given on concession and which continue to pose a risk to human health and the environment.
25. "*Sustainable development*" means development that meets the needs of the present without constraining or affecting the opportunities and capacities of the future generations to meet their own needs.
26. "*Sustainable use*" of natural and mineral resources ensures the meeting of present needs without jeopardizing the needs of future generations for these resources.
27. "*Best available techniques*" represent the most advanced and efficient phase in the development of an activity, which can be completely implemented from the practical and economical viewpoint.
28. "*Precautionary principle*" is the undertaking of necessary decisions and actions to reduce the environmental risk, prevent and reduce every future damage of the environment at the appropriate time.
29. "*Prevention principle*" is the selection and approval at an early stage of decision-making, of the most effective alternation to avoid the harmful impacts of an activity on the environment.

30. "*Recovery principle*" is the necessity to repair environmental damages, caused by physical and legal persons, and to regenerate and rehabilitate the damaged environment.
31. "*Polluter pays principle*" refers to the costs paid by the polluter for the improvement of the polluted environment and its restoration in an acceptable state. This is reflected in the costs of production, consumption of goods and services that cause pollution.
32. "*Installation*" is a static technical unit where one or more polluting activities, or other activities that have technical relation with the activities performed in a site and which can have an impact on the discharges and pollution of the environment. Installation or activity is existing when:
 - a) it is functioning and operating in compliance with the existing legislation before the entry into force of this law;
 - b) it is in the process of providing an environmental permit, before the entry into force of this law,
 - c) which has been accorded an environmental permit, but it is expected to be put into operation not later than one year after the entry into force of this law.
33. "*Dumping in the environment*" refers to every pouring, spreading, extraction, drilling, unloading, emptying, subsoil injection, sliding, rinsing, evaporation, depositing, discarding in the environment, including the abandoning or throwing of barrels, tankers, and other closed containers, from the use of products outside the production country.
34. "*Transfer*" is the movement outside the production country, of the pollutants for use, resource, storage, processing, energy recovery, recycling or disposal – the movement to the country of production of potential pollutants for processing, energy recovery, recycling and disposal.
35. "*Diffused sources*" refers to many small sources, which can emit pollutants into soil, water and air, whose combined impact in the recipient environment is significant.
36. "*Environmental assessment*" is the periodical reassessment of environmental management and protection, performed by physical and legal persons for installations or activities that are granted environmental permits.
37. "*Environmental management system*" covers the institutional frame, policies, action plans, and technical-administrative measures for environmental protection, certified by international bodies like ISO and EMAS.
38. "*Public authority of environmental protection*" is the Ministry of Environment with its bodies and structures, environmental bodies in state institutions on central and local level, as well as any central or local body established subsequently to them.
39. "*Public authority of environmental management*" refers to the central and local governmental bodies, which are entitled by law to environmental management and its elements.

Article 4

Basic Principles of Environmental Protection

Environmental protection is based on these principles:

- a. Principle of sustainable development
- b. Principle of precaution
- c. Principle of prevention
- d. Principle of “polluter pays”
- e. Principle of environmental damage repairing, recovery and regeneration
- f. Principle of legal liability
- g. Principle of high level protection
- h. Principle of integration of environmental protection in sector policies
- i. Principle of public awareness and participation in environmental decision- making
- j. Principle of transparency in environmental decision-making

Article 5

Elements of Environmental Protection

The main strategic elements of environmental protection are:

- a. The prevention and reduction of pollution of water, air, soil and pollution of any kind;
- b. The conservation of biological diversity according to the country's natural and biogeographically background;
- c. The rational use of the natural and mineral resources and the avoidance of their over exploitation;
- d. The ecological restoration of the areas damaged by anthropic activities or other natural destructive phenomena;
- e. The preservation of ecological balance and life quality improvement.

Article 6

Regulation with special dispositions

The protection of air, of natural and mineral resources, of water, soil and forests with their relevant ecosystems, pastures, protected areas; the administration of hazardous substances and wastes, solid and liquid wastes, coastal areas and marine environment, the protection of nature and biodiversity are regulated by specific law.

CHAPTER II

ENVIRONMENTAL POLICIES

Article 7

State policy on the environment

1. The state policy of environmental protection aims at the implementation of the requirements of the Constitution of the Republic of Albania on the environment. All state bodies are committed for its formulation and implementation, each of them in their own line.
2. The national strategy, special sector strategies or strategies on environment

elements, national and local action plans are documents of the state environmental policy.

3. The state bodies charged by the law with the management of environmental constituents, in the national or local sector policies like transport, energy, agriculture, tourism, industry, services, territory planning and economical and social development in general, ensure that the economical and social development is in harmony with the environmental protection and improvement of the quality of life.

Article 8

Environmental strategies and programs

1. The national strategy and action plan on environment and its elements, are approved by Council of Ministers' Decision, at the proposal of the Minister of the Environment. The strategy for environmental protection covers a period of at least a decade.
2. At the end of every year, the Minister of Environment submits the annual report on the implementation of the environmental strategy and action plan to the Council of Ministers for review.

Article 9

Sector strategies

1. The sector action plans and strategies of a national character are developed, in compliance with the principles and priorities of the national environmental strategy for every environmental element and priority sectors.
2. The strategies, plans and programs for the development of the economy and its individual branches on national regional or municipal level should ensure the integrated environmental management, according to the national environmental strategy.
3. The approval of the documents of paragraph 1 and 2 of this article is made by Council of Ministers' Decision, only if the environmental declaration has been positive.

Article 10

Local environmental plans

1. Local government bodies develop action plans on environment, in compliance with the requirements of the national environmental strategy.
2. Line ministries assist the development and implementation of the local environmental plans, by providing the necessary information and technical expertise.
3. Local government bodies should involve the public and environmental or professional non-profit organizations and business organizations, in the development and approval of the programs and plans.
4. The chairmen of the municipalities should report to the Region Council about

the implementation of the local environmental action plan, every year.

CHAPTER III

THE USE AND PROTECTION OF THE ENVIRONMENTAL CONSTITUENTS

Article 11

Equal protection

Environmental constituents are protected and preserve separately from and closely linked with each other in their interaction and integrity. The protection of environmental elements includes the equal protection of quality, quantity and resources, proportions and processes among them.

Article 12

Soil protection

1. Soil protection guarantees the sustainable protection of its natural functions. Soil protection includes the surface area and the subsoil layer, the soil, rocks and minerals, the natural or transitory processes and formats, its balance of water, air, and terrestrial flora and fauna.
2. Land use activities for the purposes of agricultural, livestock, aquaculture, subsoil and above subsoil transportation development, and exploitation of its mineral and water resources, as well as any other activity installed on it, should not contaminate the soil above admissible levels and cause harmful changes in the soil quantity, quality and its related ecosystems.
3. Depositing of substances and wastes into the soil, should be done so as to avoid its pollution and damage.
4. The physical and legal person, who has used the soil, is obliged to make the necessary adjustment to rehabilitate the area or to restore it to the previous state.

Article 13

Protection of humus layer

1. The humus layer is put under special protection.
2. The Minister of Environment in cooperation with the Ministry of Agriculture and Food defines the criteria, regulations and measures for the protection of the humus layer.

Article 14

Water protection

1. Water protection includes surface and ground waters, their sources, quality and quantity, beds and banks of surface waters and aquifer formations.
2. Water protection should ensure the prevention of the further destruction of the surface water quality and exceeding of the respective quality norms, recovering of contaminated surface water quality, and achievement of the water quality objectives, prevention of destruction of ground water quality, rehabilitation of the contaminated ground waters, improvement of the balance of extraction level and natural regeneration of ground waters, protection of water flora and fauna.

Article 15

Criteria on the use of water resources

- The main environmental criteria for using water resources are:
- 1. The speed of natural flow, course of the flow, circulation, the bed and banks of waters can be changed only through maintaining appropriate ratio of the water biocenoses and ensuring conditions for its functioning.
 2. The activities related with water use and especially with hydraulic and hydro technical interventions should ensure that waters:
 - Remain a landscape forming factor and cause no sliding and preserve water ecosystems
 - Are able to raise marine and terrestrial fauna and flora
 - Provide conditions for enabling their further use, from the qualitative and quantitative aspect.
 3. Special protection will be provided for natural sources, which supply drinking water, waters used by food industry, waters used for mineral and medicinal use and other waters, which are significant for nature conservation as well as for recreational purposes and medical treatment use. The Minister of Environment through the specific cooperation with the Minister of Health, Minister of Industry and Energy, Minister of Agriculture and Food, Minister of Territory Adjustment and Tourism and Minister of Culture, Youth and Sports, will approve the criteria for the above categorization of waters and define the rules, procedures and measures for their use and environmental protection.
 4. Water use, discharges into water and discharge of treated or untreated wastewater should endanger neither the natural processes conditions, nor the qualitative and quantitative regeneration.
 5. Water extraction, its return to the waters of origin and the inter-basin transfer should not affect the reserves, should not change unfavorably the quality and biological assets of the water source and recipient environment and should not risk the water self cleaning process.
 6. The industrial activities that discharge waste water, should provide for stations for waste water treatment since project design and construct it before the activity becomes operational.

Article 16

Air protection

1. Air protection includes the atmosphere, its processes, content and climate and is regulated by a special law.
2. Air protection should ensure the protection of health of plants and animals, their communities and habitats, natural and cultural values from the negative impacts, the prevention of the damages and threats to the society from the aggravated quality of the atmospheric air, reduction of ozone layer depletion and climate changes deriving from human activities, protection of the atmospheric air in undamaged areas and its improvement in other zones of biocenoses and biodiversity conditions. It should also ensure that their functions for guaranteeing the sustainable development of the population in their natural environment are not risked.
- 3.

Article 17

Ozone Layer Depletion Equipments

1. The import and the production of equipments that make use of substances that deplete the ozone layer are not allowed.
2. The list of equipments that are not allowed to be produced and imported for using ozone layer depletion substances, as well as the rules for the procedures of their substitution in the existing equipments are approved by the Council of Ministers, based on the proposal of the Minister of Environment.

Article 18

Protection of biodiversity

1. The protection of biodiversity includes all the living organisms, their biocenosis and habitats.
2. The flora and fauna can be used only if there is no damage in the natural processes, the biocenosis and biodiversity's conditions, and their functions to ensure the sustainable development of the populations in their natural environment are not endangered.

Article 19

Protection of human built environment

1. Protection of built environment from human activity includes residential areas, individual constructions and technical engineering structures, historical and cultural monuments, tourist areas, green and forest zones within and around the residential centers.
2. Human built environment is based on national, regional and local development plans that ensure the environmental protection, the tourist, the historical and

cultural values, the carrying capacities from the environmental point of view as well as the function and aim of their construction.

Article 20

Waste management

Waste management aims at the prevention, reduction and limitation of the harmful impacts of wastes on human health and the environment. Waste management aims at:

- 1- the prevention of the creation and the treatment of wastes, using advanced techniques and technologies that ensure:
 - a) The sustainable use of resources;
 - b) The production of products that do not create risks of waste and pollution;
 - c) The appropriate final disposal of hazardous substances, found in the wastes as well as opportunities for their recycling or processing.
- 2- the recycling, reusing and regeneration of wastes in other processes.

Article 21

Obligations of legal persons for wastes

Physical and legal persons whose activity creates or elaborates wastes are obliged to use processes and techniques that:

- o Pose no risk to human health, water, air, soil, plants and animals;
- o Cause no additional noise or stink;
- o Cause no irreversible damage to nature or to the special purpose of the area, where they operate.

Article 22

Importation of hazardous substances and waste

1. The importation of hazardous substances and wastes, as well other waste or residues, to the Republic of Albania, for the purpose of storage, depositing or disposal, is banned.
2. The Council of Ministers approves the list of hazardous substances and wastes and other wastes and residues, whose importation is banned, according to point 1 of this Article, based on the Minister of Environment proposal.
3. The importation of any kind of waste for use, elaboration or recycling purposes is made according to the rules, procedures, quantities and deadlines approved by the Council of Ministers, on Minister of Environment's proposal.

Article 23

Transit transportation

The transit transportation of hazardous wastes and substances through the territory and inland waters of the Republic of Albania is allowed only if it is provided for in international acts where the Republic of Albania is a Party. In such cases, the permit for transit transportation is issued by the Council of Ministers, in compliance with the safety regulations, approved by it and proposed by the Minister of Environment, in cooperation with the relevant ministers, depending on the type of hazardous substances and wastes.

Article 24

Hazardous substances

Special law regulates the production, use, storage and transportation of the hazardous substances, as well as the management of hazardous technologies.

Article 25

Environmental charges and taxes

1. The use of environmental elements to meet individual needs is free of charge, with the exception of cases when the law provides for otherwise.
2. The use of environmental constituents for profit purposes is subject to the payment of the charge for the use of natural or mineral resources, as provided for in special laws.
3. Physical and legal persons who use produce with high pollution potential and who discharge into the air, water and soil, are subject to environmental taxes.
4. The products and pollutants, on which the environmental taxes will be applied, the type and extent of the taxes, as well as the procedures and rules of tax collection and its use for environmental protection are regulated by special law.

CHAPTER IV

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Article 26

EIA Process

1. The public and private projects of legal and physical persons, national of foreigners, which apply to exercise activities in the territory of the Republic of Albania and can have a significant impact on the environment should be subject to the process of environmental impact assessment, before the approval and implementation of the construction.
2. The physical or legal person who aims at realizing a project or activity, firstly communicate with the local government bodies, the public and local environmental non-profit organizations, by presenting to them in not less than two variants: the type of activity that he/she will perform, the capacity, technology, environmental impacts and measures to mitigate

these impacts. The proponents will reflect these communication and preliminary attitudes of the local government bodies, public and non-profit organizations, in the documentation accompanying their request.

3. The documentation accompanying the request for approval of the project contains: the project description, information on the location, the technical project, the descriptions of measures to avoid, reduce or rehabilitate the possible negative impacts on the environment, necessary data to identify and measure these impacts, several alternatives and other information required by the competent authority. The proponent is responsible for the reliability of the documentation, he has handed over to the authorities.
4. After the preliminary screening of the request and accompanying documentation, the competent body, whenever deemed necessary requires its completion by the proponent and officially accepts it for review, only after he is convinced that the relevant documentation complies with the law.
5. The projects that are subject to this process, the criteria for their selection, the procedures of asking and undertaking the process of EIA, the procedures for reviewing the relevant documentation, the decision making and follow-up on the implementation of approved projects, as well as public participation in this process, are established by special law.

Article 27

EIA in transboundary context

1. In cases when projects subject to EIA may have an impact on the environment of the neighboring country, the Republic of Albania implements the principles of the UNECE Convention on EIA in Transboundary context, to which it is a party, as well as other general principles and norms of the international environmental law.
2. Special law regulates the procedures of EIA in transboundary context.

Article 28

Strategic Environmental Assessment (SEA)

Policies, plans and programs on the development of transport, energy, tourism, industry, services, territory adjustment, and economic and social development in general, are subject to the strategic environmental assessment. Special legal dispositions regulate its procedures.

Article 29

Projects of national security

1. Projects that represent state confidentiality in the field of national defense and security, subject to the EIA or SEA processes, are excluded from public consultation to guarantee the confidentiality protection.
2. The body that proposes and implements the project is responsible for the

implementation of the environmental declaration or permit's conditions, by which the approval is declared.

Article 30

Competent Authority

The Ministry of Environment is the competent authority for screening the request and documentation prepared during the EIA and SEA process, as well as for issuing the decision through the environmental declaration and granting the environmental permit.

Article 31

Documentation screening experts

1. The Ministry of Environment, when necessary, appoints physical or legal persons, native or foreign, as outside experts to screen and assess the EIA and SEA processes documentation. They should have experience in the forecasting and identifying the impacts on the environment and should not have any contracting relationship with the proponent. The competent authorities assess their opponent evaluation.
2. The rules and levels of remuneration for experts are defined by the Council of Ministers, upon proposal of the Minister of Environment and Minister of Finance.
3. The Minister of Environment approves the requests of physical and legal persons to be recognized as experts for EIA and environmental auditing, according the rules, procedures and criteria, approved by the Council of Ministers.

Article 32

Covering of costs

The proponent covers all the costs related with the performing of the EIA and SEA process.

Article 33

Concerned parties

- 1) All the concerned parties take part in the EIA and SEA process, especially the local government bodies, the public and environmental non-profit organizations.
- 2) During this process, at an appropriate period of time, the competent authority makes available to the public, for consultation, the documentation submitted by the proponent.

- 3) The competent authority takes into account the opinion of the local authorities, public and non-profit organizations during the decision-making process

CHAPTER V

PERMITTING OF ACTIVITIES THAT AFFECT THE ENVIRONMENT

Article 34

Obligation to obtain a permit

1. In order to develop an activity, which affects or is likely to affect the environment, the physical and legal persons, native or foreign, are obliged to obtain the approval of this activity from the competent authority, as defined by this law.
2. The physical and legal persons should submit the request and relevant documents in order to get the approval for their activity.
3. The approval of the request is made by the environmental declaration, environmental permit, consent or authorization, according to the cases specified in this law.
4. The environmental declaration, the environmental permit, the consent and the authorization, are official documents that establish the conditions and the circumstances that must respect the approved activity in order to prevent and mitigate its impacts into the environment.

Article 35

Environmental Declaration

1. The Minister of Environment, after screening the documentation and consulting with all relevant stakeholders for the projects, strategies, plans of development, announces the official stand with the environmental declaration.
2. The environmental declaration describes the technical reasoning and legal support, provides the relevant arguments and measures to be taken to avoid, reduce greater impacts on the environment.
3. If the environmental declaration is negative, the relevant competent bodies do not approve the project, strategy or plan of development. If the environmental declaration is positive, the approval given by these bodies is in accordance with the content and conditions of the environmental declaration.
4. In case the approved project does not start its implementation within two years from the issue date of the approval, the environmental declaration becomes invalid and the application procedure starts from the very beginning.
5. If the project implementation is performed in compliance with the environmental declaration and construction permit, the competent authority issues the relevant environmental permit, in compliance with the requirements of this law.

6. The environmental declaration is published.

Article 36

Environmental permit

1. The exploitation of mineral richness and natural resources, the operation of installations for their utilization and technological processing and other activities, which have an impact on the environment and require an environmental permit are defined by a Council of Ministers' Decision, at the proposal of the Minister of Environment.
2. The environmental permit should be issued also to the extension and reconstruction activities, if they represent essential changes of their operation conditions, as well as to the closing down or dismantling of activities and installations. The Minister of Environment proposes new activities that should be granted an environmental permit.
3. The environmental permit is issued, rejected, reviewed and amended by the Minister of Environment, only according to the conditions previewed by this law. The Minister of Environment, upon proposal of the Chief Inspector of Environment, omits the environmental permit.
4. If the activity does not start, within one year from the date of the approval of the environmental permit, the permit is invalid and the application procedures start from the beginning.

Article 37

The documentation to obtain an environmental permit

1. The documentation to apply for an environmental permit and the elements of the environmental permit are defined by a Council of Ministers' Decision.
2. The determination of conditions and requirements defined in the environmental permit is based on the discharge norms, quality standards and best available technologies, which guarantee less amounts of discharges into the environment, the effective use of resources and energy and better protection of the environment.

Article 38

Deadlines for screening the request for environmental permit

1. The environmental permit is issued within 3 months from the submission of the request and is valid from the time the activity starts until the conditions, on which the permit was issued, do not change.
2. The competent authority can extend the time of issuing the permit up to 6 months, where the undertaking of very specialized expertise is necessary. If the authority that approves the permit, does not respond within the above deadline, the permit is regarded as approved.
3. The extension of the deadline, because of lack of data in the submitted documentation, is not calculated to the effect of point 1 and 2 of this Article.

Article 39

Concerned parties to the process

1. The process of issuing an environmental permit is open to all concerned parties, including States, in the case of transboundary impact on the environment.
2. The Ministry of Environment notifies and guarantees the access for all interested parties to application procedure to know the documentation, the declaration and the permit, for a period of one month.
3. The decision of permit issuing or rejection is published.
4. The physical and legal persons, the public and non-profit organizations can appeal against the decision in the district court, 10 days after the environmental permit is published.

Article 40

Renewal of the environmental permit

1. The environmental permit for mineral and natural resources exploitation is renewed every three years.
2. For other activities, the environmental permit is renewed not later than 5 years from the date of issue.

Article 41

Amendment of the environmental permit

1. The bodies that are responsible for issuing the environmental permit, can review, modify or deprive the operators of the environmental permit, if:
 - a. New ecological elements unknown at the time when the permit was issued are introduced;
 - b. New environmental provisions are approved that require clearly its amendment;
 - c. Pollution above admissible levels is identified;
 - d. Essential changes have occurred to the activity;
 - e. Improvements in the best available technologies are made to allow for significant reduction of environmental discharges and which are not very costly;
 - f. Using other better techniques changes the requirement of technical safety.
2. The environmental permit, granted to a physical or legal person, who has not complied with the requirements of a Decision of the Environmental Inspectorate, will not be renewed as long as these requirements are not met.

Article 42

Change of property

When the activity having an environmental permit is transferred into the property or use of a new legal and physical person, the latter should implement the requirements of the existing environmental permit.

Article 43

Service fee

1. Legal and physical person, who obtains an environmental permit, will pay a service fee, fixed by the Minister of Environment. The amount of the fee should be deposited in the bank account of the body that issues the permit.
2. Projects or other initiatives, performed in the field of environmental protection, performed by physical and judicial persons or in the frame of aids given to Albania, are excluded from the payment of the service fees for the environmental permit and benefit fiscal facilities. These activities are defined case by case, in joint guidelines of the Minister of Environment and Minister of Finance.

Article 44

Obligation to have the environmental permit

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1. The activities and that affect the environment cannot start to operate without having an environmental permit.
 2. Legal and physical persons cannot start their activity other than in compliance with the conditions and requirements set in the environmental permits.
 3. The activities having an impact on the environment when operate without an environmental permit are suspended, closed down, partially or totally stopped by the Environmental Inspectorate.

Article 45

Consent and authorization

1. The activities of local character having an impact on the environment, but not included in the Council of Ministers' Decision, referred to in point 1, Article 36 of present law, are approved by the Regional Environmental Agencies, in cooperation with local government bodies. The approval for these activities is given in the form of consent or authorization.
2. According to this article, the Minister of Environment approves the list of activities, the format of application, the rules and procedures for giving the consent or authorization from the regional environmental agencies.

Article 46

General obligations

1. During the implementation of the activities, the physical and legal persons should ensure:

- a. The implementation of all possible measures that prevent pollution discharges and environmental pollution.
- b. The prevention and reduction of waste and wherever their use is not technically or economically possible, their neutralization, by avoiding and reducing their impact on the environment.
- c. Prevention of industrial accidents and limitation of their consequences.
- d. Restoration of the site in satisfactory environmental conditions, after the conclusion of the activity.
- e. Information provision about every planned change of the technological line.
- f. Informing of the Regional Environmental Agency, not less than once in three months about the results of self-monitoring and at any time, about all accidents or emergency situations, having an adverse effect on the environment.
- g. Meeting of the requirements of the Environmental Inspectorate when controlling their activities.
- h. Informing of the public on the state of the environment and environmental profile of their activity.
- i. Keeping of registers on environmental discharges, water use and energy and applied techniques.
- 2. The requirements of this article are implemented as follows:
 - a) For new activities and installations, 1 year after this law enters into force
 - b) For existing activities, not earlier than 2 years and not later than 5 years after this law enters into force.
- 3. The Ministry of Environment in cooperation with the line ministries performs awareness campaigns to make the law requirements known.
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Article 47

Certified Environmental Management Systems

1. The state promotes and encourages the implementation of the certified environmental management systems by the physical and legal persons.
2. To the physical and legal persons that implement certified environmental management systems, are created procedural facilitations during the EIA process and the permitting procedure. The Minister of Environment defines these facilitations by special guidelines.

Article 48

Environmental assessment

1. The physical and legal persons carry out, by their own expenses, the environmental assessment of the activities they exercise not less than once in three years. The environmental assessment must respect the methodology approved by the Minister of Environment.

2. At the end of the environmental assessment of its activity, the physical and legal person publishes the results and informs the local authorities and the regional environmental agencies.
3. In the cases when an activity, having the environmental permit, pollutes or damages the environment, the state bodies, the central or local ones, the public and the non-profit environmental organizations, ask to the Minister of Environment to order the environmental assessment of the activity.
4. The Minister make known his attitude within 30 days from the receiving of the request. Within 10 days from the declaration of his attitude, people can appeal to the district court against it.

CHAPTER VI

PREVENTION AND REDUCTION OF ENVIRONMENTAL POLLUTION

Article 49

Prevention of industrial accidents

1. Physical and legal persons, who use hazardous substances in their activities, are obliged to establish the system of accident prevention and control, in order to prevent the consequences for human life, health and environment.
2. The identification of activities which use hazardous substances, the criteria for the establishment of accident prevention and control system, the measures to be taken, the obligations of physical and legal persons, the controlling bodies and their competences are regulated by a Council of Ministers' Decision. The decision is taken upon joint proposal of the Minister of Environment, Ministry of Labor and Social Affaires, Ministry of Health and Ministry of Local Government and Decentralization.

Article 50

Environmental norms

1. Norms on environmental use, environmental quality and discharges into the environment are established to control and prevent the pollution and damage of the environment.
2. Depending on the features of the environment to be protected, nature of pollution, emergency facing and the practical ability to comply, the environmental norms are: national, specific for the areas that require special protection and temporary.
3. The norms on environmental quality, discharges into the environment and use of the environment are regulated with a Council of Ministers' Decision, at the proposal of the Minister of Environment and Minister of Health.
4. The Minister of Environment in cooperation with respective ministers and local government, sets specific norms for areas requiring special protection.
5. The definition of the norm values, as the admissible level for the use of the environment and its elements; the quantity, quality, concentration of substances and energy released into the environment, are based on the EU Directives, on

the objectives of the national environmental state policy and on the best available techniques.

6.

Article 51

Temporary discharge norms for existing installations

1. For existing installations, the physical and legal persons submit to the Ministry of Environment, the program they will implement to comply with the new norms, within 1 year from entry into force of these norms.
2. On the bases of this program, the Ministry of Environment decides on the deadlines for the implementation of the approved norms, which cannot be longer than 5 years, from entry into force of these norms.
3. For physical and legal persons who do not submit the program, the deadline for the enforcement is 2 years after from entry into force of these norms.
4. During these time periods, the physical and legal persons apply the temporary environmental norms, which lead to progressive improvement of enforcement.
5. If physical and legal persons do not meet the conditions, and requirements of this Article, their activity is suspended until enforcement is achieved.
6. The temporary norms and modalities for establishing them are approved by the Council of Ministers upon proposal of the Minister of Environment.
7. If after the compliance with the temporary norms, there occur phenomena that seriously risk human health and damage the environment, the Environmental Inspectorate decides on the suspension or the permanent closure of the polluting activity or plant.

CHAPTER VII

MONITORING AND DATAS

Article 52

Environmental monitoring

1. The environmental monitoring, including the monitoring of environmental quality, pollution and damage, biodiversity, natural phenomena and discharges into the environment, is obligatory.
2. Monitoring of environmental quality, its pollution and damage, biodiversity, includes soil, water, air, flora and fauna and their relations to health.
3. The monitoring of natural phenomena includes meteorological, hydrological, seismological, radiation, erosion phenomena, and other natural geophysical phenomena.
4. The monitoring of discharges includes all types and kinds of discharges, caused by different activities of physical and legal persons.

- **Article 53**

- **National Monitoring Program**

1. The Ministry of Environment, in cooperation with other central and local bodies, prepares the National Monitoring Program, and also coordinates and controls the work for its implementation. Based on the data on pollution levels, it proposes concrete measures for the protection of cleanness of air, water, soil and the country's genetic fund.
2. Environmental monitoring is performed in accordance with the national Monitoring Program, which determines the indicators of environmental quality, discharges, pollution or damage, natural phenomena, biodiversity, methodologies of sampling, measurements, data processing, as well as their reporting and publication.
3. The monitoring of natural phenomena and environmental quality is the duty and responsibility of state bodies and is supported by the State Budget.
4. The national monitoring networks should be set up in accordance with national and international standards.
5. Accredited laboratories should perform the laboratory measurements and test.
6. The monitoring of discharges, pollution and damage of the environment, caused by human activities, and when deemed necessary even the natural phenomena resulting from them, should be performed and covered by the physical and legal persons, who run these activities and plants, in accordance with the environmental permits.
7. The Ministry of Environment controls the monitoring quality, the measurements, the application of methodologies, the qualification of the specialists participating in it, the used equipment and the reliability of results.
8. The rules and procedures for the development and implementation of the national program and establishment of the monitoring networks are defined by a Decision of the Council of Ministers, at the proposal of the Minister of Environment.

Article 54

Environmental information

1. Information on the state of the environment includes:
 - a. Data on the state of environmental elements;
 - b. Data on the development of the economical sectors, which affect the environment, and their direct factors, which exercise pressure on the environment;
 - c. Data on the environmental impacts;
 - d. Data on activities, undertaken for the protection of the environment;
 - e. Data on the state and exploitation of the natural, biological, mineral and energy resources;
 - f. Data obtained from the national monitoring program implementation;
 - g. Data on environmental discharges, on environmental quality and natural

phenomena.

2. The information is accompanied with explanations on the likely negative impacts with delayed effect on the environment and human health and with recommendations on the citizens' action in cases of verification of the negative impacts.

Article 55

Gathering of information

1. The information on the state of the environment is received and collected by the Ministry of Environment and its Regional Agencies, other ministries and central institutions, and local government bodies.
2. The environmental information is requested, drafted and submitted according to rules, defined by the Minister of Environment. The legal and physical persons should submit the information, within 15 days after the receipt of the request.

Article 56

Publication of information

1. The state bodies that collect the environmental data and information publish them through mass media or other appropriate means in an easy and understandable form for the public.
2. The state bodies and physical or legal persons, as soon as they observe any environmental pollution or damage, should inform the population about negative environmental changes, the measures taken for their limitation or avoidance, as well as the actions to be undertaken from the citizens to protect their health and safety.
3. The physical and legal persons inform the buyer or consumers, at the time of sale or service provision, in writing or orally, about the hazardous components of their goods or services, as well as about the negative impacts on environment and health.
4. The information which contains confidential data on national security or national commercial confidentiality, is administered according to the requirements of the Law No. 8457, date 11.2.1999, on "Information classified as state secret".

Article 57

National environmental information system

1. To ensure the collection, processing and publication of the environmental information, the Ministry of Environment establishes the National Environmental Information System. Its establishment and operation are regulated with a special law.
2. The National Environmental Information System is open to the public.
3. The Ministry of Environment prepares every two years the Status of Environment Report and presents it to the Council of Ministers for approval.

The approved report is published through the written press or through the electronic media.

4. The Ministry of Environment publishes periodically its official bulletin and prepares other publications on environment.

Article 58

Pollutants registers

1. The Ministry of Environment prepares the National Register on the discharges, releases and transfers of pollutants into the environment, the use of water, energy, mineral and natural resources.
2. The National Register is compiled on the bases of the regular reporting of the operators, legal or physical persons, the relevant bodies responsible for the collection and processing of the environmental information.
3. The National Register is administered by the Ministry of Environment and is accessible to the public.
4. The data of the national registers are submitted in the format that ensures the identification of the contribution of the discharges, releases and transfers on the environment for every installation and pollutant, their location and destination in air, water and soil.
5. The format, content, deadlines and way of completing the national register, as well as the rules of its use and publication, are defined by an order of the Minister of the Environment.
6. The physical and legal persons regularly register the data in specific registers, approved by the Ministry of Environment. Based on these records, they report to the Regional Environmental Agencies and publish their data every three months.

CHAPTER VIII

ENVIRONMENTAL CONTROL

Article 59

State of environment control

1. The control on the state of the environment consists on the supervision of natural and human elements and factors, observation and registration of their changes, as well as supervision of the sources and causes of these changes.
2. The data collected as result of the control, serve for the verification of the environmental law enforcement, for the generation of data on the state of environment, revision or depriving of environmental permits and taking of other relevant measures, defined under this law.
3. The control is exerted permanently, continuously and repeatedly, in accordance with the parameters, sources and causes of environmental pollution or damage.

Article 60

Bodies that exercise control on the environment

1. The control of the state of the environment is the duty of the Environmental Inspectorate, of the employees assigned by the Minister of Environment, and Regional Environmental Agencies.
2. Forest Police, Construction Police, Sanitary Inspectorate, Plant Protection Inspectorate, Fishery Inspectorate, Hydrocarbons Inspectorate, Zoo- Veterinary Inspectorate and the controlling bodies of local governments, according to the relevant territorial units, exercise controls on the bases of the normative acts that regulate the specific activities of these bodies.

Article 61

Regulation of the activity of the environmental control bodies

1. The organization and activity of the environmental inspectorate, is regulated by a Decision of the Council of Ministers, at the proposal of the Minister of Environment. The coordination with other control bodies, the exchange of information, and undertaking of joint inspections are regulated by joint regulation among the relevant ministers.
2. The parameters of environmental assessment, the scope and methodologies of control, the detailed plans and interventions of a special character are prepared by the environmental inspectorate and Regional Environmental Agencies and are approved by the Chief Environmental Inspector, according to the regulation approved by the Minister of Environment.
3. For purposes of inspection and sampling, during the control, the environmental inspectors are authorized to enter in all sites and surroundings of the activity, subject to the environmental control.
4. The physical and legal persons during the controlling on their activity should create all the necessary conditions for the normal performance of the control.

Article 62

Control expenses

The physical or legal person, who has caused the environmental pollution or damage, covers the control expenses for the state of the environment, when the environmental pollution or damage is verified.

Article 63

Control Decision

1. On the bases of the control made, the Environmental Inspectorate decides, on a case by case bases, to close down, to suspend, to partially or totally stop the

- activity of the physical and legal persons, who have caused environmental pollution or damage and defines the relevant tasks for the improvement of the situation. The control results and decision are published.
2. The Minister of the Environment defines the rules on the management of this process.

CHAPTER IX

DUTIES OF THE STATE BODIES RELATED TO ENVIRONMENT

Article 64

Environmental institutional network

1. All the specialized bodies, entitled by law with the environmental protection in the Republic of Albania, represent the environmental institutional framework of the country.
2. The environmental institutional framework comprises of the Ministry of Environment, REA-s, Environmental Inspectorate, environmental bodies under the main central and local authorities, as well as inter-ministerial organisms, approved by the Council of Ministers to follow on important environmental issues.
3. The governmental central and local bodies, as legitimate administrators of various environmental elements, realize the protection of the environment through the implementation of this function.

Article 65

Definition and division of competences

The state bodies carry out the duties in the field of environmental protection by defining and clearly dividing their competences among central and local bodies as well as by extending in the long run the competences of the local government bodies.

Article 66

The Minister of Environment

Besides the responsibilities defined in the Constitution, the Minister of Environment exercises these additional competences in the field of environment:

1. Requests the Prime minister to suspend the approval of sector strategies and plans, which do not comply with the environmental declaration.
2. Consults the relevant ministers on the determination of environmental funds in each ministry and their rational use on national level.

3. Represents the country on the international activities, inter-governmental or inter-state organizations and programs, in the field of environmental protection.
4. Approves the approaches and methodologies for the development of the basic environmental protection activities.

Article 67

The Ministry of the Environment

As a central institution specialized in environmental protection and as a technical supporting body to the Minister of the Environment, the Ministry of Environment performs these main duties:

1. Cooperates and coordinates with central and local government institutions, with the public and non—profit organizations, to increase the level of enforcement of the environmental legislation.
2. Prepares the bilateral or multilateral draft agreements, protocols, projects and programs of cooperation with governments, with international bodies and organizations for the environmental protection and follows their implementation.
3. Studies the country needs for specialists and coordinates the qualification and specialization activities of the personnel dealing with environmental protection, in cooperation with the Ministry of Education and Science.
4. Supports projects about the scientific research, the improvement of the state of the environment, the introduction of ecologically clean technologies and the promotion of non-profit organizations activities.
5. Assists the local government bodies on environmental protection and on the preparation of the local environmental action plans.

Article 68

Experts' councils

1. In support of the activity of the Ministry of Environment, the following structures are established and operate:
 - A- The National Environmental Council
 - B- Councils on sector environmental policies
2. The councils are composed of personalities in the field of environment, representatives of research and education institutions, ministries, other central institutions, members of NGO-s etc.
3. The composition, the duties and the function, of this Council, as well as the expenses for its establishment and functioning are approved by the Council of Ministers upon the proposal of the Minister of Environment.

Article 69

Regional Environmental Agencies

1. The Regional Environmental Agencies (REA-s) are specialized bodies in environmental protection, depending on the Ministry of Environment and which operate on prefecture level.
2. While implementing the objectives and priorities of the Ministry of Environment, the REA-s:
 - Realize the enforcement of legislation for the protection of the environment on local level;
 - Assist the local government bodies in the field of environmental protection and management within their jurisdiction; cooperate with the local government for the development of local environmental actions plans, programs and projects;
 - Promote the use of clean technologies and introduction of environmental management systems;
 - Are involved in the process of the approval of the environmental permit and declaration, by performing the duties defined by the Minister of Environment in a special regulation. They provide the environmental consent and authorization for local activities
 - Develop and submit for approval in Prefecture's Council the biannual report on the state of the environment in the prefecture; this report is published after the approval.
 - Undertake awareness activities for the protection of the environment and cooperate with the community, the public and environmental NGO-s and professional business organizations.
3. The detailed rules for the organization, location and operation of the REA-s are defined by the Council of Ministers, upon the proposal of the Minister of the Environment.

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Article 70

Environmental Inspectorate

1. The Environmental Inspectorate functions within the Ministry of Environment, as a specialized body on environmental control.
2. The Environmental Inspectorate is composed by: the Chief Inspectorate, inspectors of the Ministry of Environment and inspectors of the REA-s. The inspectors of the Ministry of Environment exercise their control activity in all the territory of the Republic of Albania, while the inspectors of the REA-s operate within the prefecture's territory.
3. The Chief Inspector of Environment, who is nominated by the Minister of Environment, leads the Environmental Inspectorate's activity.
4. The Minister of Environment defines the criteria for the nomination of the inspectors upon proposal of the Chief Inspector.
5. The Chief Inspector nominates and dismisses the inspectors.
6. The inspectors take extra remuneration for duty's difficulty, over their usual salary, based on a certain percentage of the charges they collect. The scale of

this percentage is defined by Council of Minister's Decision, upon joint proposal of the Minister of Environment and the Minister of Finance.

Article 71

Main duties of the Environmental Inspectorate

1. The Environmental Inspectorate:
 - a) Exerts continuous control on the environment and the polluting activities in order to guarantee the protection of the environment through the enforcement of the environmental legislation and the conditions of the environmental permit and declaration.
 - b) Requests the participation of the local government authorities, of the representatives of the municipalities, of the non-profit environmental organizations and of the medias during the controls on the environment.
 - c) Creates the environmental file for every activity dotted with an environmental permit. The Minister of Environment defines the detailed rules on the format, content and the administration of the environmental file.
 - d) Assists the physical and legal persons to realize the self-monitoring, the verification and the implementation of the integrated management systems and controls their implementation.
 - e) Orders for the implementation of obligatory measures to be taken for the improvement of the state of environment, for the mitigation of the pollution and the damage of the environment.
 - f) Informs regularly the local authorities on the state of environment, on the approved activities, projects and installations, according to the dispositions of this law.
 - g) Controls the pollutant's register, the inner, technical and technological regulations and other documents related to the activity and the risks of pollution.
 - h) Imposes sanctions, according to this law and other legal acts that protect special constituents of the environment.
 - i) Publishes the results of every exerted control.
2. The control activity of the Environmental Inspectorate is reflected in standard documents approved by the Minister of Environment.
3. The Minister of Environment defines the detailed rules for the functioning of the Environmental Inspectorate.

Article 72

Public medias

The public medias assist in:

1. the protection of national interests in the field of environmental protection;
2. the rising of the contemporaneous knowledge and culture on the environment;
3. the realization of the public's right to be informed on the state of the

- environment;
4. the diffusion of the technical and scientific achievements in the field of environment and of the national activities in this field.

Article 73

The local government authorities

The local government authorities represent the most important governmental structure for the administration and the protection of the environment that they have under jurisdiction, by implementing the responsibilities, rights and duties given to them by the law No.8652, of 31.07.2000 "For the organization and the functioning of the local government". In the field of environmental protection, they have the following duties:

- a. realize the implementation of the environmental legislation;
- b. draft local plans for the environmental protection and plans for the territory adjustment;
- c. publish the programs and measures for the protection of the environment;
- d. inform the public on the state of environment and local activities that are subject to the environmental impact assessment;
- e. promote and support the activities of the non-profit organizations for the environment, by drawing their opinion in the environmental decision-making process;
- f. define the sites for the collection and elaboration of the production and human life wastes, in accordance with the environmental criteria and development plans;
- g. organize the deposit of the wastes and hazardous substances as well as the protection of green areas in urban centers and around them;
- h. administer the urban wastes, the waste water treatment and solid wastes plants;
- i. discipline the transport and the constructions in the urban environment.

Article 74

Duties of the central institutions for the environment

For the implementation of this law, the central institutions have the following duties:

- a. integrate the environmental protection in the sector policies and strategies, having obtained before their approval the opinion of the Ministry of Environment;
- b. cooperate with the Ministry of Environment for the drafting and the implementation of the environmental legal framework, for the introduction of the best available and clean technologies, for the drafting and implementation of the environmental strategy and the relevant action plan, for the rehabilitation of the polluted and damaged areas and for the exchange of the data on the state of environment;
- c. publish the data they have on environment;
- d. cooperate with the local government authorities for the solution of the environmental problems;
- e. organize the implementation of the national monitoring program of the

environment for the legal persons in their dependence.

Article 75

Environmental organisms in the governmental bodies

1. In the line ministries and in the local government are set up the structures for the protection of environment;
2. The Council of Ministers approves the organization, function, duties and responsibilities of this organisms, upon proposal of in line ministries and the Minister of Environment.

Article 76

National committees and inter-sector groups

1. Committees and inter-sector groups are established for the drafting and implementation of national strategies, programs and action plans for environment. Representatives of central and local institutions, scientific research institutes, non-profit environmental organizations and professional business organizations compose these bodies.
2. The compositions, functions and responsibilities of the committees and groups are defined by Council of Minister's Decision.

CHAPTER X

ROLE OF THE PUBLIC

Article 77

The right to environmental information

1. The public and non-profit organizations are informed about the state of the environment through the publications of the information made by the state bodies and physical and legal persons, as well as by requesting data from the state bodies.
2. The Minister of Environment defines the rules and procedures for the publication and provision of the environmental bodies by the environmental protection bodies.

Article 78

Public participation in environmental decision-making

1. The decision-making bodies ensure the participation and active role of the public and non-profit organizations during the decision-making process.
2. The Minister of Environment defines the rules and procedures that realize the participation of the public in the decision making of environmental bodies.
3. Everybody has the right to complain at the environmental state bodies about any activity that utilizes, threatens, damages or pollutes the environment. Further to taking measures, the state bodies should respond in writing to every request of this kind, within 1-month period, from the receiving date.
4. According to the conditions previewed by the law No.7866, of 6.10.1994 "For the referendums", the public and the non-profit organizations have the right to request the holding of general or partial referendums for environmental matters.

Article 79

Non-profit organization for environmental protection

1. Environmental non-profit organizations enjoy the right to be opponent to and to cooperate with the environmental protection bodies.
2. The Minister of Environment defines the obligatory rules and procedures for environmental bodies to accomplish the rights of these organizations especially as regards:
 - a) The formulation of policies, strategies and development plans and environmental protection programs;
 - b) The preparation and implementation of the management plans for various areas;
 - c) The preparation and implementation of monitoring programs;
 - d) The environmental control;
 - e) The EIA process and approval of the environmental permit;
 - f) The preparation of legal and environmental normative acts

Representatives of non-profit organizations participate as members in councils and committees created for the environmental management and protection.

3. The Ministry of Environment supports the projects of non-profit organizations, according to the regulations approved by the Council of Ministers, upon proposal of the Minister of Environment.

Article 80

Professional business organizations

1. Professional business non-profit organizations present their views in institutional way for the management and protection of the environment. They participate in the preparation and implementation of programs of development, management and protection of the environment.

2. The Minister of Environment defines the rules and procedures for the communication of the public environmental institutions with the professional business organizations.

Article 81

Access to justice

In case of any threats, damage or pollution of the environment, the citizen, the public and non-profit organizations have the right to:

- 1) Ask the relevant state bodies, to take appropriate measures within the set deadlines and in accordance with their authority provided for by the law.
- 2) Have legal standing before a court of law against the public body or physical or legal person that has damaged the environment or are likely to damage it, in compliance with the provisions of the Code of Civil Procedures.

CHAPTER XI

SANCTIONS

Article 82

1. When the violations of this law constitute a penal act, the Environmental Inspectorate asks for penal proceeding.
2. The violations listed below, when not constituting a penal act, are regarded as administrative contraventions in the field of environmental protection:
 - a. The transit transportation, without permission, of hazardous wastes and substance through the territory and inner territorial waters of the Republic of Albania;
 - b. The importation of hazardous wastes and substances for the purpose of storage, depositing and disposal;
 - c. The violation of the defined safety rules during the transit transportation of hazardous wastes and substances;
 - d. The non-sending or submission of the information and data on the state of the environment within the deadlines;
 - e. The non-accompanying of the information on the state of the environment with the recommendations on the citizens' actions, in the case of foreseen negative consequences on the environment.
 - f. The non-informing of the population by the physical and legal persons on the occurring of environmental the pollution or damage, on the measures taken to reduce or eliminate them and on the citizens' actions.
 - g. The non-provision of the buyers or consumers with the relevant information of the hazardous goods and services and on the likely negative effects or impacts;
 - h. The opposing to or avoidance of the environmental auditing, by the physical or legal persons, when it has been ordered by the Minister of Environment;
 - i. The violation of the EIA procedures by the experts;
 - j. The undertaking of economic or social activities having an impact on environment, without an environmental permit;

- k. The violation of the relevant rules and guidelines of the Minister of the Environment about particularly endangered zones;
- l. The exceeding of the admissible levels of pollutant substances;
- m. The violation of the rules for the collection, deposit, storage, transportation and systematization of hazardous wastes and substances defined by the Minister of Environment.
- n. The abandon of activities, installations, plants and the non-making of the arrangements to bring the environment in the previous state or the non-accomplishment of the conditions for the rehabilitation of the environment, after the closure of the activity;
- o. The disrespect of the obligations during the making operational of the installations and activities.

Article 83

1. For the administrative contraventions previewed by the article 82 of this law, penalties are given as below:
 - a) for the letters "a", "b", "c" and "m" from 500 000 to 1 000 000 lek;
 - b) for the letters "j", "k", "l", "n" and "o" from 300 000 to 500 000 lek;
 - c) for the letters "d", "e", "f", "g", "h" and "i" from 10 000 to 300 000 lek.
2. Besides the penalties, the sequestration of means and substances that pollute or damage the environment is decided. In addition, depending on the level of the pollution or damage already caused, the temporary or permanent interdiction of the permit is decided. For every case of opposition to the application of above measures, the Environmental Inspectorate cooperates with the State Police.

Article 84

1. The Environmental Inspectorate has the right to set penalties for the administrative contraventions, as previewed by the article 83 of this law.
2. It can be an appeal against the decision for penalty, within 10 days from its notification, at the Minister of Environment, who has to respond to the appellation within 15 days from its deposit.
3. It can be an appeal against the decision of the Minister of Environment or to his non-response within the deadline of 15 days, at the Tirana District Court.

Article 85

The penalties for the administrative contraventions, according to this law, are deposited at the incomes account of the State Budget within 30 days from the day

of the ultimate decision. For every day of delay, after the fulfilling of this deadline, till another deadline of 30 days, the transgressor should pay, apart the penalty, the sum equal to 10 percent of the penalty.

Article 86

1. The Chief Inspector or the Minister of Environment order the suspension or the permanent closure of the activity of the subject the do not respect completely and within the legal deadlines the measures and the sanctions decided by the Environmental Inspectorate. This measure is taken also against the subject that within the calendar year commit the same contravention. The suspension or the permanent closure is undertaken according to the danger that the activity represents for the environment and health.
2. Against the decision for the suspension or the closure of the activity from the Chief Inspector or the Minister of Environment it can be an appeal to the district court within 5 days from the day of the receipt of the notification.

Article 87

Environmental Funds

1. The income from penalties shall be used as financial support for the following activities:
 - a) Elimination of pollution and damage sources;
 - b) Designing of projects for the rehabilitation of ecologically damaged and polluted areas;
 - c) Scientific research, performance of studies and training of specialists;
 - d) Remuneration of environmental employees, experts and institutions of relevant fields who screen the documentation of the EIA.
 - e) To afford the administrative expenses related to the control, to the EIA and to the monitoring programmes.
2. The income generated from tariffs of services are used in accordance with joint guidelines of the Minister of Finance and Minister of the Environment

Article 88

Other necessary acts

1. The Council of Ministers is charged to approve the sub-legal acts in application of the articles: 17/2, article 22/2, article 31/2, article 36/1, article 53/8, article 68/4, article 69/3, article 70/6, article 75/2, article 76/2 and article 79/3 of this law.
2. The Minister of Environment is charged for the extraction of the orders and guidelines in application of article 13/2, article 15/3, article 43/2, article 47/2, article 50/4, article 55/2, article 63/2, article 71/2 and 3, article 77/2, article 80/2

and article 87/2 of the present law.

Article 89

Abrogation

With the entry into force of this law, the law No. 7644, date 21.1.1993, "On Environmental Protection", Law No. 8364, date. 2.7.1998 "On some supplements and amendments to the Law No. 7644, date 21.1.1993 "On Environmental Protection"", law No.8825, date 5.11.2001 "On some supplements and amendments to the law No.7664, date 21.1.1993 "On Environmental Protection"" and any other normative act which contradicts this law, is abrogated.

Article 90

This law enters into force 15 days after its publication in the official journal.

- **Promulgated by the decree No.3490, date 9.10.2002 of the President of the Republic of Albania, Mr. Alfred Moisiu.**

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REPUBLIC OF ALBANIA ASSEMBLY

L A W No.9108, dated 17.7.2003

ON CHEMICAL SUBSTANCES AND PREPARATIONS

In reliance of Articles 78 and 83 paragraph 1 of the Constitutions, on the proposal of the Council of Ministers,

- **THE ASSEMBLY OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This law aims at regulating the management of chemical substances and preparations for the protection of life and health of people and animals as well as for the protection of environment from risks that may cause hazardous matters.

Article 2

Object

The object of this law is:

- a) Impose of rights and obligations to natural and juridical persons in determination of features and classification of chemical substances and preparations for their registration, inventory, announcement, management and commerce;
- b) Determination of the jurisdiction of the management offices for taking of measures for protection of life and health of people and animals as well as protection of environment against harmful effects of chemical substances and preparations on life and health, as well as to establish the jurisdiction of expert inspection organs in conformity with provisions of this law.

Article 3

This law shall not apply:

- a) On medical products, food for the livestock, cosmetics, mining raw materials, ammunitions, explosives, radio-nuclear radiators and nuclear matters, products for protection of plants, narcotics and psycotrops, chemical weapons and their precursors and substances that damage the ozone layer, which are object of separate laws;
- b) On obligations of the transport of hazardous chemical substances and preparations by rail, land, water and air routes, treatment of substances and preparations under the customs control, if a part of this transport does not deal with the treatment or processing of wastes and management of polluted and special waters.

Article 4

Definitions

Within the meaning of this law, the following terms have these meanings:

1. "Chemical substances", hereinafter called substances are the chemical elements and their components in a natural or obtained state by a production process including additives and main solvents to provide their durability as well as any impurity of a natural origin or obtained during the production process with exception of solvents that can be detached from the substance without changing its composition or without affecting its stability.

2. "Chemical preparations", hereinafter called preparations are mixtures or composed solutions by two or more chemical substances.

3. "Polymer" is the substance the molecules of which are formed by a string with one or more units of monomers that contain more than the half of their weight, from a fraction composed of molecules with at least three units of monomer, linked with covalent connections with at least one unit of monomer or an another reactive that contains less than its weight or a fraction with molecules of the same molecular weight.

4. "Unit of monomer" is the reactive form of the monomer in the molecule of polymer.

5. "Classification" is the evaluation according to which the substance or the preparation has one or more hazardous features and the further determination of individual danger.

6. "Distributor" is the juridical or natural person authorized for the commercial activity, which stores and distributes the substances of preparations to other persons and does not affect directly in the features of substances and preparations through its activity.

7. "Assessment" is the qualification of a hazardous feature according to the manner set forth in Article 5 of this law.

8. "Importer" is the juridical or natural person, local or foreigner, which imports in the territory of the Republic of Albania a chemical substance or preparation.

9. "Exporter" is the juridical or natural person, local or foreigner, which exports from the territory of the Republic of Albania a chemical substance or preparation.

10. "Trade" is the passing of chemical substances and preparations to another natural and juridical person. Within the meaning of this law, transport is included in the trade.

11. "Transit" is any chemical substance or preparation that after entrance in the Albanian territory and until the exit from the Albanian territory is not subject of any kind of process or treatment.

12. "Management of substances and preparations" is an activity, object of which are substances and preparations, in particular the production, import, export, transit, use, storage, packing, labeling, transport within the territory of the subject and their demolitions.

13. "Registration of substances" is the registration of substances in the National Register that the Ministry of Environment keeps on basis of the data in writing about substances in compliance with this law.

14. "The technical safety regulation" is a summary of the identification data about the producer or importer of hazardous substances and preparations and the data required for the protection of the life and health of people and animals and of environment.

15. "The accredited laboratories system" is an international co-operation system for the safety and control of the quality of laboratory practice, verified and confirmed by a certificate.

16. "Hazardous substances and preparations" are substances and preparations that have one or more features that are hazardous classified according to the conditions set forth in this law.

CHAPTER II

Article 5

Classification of chemical substances and preparations

Chemical substances and preparations due to their features shall classify:

1. Explosives that may act in an ego-thermal manner without the presence of oxygen, with a rapid development of gases or that self-ignite and combust rapidly in certain conditions or that explode with heat when places in non-hermetic containers.

2. As oxidizable that in the contact of other substances, in particular with flammable substances cause a powerful exo-thermal reaction.

3. As extremely inflammable that in the liquid condition have the ignition points lower than 0°C and the boiling point lower than 35°C or that are inflammable in the gaseous state in contact with air in normal temperature of the room and normal atmospheric pressure.

4. Very inflammable that:

a) May heat in a spontaneous manner and after to burn in contact with air in a normal room temperature, normal atmospheric pressure and without the presence of energy;

b) May burn easily in the solid state due to a short contact with a fire and ignition source and continue to burn or to smoke even after the removal of the fire source;

c) Have an ignition point in the liquid state lower than 21°C and are not extremely inflammable;

ç) Emit in contact with water or wet air very dangerous gases in a quantity of at least 1 liter/kg. per hour.

5. Inflammable that have the flaming point from 21°C up to 55°C.

6. Very poisoning that after inhaling swallow or infiltration into the skin even in small quantities may cause acute or chronic damages of the health or death.

7. Poisoning that after inhaling, swallow or infiltration into the skin even in small quantities may cause acute or chronic damages of the health or death.

8. Harmful to health that after inhaling, swallow or infiltration into the skin even in small quantities may cause acute or chronic damages of the health or death.

9. Corrosive, that in contact with lively tissues may destroy them.

10. Itching, that do not have the features of corrosive substances, but from the direct contact for a long time with the skin or the mucosal membranes may cause inflammations.

11. Sensitive, that after inhaling, swallows or infiltration into the skin may cause hyper-sensitiveness and consequently after another exposure its

characteristic symptoms appear.

12. Cancerous that after inhaling, swallow or infiltration into the skin may cause or increase the frequency [potentiality] of cancer appearance.

13. Mutageneous that after inhaling, swallow or infiltration into the skin may cause or increase the frequency of genetic damages.

14. Harmful for reproduction that after inhaling, swallow or infiltration into the skin may cause or increase the frequency of the damages in the reproduction function or in the reproductive capacity of males or females.

15. Harmful to the environment that after introduction into environment constitutes or may constitute immediate or future danger to the environment.

Article 6

1. In the classification of the preparations should not be taken into consideration the components, mixtures, additives or impurities present in the following concentrations:

a) Less than 0,02 % in volume if there is a substance in gaseous preparations classified according to paragraph 6 of Article 5 of this law;

b) Less than 0,1 % in weight if there is a substance classified according to paragraphs 7, 11, 12, 13 and 14 of Article 5 of this law and in other preparations except those in gaseous state according to paragraph 2 of this Article;

c) Less than 1 % in weight if the substance has been classified according to paragraphs 8, 9, and 10 of Article 5 of this law.

2. The producer and the importer shall be obliged to make the new classification for preparations with known components:

a) If due to the absolute value of original concentration change of one or more hazardous components of the preparations shall be valid the unequal formula of the Appendix 1 of this law;

b) In relation to changes in the preparation composition due to adding of substances or replacement of some components of the preparation with another substance without taking into consideration the danger of the substance.

3. The producers and importers a substance shall be obliged to provide with all the required data for the classification of the new preparation another juridical or natural person authorized for a commercial activity, which uses this substance as component of a new preparation.

Article 7

Testing of chemical substances and preparations

1. Before releasing into the market an unclassified substance, the producer or importer is obliged to verify whether the substance or preparation has one or more hazardous features and on basis of this assessment to classify the substance or preparation in separate danger groups according to Article 5 of this law.

2. The features of substances and preparations are tested with methods complying with principles of protection of experimental animals. The methods for determination of hazardous features shall be determined by order of the following:

a) The Minister of Defense for substances that posses defined features in paragraphs 1 and 2 of Article 5 of this law;

b) The Minister of Health for substances that possess defined features in paragraphs 6 to 14 of Article 5 of this law;

c) The Minister of Industry and Energy for substances that possess defined features in paragraphs 3 to 5 of Article 5 of this law;

ç) The Minister of Environment for substances that possess defined features in paragraph 15 of Article 5 of this law.

3. The producer or the importer submits data on the features of hazardous substances and preparations after conduct of tests in the accredited laboratory.

4. The procedure for assessment of hazardous substances and preparations, classification, packing and labeling and the list of hazardous substances that will classify shall be determined by decision of the Council of Ministers.

Article 8

The system of accredited laboratories

1. Juridical or natural persons authorized and provided with certificate as accredited laboratory test the hazardous features of substances and preparations according to this law.

2. Juridical or natural persons authorized for exercise of the commercial activity in reliance with paragraph 1 of this Article shall be obliged to provide to the responsible ministry all the necessary data for meeting of the conditions, issued by the accredited laboratory on testing of the hazardous substances.

3. The General Directory of Standardization upon payment provides to the juridical or natural persons authorized for exercise of the commercial activity the certificate of the accredited laboratory on basis of an application and later verifies the conformity with requirements defined in paragraphs 4 and 5 of this Article.

4. The application contains:

a) Name, surname, name of the commercial activity, address, address of the commercial activity and the identification number of the applicant;

b) Name, surname and the number of birth certificate of the legal representative of the testing center;

c) A certificate by the court of the legal representative of the testing center issued during the last three months;

ç) A declaration that the applicant permits to the responsible ministry to verify the certificate of the accredited laboratory.

5. Juridical or natural persons authorized for exercise of commercial activity according to paragraph 1 of this Article must submit to the relevant minister a program that ensures a quality system according to the principles of the accredited laboratory.

6. After verification of compliance with the practice of the accredited laboratory the relevant minister according to the definition of paragraph 2 of Article 7 of this law, shall issue the conformity certificate with the accredited laboratory within 30 days.

7. Juridical or natural persons authorized to exercise commercial activity according to paragraph 1 of this Article provided with the certificate of the accredited laboratory shall be obliged to permit the authorized persons to enter into the tests environs and buildings and to provide with the required data in the framework of the conformity control with the principles of the accredited laboratory practice.

8. Juridical or natural persons authorized to exercise commercial activity, which

are provided with the conformity certificate with practice of the accredited laboratory shall be obliged to submit the tests results proving that tests have been conducted in conformity with the principles of the accredited laboratory.

9. The relevant minister shall reject the conformity certificate as an accredited laboratory to the juridical or natural person authorized to exercise this activity in case when this person does not meet even one of the conditions according to which the certificate has been issued.

10. The relevant minister shall decide by a regulation the conformity principles with the practice of the accredited laboratory, the procedure for verification of the conformity and the procedure of control of the conformity with the principles of the accredited laboratory.

11. The certificate of engagement of the accredited laboratory issued outside the territory of the Republic of Albania has equal value of the certificate issued inside this territory in case of meeting all the conditions set forth by this law and by other normative acts.

12. Ministries charged by this law shall keep a list of persons provided with the conformity certificate with the principles of the accredited laboratory and publish this list from 30 June to 31 December of each year in the Bulletin of the Ministry of Environment.

CHAPTER III

REGISTRATION OF SUBSTANCES

Article 9

Obligation of registration

1. The producer and importer shall be obliged to register the substances that release into the market even in cases when this substance is contained in another substance as an additive, mixture or impurity or is contained in a preparation as one of its components.

2. For needs of the scientific research and development is not compulsory according to this law the registration of substances that:

a) Are been introduced into the market by the same producer or importer in quantities not exceeding ten kg in a calendar year registered according to the requirements for activity permit with the condition that the registration requirements are the same with the requirements of this law;

b) Are components of the preparations, mixtures, additives or impurities, the concentration of which does not exceed values given in paragraph 5 of Article 7 of this law;

c) Are been introduced into the market by the same producer and importer in quantities not exceeding 100 kg in a calendar year only for the needs of scientific research and development or only for laboratory use;

ç) Are been introduced into the market by the same producer and importer in quantities not exceeding 1000 kg in a calendar year only for the needs of applied research and development within a one year period;

d) Are intermediate products of production obtained by chemical reactions in

closed technical systems that are not separated and disposed from the technological process;

dh) Are registered with the same conditions of this law, when the producer and importer of these substances notifies in writing the relevant ministry about the requirements of letters "a" and "ç" of paragraph 1 of Article 10 of this law.

3. If the quantity of the substance subject of the registration is less than 1000 kg in a calendar year, the producer and importer dependant of the quantity and the level of danger of the substance introduced into the market shall submit the registration documentation in a time limit placed in the ministry regulation designated by this law.

Article 10

Application for registration

1. Prior of introduction into the market of the substance to be registered, the producer and importer shall submit to the designated ministries by this law a written application in the Albanian language.

2. Application for registration contains:

a) Name, surname, civil status, and residence and identification number of the natural person authorized to exercise commercial activity;

b) The name and address of the trader, of the foreign producer of the imported substance compulsory for registration;

c) Basic data about substance and the registering quantity;

ç) Data about the technical safety of the registering substance.

3. Other details included in the application for registration and the way in which it is filled in shall be contained in the minister guidelines.

4. The producer and the importer shall be obliged to notify within ten days the relevant ministers about any change in the data of application for registration.

5. In case that conditions imposed in this Article are met, the relevant ministry registers the substance within 60 days from the application submission and notifies the applicant. The ministry, within 60 days, rejects the application for registration if the registration conditions are not met.

6. The producers and importers of the substance to be registered shall submit protocols of tests required according to this law and prepared by other persons upon simultaneously receipt of the approval in writing by the mentioned persons to use these data.

7. The Ministry of Environment shall keep the National Register of substances and preparations. The ministries designated by this law shall provide the data of this register except of data that constitute a commercial secret.

8. The Council of Ministers shall approve by decision the organization and the structure of the office of chemicals registration. The Minister of Environment shall approve the regulation of functioning of this office.

9. The ministries shall publish the list of registered substances at least once a year in their Bulletin or in the Bulletin of the Ministry of Environment.

Article 11

Protection of commercial secret

1. The data publication of which damages the producer or importer on request of the producer or importer shall be considered during the process of the registration as a commercial secret and are obtained only upon request of the authorized persons.

2. The obligation for protection of the secret of data considered by the producer and importer as commercial secret is valid for all employees that perform the tests of substances features.

3. It shall not constitute a commercial secret the following:

- a) The trade name of the substance;
- b) Name and surname, name of the commercial activity, residence, address of trader and identification number of the producer and importer of the substance;
- c) Physical and chemical features of the substance;
- ç) Guidelines for reduction of hazardous effects of the substance;
- d) Final results of toxicological and eco-toxicological tests of the substance;
- dh) Level of purity and identification of impurities or mixtures of hazardous features according to Article 7 of this law, applied in conformity with the requirements of the classification and naming of the substance;
- e) Guidelines in cases of substance leakage;
- ë) Data of technical safety;
- f) Analytical methods of hazardous substances that allow their determination in case of exposition in the environment and to people.

Article 12

Additional data

1. The relevant minister, according to definition of paragraph 2 of Article 7 of this law, shall require to the producers and importers additional data about features of the hazardous substance even if the quantity of the chemical substance or preparation introduced into the market by a producer or trader is equal to or higher than ten tons per a calendar year.

2. These data are provided when the substance is contained in another substance as additional mixture or impurity or is contained in a preparation as its component.

CHAPTER IV

MANAGEMENT OF HAZARDOUS SUBSTANCES AND PREPARATIONS

Article 13

Assessment of risk of hazardous substances for the health of people and the environment

1. The Council of Ministers shall determine the list of hazardous substances that due to their nature constitute a serious risk to the life and health of man as well as to environment.

2. The Ministry of Environment together with other ministries designated by this law shall undertake measures for risk assessment to the life and health of man and to environment for substances included in the list according to paragraph 1 of this Article.

3. The procedure for risk assessment of hazardous substances to life and health of people shall be determined by order of the Minister of Health.

4. On the basis of the risk assessment results, at the national and international level, the Council of Ministers on the proposal of the relevant minister shall decide the conditions of introduction of these substances into the market.

Article 14

General conditions of management of hazardous substances and preparations

1. In the management of hazardous substances and preparations any person shall be obliged to protect the life of man and the environment, to place the danger precaution signs with expressions that describe the specific danger and with technical safety guidelines of their management.

2. Juridical or natural persons authorized to exercise commercial activity may manage hazardous substances and preparations that have one or more dangerous features according to paragraphs 1, 2, 3, 6, 12, 13, 14 and 15 of Article 5 of this law and treat these substances in quantities higher than ten tons per a calendar year, only on permit of the relevant ministry.

3. The management of hazardous substances shall be done after receipt of permit from the regional environmental agency.

4. Natural person over 18 years old and with juridical capacity to act may manage substances and preparations classified according to paragraphs 6, 7, 9, 12, 13 and 14 of Article 5 of this law.

5. Natural person from 15 up to 18 years old may manage substances and preparations classified according to paragraphs 6, 7, 9, 12, 13 and 14 of Article 5 of this law only within the framework of a professional training and under supervision of professional qualification person according to paragraph 2 of Article 19 of this law.

6. Juridical or natural persons authorized to exercise commercial activity shall be obliged to allow authorized person by offices of control and inspection to enter in the environs and buildings and to get all the necessary data for their work.

CHAPTER V

INTRODUCTION INTO THE MARKET OF HAZARDOUS SUBSTANCES AND PREPARATIONS

Article 15

1. The producer, importer and distributor shall be prohibited to introduce into the market hazardous substances and preparations included in Appendix 2 of this law.

2. On the proposal of the Minister of Environment, the Council of Ministers

shall approve the list of chemical substances and preparations, which production, introduction into the market and use are limited or prohibited.

Article 16

1. The juridical or natural person can't sell to the consumers or give to another person that has no relation with commercial activity, hazardous substances and preparations classified according to paragraphs 6, 12, 13 and 14 of Article 5 of this law.

2. Juridical or natural persons authorized to exercise commercial activity shall be prohibited to sell to the consumers or give to another person hazardous substances and preparations classified according to paragraphs 6, 7, 8 and 9 of Article 5 of this law:

- a) To persons under 18 years old;
- b) To persons to which has been removed or limited the juridical capacity to act.

3. Juridical or natural persons authorized to exercise commercial activity shall be prohibited to sell hazardous substances and preparations classified according to paragraphs 6, 7, 8 and 9 of Article 5 of this law, in parking places, in movement, in automatic selling machines and in containers determined by the buyer.

4. Juridical or natural persons authorized to exercise commercial activity shall be obliged to provide separate placement from other goods of hazardous substances and preparations classified according to paragraphs 6, 7, 8 and 9 of Article 5 of this law. These substances and preparations should be kept only in original packing, sealed and unbreakable. In cases of self-serve sale these goods shall be prohibited to expose in places where they can be easily taken, they must be given only by the salesperson.

Article 17

Juridical or natural persons authorized to exercise commercial activity as far as the hazardous substances and preparations are concerned, classified according to paragraphs 6, 7, 9, 12, 13 and 14 of Article 5 of this law, shall be obliged to:

- a) To protect these substances and preparations from theft, loss or from exchange with other hazardous substances and preparations;
- b) To provide the storage environs with adequate measures for the first medical aid and protection of service personnel and decontamination of the environment in conformity with the technical safety regulation.

CHAPTER VI

AUTHORIZATION FOR MANAGEMENT OF HAZARDOUS SUBSTANCES AND PREPARATIONS

Article 18

1. Juridical or natural persons authorized to exercise commercial activity shall be permitted to manage the hazardous substances and preparations classified according to Article 5 of this law only if this activity is executed on basis of an

authorization issued on their name, in compliance with this law.

2. The authorization is not issued if juridical or natural persons authorized to exercise commercial activity manage hazardous substances and preparations that have one or more dangerous features according to paragraphs 5, 8, 9, 10 and 11 of Article 5 of this law, in a quantity less than one tons per a calendar year.

Article 19

Conditions for authorization issuance

1. The relevant minister according to definition of paragraph 2 of Article 7 of this law, on basis of application in writing, shall issue the authorization in reliance with professional qualification criteria and health state to a juridical or natural person with full juridical capacity that is resident in the territory of the Republic of Albania and that has not committed a criminal offense.

2. The professional qualification for management of hazardous substances and preparations shall be proved with the following:

- a) With the document of university completion in the relevant field;
- b) With the document of secondary education completion in the relevant field;
- c) With the document of professional training completion.

3. Rules for qualification, verification procedure and issuance or rejection of the authorization shall be determined by order of relevant ministers.

4. The authorization is given for a period of two years. The authorization may be extended for one year, on the condition that the request is submitted three months prior of authorization expiration. The decision for time limit extension is issued within 90 days from the date of application submission. The request for time limit extension is rejected if conditions are not met.

5. The authorized persons are obliged to:

- a) Ensure that trained person executed the activity on which the authorization is issued;
- b) To ensure that equipments used for execution of activity on which authorization is issued meet conditions on protection and reliability;
- c) To provide the inspection and control persons with data on execution of activity on which authorization is issued.

6. The authorization can not be used by other juridical or natural persons.

7. The relevant ministry lifts the authorization to the juridical or natural persons if repeatedly he does not meet obligations or if there is a change of the conditions based on which the authorization is issued.

8. The validity of the authorization expires:

- a) With elapse of time for which it is issued, if the time limit is not extended;
- b) With authorization lift;
- c) When the juridical persons dies;
- ç) With loss of the right as a juridical person.

Article 20

1. When juridical or natural persons, authorized to execute the commercial activity herein expressed as the "Elimination of harmful organisms, plants and

micro-organisms, elimination of other harmful factors using poisons including protection decontamination, control of bugs and rodents with exception of professional activities in the field of health care " do not report to the licensing office within a certain period defined by this office on the application of the authorization terms according to this law, the authorization for execution of commerce in this field becomes invalid.

2. The licensing office shall notify on the fact the juridical or natural persons authorized to execute commercial activity and simultaneously the administrative office when the licensing office possesses valid documents of professional qualification for a part of the commercial activity, it decides to change the issued license.

CHAPTER VII

IMPORT AND EXPORT OF HAZARDOUS SUBSTANCES AND PREPARATIONS

Article 21

1. The import and export of hazardous substances and preparations shall be performed only on permit of the relevant minister.

2. The importers and exporters shall be obliged to require to the relevant minister approval of permit for import and export of hazardous substances and preparations, no less than 60 days prior the date of import or export. The content of the application for permit issuance according to paragraph 1 of this Article shall be determined by order of the minister.

3. The permit issuance according to paragraphs 1 and 3 of this Article is not necessary on certain substances and preparations that are imported or exported in quantities lower than 1 kg per a calendar year by a juridical or natural person authorized to execute commercial activity for the purpose of scientific research and development.

4. The office of chemicals registration based on the data of designated ministries by this law, shall register applications for import and export of certain hazardous substances and preparations, issued approvals and shall notify the Minister of Environment about the international exchange of data on these substances.

5. The management of hazardous substances and preparations eligible of commercial activity shall be executed according to conditions of Article 14 of this law.

6. The exporter shall be obliged to stick on the packing of the hazardous substances and preparations, eligible of commercial activity, labels in the language of country or area where these preparations are to be used.

7. Importers and exporters shall be obliged to present to the customs authorities for the purpose of control the enclosed documents of hazardous substances and preparations eligible of commercial activity.

8. The approval of the import and export of eligible hazardous substances and preparations, given according to this law, cannot replace the permit for import or export given by separate law.

CHAPTER VIII

REGISTRATION AND NOTIFICATION OF HAZARDOUS SUBSTANCES

Article 22

1. The producer, importer and distributor of hazardous substances and preparations shall be obliged to register type, quantity and features of the substance and the preparation. The registration shall be conducted separately for each commercial activity. Manner and details of registration and notification shall be determined by the chemicals registration office.

2. Producers and importers of hazardous substances in a higher quantity than ten tons per a calendar year only, shall be obliged to notify in writing the relevant ministry no later than 15 February of each year about the type of hazardous substance that they produce or import, the quantity and its features.

3. On the request of authorized persons, within the framework of the obligation of notice, the publication of data that might cause to the producer or importer damages in production or commerce may be written as a commercial secret.

4. Juridical or natural persons authorized to execute commercial activity shall be obliged to notify the regional environmental agency about the management of classified substances and preparations, to register entries of these substances and the maximal stored quantity. In addition, they must send to this agency the technical safety regulation on these substances. This obligation is invalid for substances used for scientific research and development.

5. Juridical and natural persons authorized to execute commercial activity of elimination of harmful organisms and micro-organisms shall be obliged to notify in writing, 48 hours prior to the operation, the regional environmental agency and the relevant office of the municipality where such activity will take place, about the use of hazardous substances and preparations classified according to paragraphs 6 and 7 of Article 5 of this law. Within this period, days of official holidays and weekend are not calculated.

6. The regional environmental agency together with the local unit of health protection shall determine, 24 hours prior to operation about which notice is delivered, the special conditions of execution of this operation according to paragraph 5 of this Article.

Article 23

State Inspectorate of Environment

The State Inspectorate of Environment has the following duties and responsibilities:

a) Supervises the application of legal rules and guidelines of the Minister of Environment and of other administrative offices in the field of environmental protection during the management of hazardous substances and preparations by

juridical or natural persons authorized to execute commercial activity;

b) Determines terms to avoid problems in the management of hazardous substances and preparations during the inspection visits;

c) Imposes penalties on the juridical and natural persons in cases of breaches of obligations in the field of environmental protection during the management of hazardous substances and preparations;

ç) Proposes to the relevant ministry interruption of the authorized person activity for a period of maximum 30 days if he does not meet the conditions of the authorization. If the conditions on basis of which authorization is issued are not met, proposes the lift of authorization;

d) Suggests to the Minister of Environment conduct of the high state inspection in the field of environment protection on the management of hazardous substances and preparations;

dh) Co-operates with custom authorities and provides them with assistance through specialists;

e) Designate inspectors in conducting the inspection visits. During the execution of the inspection visit, the inspectors verify their identity through the identification card of the inspector of the State Inspectorate of the Environment.

Article 24

State Sanitary Inspectorate

The State Sanitary Inspectorate has the following duties and responsibilities:

a) Controls application of legal rules and decisions in the field of man life and health protection during management of hazardous substances and preparations as well as fulfillment of defined obligations in the register of substances by juridical or natural persons;

b) Requires from juridical or natural persons authorized to execute commercial activity correction of irregularities in the field of management of substances and preparations having hazardous features for the life and health of man, in conformity with the defined obligations in the substances register, as well as determined the deadline of irregularities correction;

c) Imposes penalties on juridical or natural persons authorized to execute commercial activity;

ç) Gives opinions about issuing of authorization for management of classified substances according to paragraphs 6, 7, 8, 9, 10, 13 and 14 of Article 5 of this law.

d) Co-operates with State Inspectorate of Environment and with custom authorities and provides them with assistance through specialists.

Article 25

Custom Administration

1. The custom authorities shall control in the state border pass points the declared goods as hazardous substance and preparation on the import or export of which approval from the relevant ministry designated by this law is required.

2. In case of doubt or violation of this law, the custom authorities block the goods and notify the State Inspectorate of Environment about contravene and in

case of doubt require to the inspectorates technical assistance.

3. Custom authorities register the lot of hazardous substances and preparations passing the state border.

4. Custom authorities allow to the employees of the Ministry of Environment and of inspectorates the review of registers in written copies or photocopies as well as digital transmission of data.

CHAPTER IX

ADMINISTRATIVE CONTRAVENES AND FINES

Article 26

The following breaches, when do not constitute criminal violations, shall constitute administrative contravene and punish with penalty as below following:

1. The State Inspectorate of Environment and State Sanitary Inspectorate impose penalties from 500 thousand up to one million ALL on the juridical or natural person authorized to execute commercial activity who:

a) Does not act in compliance with conditions of management of hazardous substances and preparations according to paragraphs 1, 4 and 5 of Article 14 of this law;

b) Sells or gives hazardous substances and preparations classified according to paragraphs 6, 12, 13 and 14 of Article 5 of this law.

2. The State Inspectorate of Environment and State Sanitary Inspectorate impose penalties from 50 thousand up to 500 thousand ALL on the importer and producer who:

a) Does not classify the substances and preparations prior to introduction into the market and does not fulfill obligations according to paragraphs 1 and 4 of Article 7 of this law;

b) Does not provide the required data for classification of a new preparation according to paragraph 5 of Article 7 of this law.

3. The State Inspectorate of Environment imposes penalties from one million up to ten million ALL, dependant on the breach, on the juridical or natural person who:

a) Tests the features of hazardous substances and preparations in contrary with methods determined in Article 7 of this law;

b) Does not act in reliance of principles of accredited laboratories systems according to Article 8 of this law;

c) Does not act according to defined terms in the authorization for management of hazardous substances and preparations;

ç) Does not act according to all terms [conditions] for management of hazardous substances and preparations according to Article 14 of this law;

d) Does not register and provide data of hazardous substances and preparations.

4. The State Inspectorate of Environment imposes penalties from 500 thousand up to one million ALL on the juridical or natural person who introduces into the market an unregistered substance, which is compulsory to be registered according to Articles 9, 10, 11, 12, 13 and 14 of this law.

5. The State Inspectorate of Environment and State Sanitary Inspectorate impose penalties from ten million up to 50 million ALL on a producer or importer who:

a) Does not fulfill defined request of packing and labeling of hazardous substances and preparations;

b) Does not meet defined conditions for introduction into the market of hazardous substances and preparations according to Articles 15, 16 and 17 of this law;

c) Does not meet conditions for import or export of defined hazardous substances and preparations according to Article 21 of this law;

ç) Makes false declarations on compliance with certification of conformity of the accredited laboratory according to paragraph 8 of Article 8 of this law;

d) Gives incorrect data required by this law.

6. The relevant inspectorates, on repeated breaches, shall fine the juridical or natural person authorized to execute commercial activity with double of the amount defined above and in addition to with activity closure, license lift and sequestration of harmful products.

7. Repeated breach is the violation of obligations within a two years period from the effective date of the previous decision of penalty imposition.

8. The organ that initiates the process first shall impose the penalty. If the process initiates simultaneously on the same date by more than an administrative organ, the State Inspectorate of Environment shall execute the process of penalty imposition. The relevant financial office shall execute the penalty.

9. Against decision of punished with a penalty appeal may be filed, within ten days from notice of the decision, to the relevant minister, who must reply to the appeal within 15 days from the date of its filing.

10. Against the decision of the minister, or in cases when the latter does not reply within the 15 days deadline, appeal may be filed in court within 30 days.

11. Penalties imposed by inspectorates shall be deposited in the State Budget and shall be liquidated within 30 days of the final decision. For each day of delay, after elapse of this deadline, the contravener shall be obliged to pay, besides the penalty, an amount equal to 2 % of the penalty value.

CHAPTER X

TRANSITORY AND FINAL PROVISIONS

Article 27

1. Provisions of Chapters II, V, VI, VII and VIII shall apply within one year from the effective date of this law.

2. Provisions of Chapter III shall apply within two years from the effective date of this law.

3. Provisions of Chapter IX shall apply within one year from the effective date of this law.

4. Within two years from the effective date of this law, the Council of Ministers shall determine the list of hazardous substances according to Article 13, paragraph 1 of this law.

5. Natural persons, professionally qualified for management of poisons, according to existing legal rules shall be valid as such, according to paragraph 2 of Article 19, even for management of classified substances and preparations

according to paragraphs 6 and 7 of Article 5, for a period of three years from the effective date of this law

6. Juridical or natural persons authorized to execute commercial activity that deal with the commerce qualified as "Production of poisons and corrosive substances with exception of special harmful poisons " or "Sale of poisons, corrosive substances and pesticides", based on the small business license issued prior of the effective date of this law shall be permitted to continue the commerce for a period of one year after the effective date of this law.

7. Juridical or natural persons authorized to execute commercial activity are obliged to prove the conformity with authorization conditions according to this law within one-year period from the effective date of this law

The licensing office, when conditions of professional qualification are missing shall make changes in the issued license.

8. When juridical or natural persons authorized to execute commercial activity do not prove to the licenses office that exercise of the activity is in conformity with the conditions, the issued authorization for exercise of their commercial activity expires on the date of completion of one-year period, from the effective date of this law.

Offices of licensing shall notify the juridical or natural persons authorized to execute commercial activity and the relevant administrative office about the completion of the period of their commercial activity exercise defined in the authorization.

9. Juridical or natural persons authorized to execute commercial activity that exercise the permitted commerce [referred as] "Elimination of harmful organisms, plants and micro-organisms and elimination of other damaging factors using poisons including the protective decontamination, the bugs and rodents control, with exception of professional activities in the field of health care " or [the commerce referred as] "Production of special hazardous poisons", based on the license issued prior of the effective date of this law may continue this commerce up to one year from the effective date of this law.

10. Juridical or natural persons authorized to execute commercial activity are obliged that within one year from the effective date of this law to notify the licensing office about application of authorization conditions according to this law. With elapse of this deadline, the authorization is invalid.

The licensing office shall notify on the fact the juridical and natural persons authorized to execute commercial activity and simultaneously the administrative office.

If this office deems that conditions are met, shall decide to make changes in the issued license.

Article 28

Other necessary acts

The Council of Ministers shall be in charge of enacting by-laws in application of Articles 7 paragraph 4, 10 paragraphs 8, 13 paragraphs 1 and 5 and 15 paragraph 2 of this law.

Article 29

This law is effective 15 days after publication in the Official Journal

C H A I R M A N
Servet Pëllumbi

Appendix No.1

Limits for the change of Chemical Preparations Classification

The absolute value of the change of the original concentration expressed in percentage of weight for solid and liquid substances or in volume for gaseous substances is given:

$$|C_2 - C_1| > K \cdot C_1$$

$|C_2 - C_1|$ - is the absolute value of the change of the component original concentration (in %)

K – The coefficient given in the below table

C₁ – The original component concentration (in %)

C₂ – The new component concentration (in %)

The original concentration C ₁	The coefficient K
C ₁ ≤ 2,5	0,150
2,5 < C ₁ ≤ 10 %	0,100
10% < C ₁ ≤ 25 %	0,060
25% < C ₁ ≤ 50 %	0,050
50% < C ₁ ≤ 100 %	0,025

Appendix No.2

Shall be prohibited in the Republic of Albania the production, import, export and distribution of these substances:

Name of the substance	CAS Number
Polychlorinated biphenyl (PCB) and preparations with content of this substance in quantity higher than 0,005 % (with exception of mono and bichlorinated biphenyls)	1336-36-3
Polychlorinated triphenyl (PTC) and preparations with content of this substance in quantity higher than 0,005 %	61788-88-8
Asbestos fibers a) crocidolite b) amazonite c) anthophyllite ç) actinolite d) tremolite	12001-28-4 12172-73-5 77536-67-5 77536-66-4 77536-68-6
Monomethyl tetrachlorbiphenyl methane (commercial name Ugilec 141)	75623-60-6
Monomethyl bichlorbiphenyl methane (commercial name Ugilec 141)	
Monomethyl bibrominebiphenyl methane (commercial name DBBT)	99688-47-8

Note: CAS – Chemical Abstract Service

DECISION
No. 103 dated 31. 03. 2002

**CONCERNING ENVIRONMENTAL MONITORING IN THE REPUBLIC
OF ALBANIA**

Based on article 100 of the Constitution and article 52 of the Law No. 7664 dated 21. 01. 1993 "On protection of the environment" changed by law No. 8364 dated 2. 07. 1998, upon proposal from the Minister of the Environment, the Council of the Ministers,

HAS DECIDED AS FOLLOWS:

CHAPTER I

A. General stipulations

1. for the purposes of this decision:

- - "environmental indicator" is the variable which, in a simple and concentrated way, gives information about a certain environmental phenomenon and makes it perceptible by assigning to it a numerical value for purposes of measurement and communication. Environmental phenomena relate to environmental properties and environmental constituents, discharges in the environment, environmental pollution and damage, biodiversity and scale of damage or protection, as well as measures taken for environmental protection.
 - "environmental indicator of condition" is the indicator concerned with the quality and quantity of natural resources and environmental quality.
 - "environmental indicator of pressure" is the indicator measuring the pressure exerted on the environment by pollution sources.
 - "environmental monitoring" means the program of systematic measurement, observation and reporting of the environmental indicators.
 - "report on environmental condition" means the document prepared every two years by the Ministry of the Environment which presents, comments and analyzes the environmental indicators and makes recommendations for improving environmental condition.
 - "environmental data" means monthly, quarterly and annual average values of the environmental indicators of condition, impact and pressure.

B. Environmental indicators of condition are:

- 1. Relative to phenomena of climatic change:
 - a) average temperature of air;
 - b) level of the sea;
 - c) amount of atmospheric precipitations;
 - d) level of underground waters;
- 2. relative to atmospheric precipitations:
 - a) content of sulfuric dioxide, SO₂;
 - b) content of nitrate oxide, NO_x;

- c) lead content, Pb;
- d) radioactivity in atmospheric precipitations.
- 3. relative to urban air:
 - a) content of solid waste suspended in the air;
 - b) ozone content, O₃, in the air;
 - c) lead content, Pb, in the air;
 - d) content of sulfuric dioxide, SO₂, in the air;
 - e) content of nitrate oxides, NO_x, in the air;
 - f) content of carbon monoxide, CO, in the air;
 - g) content of hydrocarbons in the air;
 - h) level of noise;
 - i) radioactivity in the atmosphere;
 - j) electromagnetic non-ionic radiation in the atmosphere.
- 4. Relative to waters:
 - 4.1. Bodies of water (rivers, lakes):
 - a) alkalinity;
 - b) specific conductivity;
 - c) acidity;
 - d) scale of the chemical need for oxygen, NKO;
 - e) scale of biochemical need for oxygen, NBO;
 - f) content of nitrogen and nitrates;
 - g) content of phosphorous, P;
 - h) ammonium content, NH₃;
 - i) value of pH;
 - j) value of natural radioactive stock and radioactivity of waters;
 - k) solidity of river beds;
 - l) bacterial indicators;
 - m) river debit.
 - 4.2. Relative to the sea and coast
 - a) biochemical need for oxygen in the sea waters, NBO;
 - b) chemical need for oxygen in the sea waters, NKO;
 - c) microbiological parameters in sea waters and beaches;
 - d) amount of phyto and zoo plankton;
 - e) chlorophyll content and primary productivity;
 - f) content in sea mussels of heavy metals, durable organic pollutants, and radioactivity;
 - g) water radioactivity;
 - h) communication of waters between the sea and the lagoon;
 - i) dynamics of river deltas;
 - j) morphology and topography of the sea shelf;
 - k) coast morphology.
 - 4.3. Relative to underground waters:
 - a) pH;
 - b) hardness;
 - c) alkalinity;
 - d) acidity;
 - e) nitrogen content;
 - f) saltiness;
 - 4.4. Relative to ground, underground and sea waters in areas of substantial

sources of industrial and agricultural pollution:

- a) content of heavy metals;
- b) pesticide content;
- c) content of hydro carbon compounds;
- 5. Relative to biodiversity:
 - a) genetic diversity of agriculture and stock breeding;
 - b) diversity of ecosystems and habitats;
 - c) diversity of ecosystems and habitats in the forests;
 - d) diversity of ecosystems and habitats in the protected zones;
 - e) diversity of ecosystems and habitats in water bodies;

1.1. Relative to the land:

- a) fertility;
- b) salt content: Na, Cl, SO₄, - in salty lands; content of nutritious elements in orphic lands; the ratio magnesium/calcium – in magnesium lands; determination of acidity – in acidity lands;
- c) natural radioactivity of the land.

1.2. In zones of substantial sources of industrial pollution:

a) metal content according to the particularities of the zone (mercury, nickel, chromium, etc.);

b) content of hydrocarbons.

2. Relative to irrigation waters:

- a) hardness;
- b) alkalinity;
- c) acidity;
- d) pesticide content;
- e) content of nitrogen and nitrate.

C. Environmental indicators of environmental impact are:

1. Relative to climatic changes:

- a) aptitude to change over time of all indicators in B1;
- b) phenological changes.

2. Relative to the phenomenon of acidity in environment:

a) content of sulfate ions in the lake.

3. Relative to bodies of water:

- a) quality and quantity of solid, suspended and sediment debit of rivers;
- b) erosion caused by rivers;
- c) solidity of river beds;
- d) excesses of norms of quality indicators in B4.1.

4. Relative to the quality of sea and coast:

- a) movement of the coast line: erosion and accumulation;
- b) communication between the sea and the lagoon;
- c) dynamics of river deltas;
- d) degree of exposure of the population to the microbiological and chemical

pollution on the sea and the beaches;

e) excesses of norms of quality indicators in point B4.2.

5. Relative to underground waters:

- a) zones of high saltiness;
- b) sensitive zones to voluminous waste;
- c) degree of exposure of the population to the polluted underground waters:

- d) excesses of norms of quality indicators in point B4.3.
- 6. Relative to biodiversity:
 - a) total and annual surface of destroyed forests;
 - b) total and annual surface of incinerated forests;
 - c) total and annual surface of diseased forests;
 - d) endangered species;
 - e) threatened species;
 - f) disappeared species;
 - g) impact of anthropogenic and geological phenomena in the biological diversity.
- 7. Relative to the land and irrigation waters:
 - a) levels of erosion and accumulation of the land;
 - b) annual loss of land due to erosion by rivers and slides;
 - c) surface of degraded land;
 - d) surface of barren land;
 - e) surface and location of land polluted with heavy metal;
 - f) surface and location of land polluted with hydrocarbons;
 - g) surface and location of land polluted with chemicals and hazardous waste;
 - h) degree of exposure of the population to land pollution;
 - i) excesses of norms of quality indicators in pint B 6.1 and B7.
- D. The environmental indicators of environmental pressure are:
 - 1. Relative to climatic changes:
 - a) annual discharge of CO₂, NO and CH₄;
 - b) distribution of discharges of CO₂, NO and CH₄ for per sectors of the economy like energy, transport, waste management, agriculture, industry.
 - 2. Relative to urban air:
 - a) annual discharges in urban centers of SO₂, NO_x, CO₂, CO;
 - b) distribution of discharges of SO₂ and NO_x, according to sectors of the economy;
 - c) annual amount of heavy metal;
 - d) annual amount of radioactivity from atmospheric discharges;
 - e) annual volume of precipitations.
 - 3. Relative to solid urban waste:
 - a) annual production amount;
 - b) distribution of waste according to municipalities and regions;
 - c) content in percentage of polluting ingredients;
 - d) engineering composition.
 - 4. Relative to urban liquid waste:
 - a) annual amount of discharge and distribution according to municipalities and regions;
 - b) liquid waste properties such as pH, content of NKO, content of NBO₅, alkalinity, acidity, sulfur content, ammonium content, phenol content, phosphorus content, nitrogen and heavy metal contents.
 - 5. Relative to solid, industrial waste and debris:
 - a) annual discharge of solid industrial waste in general;
 - b) annual discharge of solid industrial waste of every establishment;
 - c) content in percentage of pollutants per each solid industrial discharge;
 - d) distribution of annual discharge of solid industrial waste per various sectors

of the economy: energy, transports, industry;

e) volume of debris from the construction sector and distribution per municipalities and regions;

6. Relative to liquid industrial waste:

a) annual discharges, pH;

• b) content of NKO, content of NBO, alkalinity, acidity, sulfur, ammonium, phenol, and nitrogen content;

c) content of specific elements according to the nature of the industrial process: heavy metals, hydrocarbons, BTEX, durable organic pollutants.

7. Relative to pollution sources discharging in the air:

a) inventory of such polluters, annual discharges of CO₂, NO_x, CH₄, NH₃, SO₂, heavy metals in general;

b) sectoral distribution of letter "a" as per the sectors of industry, energy, transports and services.

8. Annual amount of imported hazardous chemicals.

9. Annual amount of chemical fertilizers and chemicals used by the agricultural sector.

10. Relative to water bodies:

a) quality and quantity of solid, suspended and decanted substance carried by the rivers;

11. Relative to underground waters:

a) annual volume of exploitation in general and per basins;

b) annual coefficient of exploitation in general and per basin.

CHAPTER II

NATIONAL PROGRAM OF ENVIRONMENTAL MONITORING

1. The National Program of Environmental Monitoring determines the main indicators of condition, impact and pressure in the air, internal waters, land, costal areas, sea, woods and biological diversity.

2. The national monitoring program defines, relative to each of the environmental indicators measured or estimated, the manner of determination, measurement method, sample extraction, frequency of measurement, unit of measurement, manner of data processing and data presentation.

3. Pursuant to the national program of environmental monitoring, the Ministry of Environment in conjunction with the Institute of Statistics must design a system of indicators and statistical forms which are obligatorily submitted to the Ministry of Environment by all implementing institutions and physical and legal persons, national and foreign, as prescribed by Law no. 7687, dated 16. 03. 1993 "On statistics".

4. Pursuant to the national program of environmental monitoring, the implementing institutions must design special monitoring projects in accordance with their functional duties and the available material and laboratory basis.

5. Physical and legal entities, national or foreign, the activity of which requires an environmental license, must implement monitoring programs of environmental pressure indicators for individual sources, both mobile and immobile, and must document respective data in accordance with models endorsed by the Ministry of Environment.

6. Methodologies for measuring and estimating any of the environmental indicators must be in accordance with technical standards in the Republic of Albania. In the event such methodological standards are missing, the Ministry of the Environment will be called to endorse the use of particular methodologies.

CHAPTER III

IMPLEMENTATION OF THE NATIONAL PROGRAM OF ENVIRONMENTAL MONITORING

A. Duties of the central bodies, institutions and physical and legal entities

1. The Ministry of Environment designs the National Program of Environmental Monitoring and coordinates action to implement the program. Based on the national program, the Academy of Sciences, ministries involved in this decision and institutes under their dependence are obligated to design special programs of environmental monitoring.

2. The Health Ministry, through the Public Health Institute and the directorates of primary health services at region level must monitor the indicators in accordance with points B3-a, b, c, d, e, f, g, h; B4-h; B4.2-c, C4-d, C5-c, C7-h, D4-b, D3-c, d.

3. The Ministry of Tourism and Territorial Regulation and local governments are charged to monitor indicators in points D3-a, b; D4-a and D5-d.

4. The Academy of Sciences, is charged: through

a) The Institute of Hydrometeorology to monitor indicators in points: B1-a, b, c, d; B2-a, b, c; B3-a, d, f; B4.1-a, b, c, d, e, f, g, h, i, j, k, j; B4.2-a, b, h, i, j, k; B4.4-a, b, c; C1-a, b; C2; C3-a, b, c, d; C4-a, b, c, e; D10;

b) The Institute of Nuclear Physics to monitor indicators in points: B2-d; B3-g, i; B4-1-j; B4.2-f, e; B6.1-c; B3-c.

c) The Institute of Biological Research to monitor indicators in points B5; B4.2-e, g and C6-d, e, f, g.

d) The Center for Hydraulic Research, in conjunction with relevant institutions, to prepare reports on environmental indicators in points B4.1-k; B4.2-h, i, j, k; C3-a, b, c; C4-a, b, c; D10.

e) The Center for Geographic Studies to map monitoring data according to the system of geographical data.

5. The Faculty of Natural Sciences, University of Tirana is charged with the monitoring of indicators in points B4.4-a, b, c; B.4.2-f.

6. The General Directorate of Forests and Pastures, the Institute of Forest Research, the Botanical Garden and the Museum of the Faculty of Natural Sciences are charged with the monitoring of indicators B5 and C6-a, b, c, d, e, f, and g.

7. The Ministry of Agriculture and Food, through the Lands Institute, is charged with the monitoring of indicators in B6, B7, C7, D9, as well as D1, D2, D5, D6, D7, D10 for all persons, physical and legal, publicly owned, forming part of its system. Through the Institute for Veterinary Research, it cooperates with the Faculty of Natural Sciences for monitoring indicators in point B4.2-f.

8. The Ministry of Industry and Energy monitors: through:

- The Albanian Geological Service, points B1-d; C3-a, b, c; B4.2-j, k; B4.3-a, b, c, d, e, f; B3-i. B4.1-k. B4.4-a, b, c; C4 – a, b, c; C5; C6-e; D11;

-The Network of Institutes, under its line of dependence, every physical and

legal entity forming part of its systems, with regard to indicators in D1, D2, D5, D6, D7 and D8.

9. The Ministry of Defense is charged with the monitoring of indicators in points D1, D2, D5, D6, D7, D8, for all physical and legal persons forming part of its system.

10. Physical and legal persons monitor environmental indicators in points D1, D2, D5, D6, D7, and D8 at individual level.

11. The Ministry of Transports and Telecommunications, through the General Directorate of Road Transport Services is responsible for the level of environmental indicators of air pressure contained in point D2 Chapter I.

12. The Ministry of Environment is responsible for recording and processing environmental indicators contained in points D1, D2, D5, D6, and D7, based on the collected data.

13. The Ministry of Environment is responsible for checking the quality of analysis of environmental indicators, as well as for the standardization of the methodology of such analysis.

B. Data exchange

1. The institutions charged with the implementation of the national program of environmental monitoring are obligated to submit the data defined in their contract with the Ministry of the Environment at least quarterly, not later than the 15th day of the first month of the next quarter. They are obligated to submit the data any time the Ministry of Environment demands submission through official channels for emergency reasons.

2. Physical and legal persons under the obligation of acquiring an environmental license are obligated to submit monitoring data to the regional environmental agencies at least 4 times a year. They are also obligated to make such data available to environmental inspectors while on inspection missions with their establishments. The Academy of Sciences and the Institute for Public Health are exempt from the obligation to send their monitoring data to the regional environmental agencies.

3. Ministries involved in the national program of environmental monitoring as prescribed by this decision and the Academy of Sciences are obligated to submit to the Environmental Ministry: the annual reports on condition of the environment; respective environmental policies; information on environmental projects under implementation; and data on environmental components in various projects being carried out by institutions within their jurisdiction.

4. The Ministry of Environment keeps the inventory of polluting sources, their characteristics and sectoral distribution. The inventory of sources of pollution and their sectoral distribution is subject to regulation by a special normative act.

5. The Ministry of the Environment is obligated to report to the Council of Ministers and specializing international organizations on the environmental indicators and applied contemporary methodologies.

6. The Ministry of the Environment prepares and publishes, based on collected data from the monitoring subjects, the biannual report on the condition of the environment which is submitted to the Council of Ministers. It also complies with all governmental and international requirements related to reporting on the condition of the environment.

7. The Ministry of the Environment exchanges mutual information with the Institute of Statistics at the beginning of each calendar year, in accordance with the

stipulations of a special normative act.

8. The Ministry of Environment exchanges data with the councils for territorial regulation and with the Technical Secretariat on Waters as regards monitoring indicators of water reserves.

9. The Ministry of Environment recognizes and honors the intellectual rights of the monitoring institutions over the data they produce and submit to the Environmental Ministry under the national program of environmental monitoring.

10. The Ministry of Environment obtains the data in the context of the national program on environmental monitoring through the technical reports compiled by the responsible institutions as stipulated in this decision.

11. Environmental data are entered very three months in the relevant registers of the Environment Ministry and in its electronic database. The registers and the electronic database are accessible to the public, both national and foreign.

12. The implementing institutions of the national program of environmental monitoring must create the electronic database of environmental indicators in accordance with the requirements of this decision. These databases must be accessible to the wide public.

C. Miscellaneous and closing stipulations

1. Operational expenses related to collection and processing of data on environmental indicators of the condition and impact, and expenses related to the control of accuracy of such indicators are borne by the state budget entrusted to the Ministry of Environment.

2. Monitoring expenses related to pressure indicators in the case of public owned establishments are covered by the respective Ministries.

3. Funds for environmental monitoring must represent a separate line in the budget of the Ministry of Environment and other ministries described in point C2, of the Academy of Sciences and the implementing institutions of the national monitoring program.

4. In the context of administration of its funds, the Ministry of the Environment concludes contract agreements with the responsible monitoring institutions and at its discretion with other subjects as may be necessitated by designed projects.

5. Physical and legal entities required to acquire an environmental license, are obligated to cover expenses related to environmental monitoring from their own budgets.

6. The Ministry of the Environment, line ministries, central institutions and the Academy of Sciences are hereby charged to pass relevant instructions and regulations to make this decision applicable.

7. Decision No. 541 dated 25. 09. 1995 of the Council of Ministers "On duties of the Ministries, legal and physical persons for monitoring the environment" is hereby repealed.

This decision enters into force following its publication in the Official Journal.

PRIME MINISTER
Pandeli Majko

DECISION

No. 228 DATED 27. 05. 1992

CONCERNING PROTECTION OF URBAN ENVIRONMENT FROM POLLUTION AND DAMAGE

Upon proposal from the Ministry of Construction, Housing and Territorial Regulation,
the Council of Ministers

HAS DECIDED AS FOLLOWS:

1 – Physical and legal persons, national or foreign, carrying out their activities in the territory of Albania, are obligated to protect the urban environment and the natural landscape within, in the periphery and in between the towns and other inhabited centers, as well as the roads and pavements, common space in the living neighborhoods, green spaces, peripheral parks, national parks, space on both sides of the national highways, recreational spots outside the towns, beaches, cemeteries and space of similar nature from pollutants (solid, liquid, gas) and from damage and illegal constructions of the various subjects: industrial, economic, social, military, constructional, agricultural, transport vehicles etc.

2 – Organic waste from the cities must be deposited in stationary conditions, whereas any solid, liquid or gaseous waste must be deposited far from the urban space and the natural landscape sceneries, especially outside the towns and other inhabited centers, in sites to be designated by the executive committees of the relevant districts based on preliminary studies by the research institutions and entities, the laboratories and design facilities under jurisdiction of the district authorities, the Ministry of Construction, Housing and Territorial Regulation, the Ministry of Health, the Ministry of Industry, Mineral Resources and Energy and the Ministry of Transports and Telecommunications.

3 – Legal or physical entities engaging in setting up landfills for solid, liquid or gaseous waste are obligated to put in place necessary safeguards and facilities to disinfect, disintoxicate or process the polluting substances to turn them into useful or harmless substances for the urban environment and natural landscape.

4 – Inspectorates for Protection of Urban Environment and Natural Landscape are set up at the Executive Committees of the districts or regions for purposes of controlling and preventing pollution of such space as described in point 1 of this decision in accordance with the attachment to this decision.

The chairman of the executive committee nominates one or two inspectors to carry out the above mentioned tasks.

5 – The violation of these provisions, when not a criminal offence, is punished as an administrative infringement and is fined by the environmental inspectors with 500-1000 leks. In addition, the violator will be obligated to eliminate pollution within a given schedule and to return the environment to its former condition.

Repeated infringements are punished with amounts 3-5 times as great as the above mentioned figure.

When the violation qualifies as a criminal offence the inspector institutes legal proceeding against the perpetrator.

Appeals against the administering of fines may be filed with the Chairman of the Executive Committee within 5 days from the date of receiving notification. The decision of the chairman is final.

6 – The Ministry of Construction, Housing and Territorial Regulation in conjunction with the Ministry of Health and Environmental protection are hereby charged to pass rules to make this decision implementable.

This decision enters into force immediately.

CHAIR OF THE COUNCIL OF MINISTERS
Aleksandër Mexsi

**NUMBER OF INSPECTORS FOR URBAN ENVIRONMENT PROTECTION
ACCORDING TO DISTRICTS**

No.	DISTRICTS	NUMBER OF INSPECTORS
1.	Berat	1
2.	Dibër	1
3.	Durrës	2
4.	Kavajë	1
5.	Elbasan	2
6.	Fier	2
7.	Gramsh	1
8.	Gjirokastrë	1
9.	Kolonjë	1
10.	Korçë	2
11.	Krujë	1
12.	Kukës	1
13.	Lezhë	1
14.	Librazhd	1
15.	Lushnje	1
16.	Mat	1
17.	Mirditë	1
18.	Përmet	1
19.	Pogradec	1
20.	Pukë	1
21.	Sarandë	1
22.	Skrapar	1
23.	Shkodër	2
24.	Tepelenë	1
25.	Tiranë	5
26.	Tropojë	1
27.	Vlorë	2
TOTAL		37

DECISION

NO. 447 dated 19. 09. 1994

**ON
Prohibition of asbestos as thermo-insulating material in all types of
construction work**

Upon proposal from the Ministry of Health and Environment Protection,

The Council of Ministers

HAS DECIDED:

- To prohibit the use of asbestos as thermo-insulating material in all types of construction work for living and public use.

This decision takes effect following 15 days from its publishing in the Official Gazette.

**CHAIRMAN OF THE COUNCIL OF MINISTERS
Aleksandër Meksi**

DECISION

No.599 dated 20.12.1993

ON
• THE SETTING UP OF REGIONAL AGENCIES FOR
PROTECTION OF THE ENVIRONMENT AT THE PREFECTURES

Upon proposal from the Ministry of Health and Environment,

The Council of Ministers

HAS DECIDED

on the following:

1 – The creation of regional agencies for protection of the environment in the prefectures of Shkoder, Kukës, Lezhë, Tiranë, Elbasan, Fier, Berat, Vlorë, Korce and Gjirokastrë.

2 – For the creation of regional agencies for protection of the environment, the Committee for Environment Protection, as of the beginning of the year 1994, is entitled to an addition of 38 staff and a salary fund of 2967 thousand leks which addition is to come out of the budget of the Ministry of Health and Environment Protection.

3 – the staff addition will be distributed as follows:

- 3 specialists in Shkodër;
- 2 specialists in Kukës;
- 2 specialists in Dibër;
- 3 specialists in Lezhë;
- 3 specialists in Durrës;
- 5 specialists in Tiranë;
- 4 specialists in Elbasan;
- 3 specialists in Fier;
- 3 specialists in Berat;
- 3 specialists in Vlorë;
- 4 specialists in Korçë;
- 3 specialists in Gjirokastrë.

This decision takes effect as of 1 January 1994.

Chairman of the Council of Ministers
Aleksandër Mexsi

REPUBLIC OF ALBANIA
THE ASSEMBLY

LAW
NO. 8897 DATED 16 May 2002

ON PROTECTION OF AIR FROM POLLUTION

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Law is to guarantee the right of citizens to clean air; to protect human health, fauna, flora and the natural and cultural values of the Albanian environment from the pollution of the air.

Article 2

Definitions

For purposes of this law:

1. "Air" means outdoors air in the troposphere, not including indoor air and air inside workplaces.
2. "Pollutant" is every liquid, solid or gaseous substance that may change the quality of the air.
3. "Environment indicator" is the indicator that provides information on a given environmental phenomenon to make it perceptible by giving numerical value, by measuring and communicating it. Of these indicators:
 - (a) "The environmental indicator of air condition" is the indicator that provides information on the quality of the air;
 - (b) "The Environmental indicator of pressure in the air" is the indicator that gives information on the pressure that sources of pollution exert in the air.
4. "Smog condition" means the extreme pollution of the atmosphere in which the level of pollution by far exceeds the parameters of the quality of the air.
5. "Monitoring" is the process of systematic evaluation of the environmental indicators.
6. "Existing source of pollution" means an activity that was in operation before the entrance into force of this law.

7. "New source of pollution" means an activity launched following entrance into force of this law.
8. "Norm of the quality of the air" means the highest permissible value of an environmental indicator of air condition which is measured by weight of pollution in one unit of air volume.
9. "Depositing norm" is the highest permissible value of an environmental indicator of air condition that influences the coming environment expressed in the amount of its weight in one unit of surface in a given period of time.
10. "Norm of discharge in the air" is the highest permissible amount of the pollutant discharged in the air by a source of pollution, which does not exceed the permitted level of environmental indicators of pressure, and the permitted level of soot density, expressed in terms of concentration in weight or in volume of the pollutant in the remaining air.
11. "Mobile source" is the object that discharges pollutants while in motion.
12. "Operator of the pollution source", means the physical or legal entity in possession of a pollution source.
13. "Authority of Air Protection" is the Ministry of Environment and other bodies responsible for air quality as provided by other relevant regulations.

Article 3

Sources of pollution and their classification

1. Sources of air pollution are:
 - (a) Immovable sources including technological works with immovable equipment for burning flammable matter; pieces of equipment in a chain of technological processes; coal mines in open air; spontaneous and slow burnings; pollution discharging fires; various activities that may cause air pollution; storages of all kinds of burning matter, primary materials, products or residue;
 - (b) Mobile sources of pollution
2. Upon proposal from the Ministry of Environment, the Council of Ministers may approve other sources of pollution as they may appear.
Based on amount of heat emitted or pollutants discharged, the sources of pollution are classified into:
 - (a) Big sources of pollution representing immovable sources in technological works of thermo production above 5 Megawatts (MW);
 - (b) Medium sources of pollution representing immovable equipment in technological works whose thermo production is between 0.2 up to 5 Megawatts (MW);
 - (c) Small sources of pollution which include immovable sources in technological works whose thermo production is less than 0.2 Megawatt (MW).

Small sources of pollution are also the equipment in technological processes that are not included in the big and medium sources; activities that release pollution in the air; sites of storage of fuel, flammable matter, primary materials for products, residues and collection of pollutants, as well as all other equipment, works of technique and all manner of activity that pollutes the air.

CHAPTER II

INDICATORS OF AIR QUALITY

Article 4

Basic Indicators

1. Basic environmental indicators of the air condition express the concentration in the air of gaseous, solid and liquid matter as follows:
 - (a) solid matter in particles (aerosol, fog, smoke, dust);
 - (b) sulfur oxide;
 - (c) carbon oxide;
 - (d) ozone
 - (e) lead (aerosol)
 - (f) nitrate oxide.
2. As relates to specific parts of the country, depending on the nature of discharges and deposit norms, the Council of Ministers may, upon proposal from the Ministry of Environment, approve other environmental indicators of air condition.

Article 5

Approval of norms

The norms of quality of the air, deposit norms and norms for specific parts of the country are approved by the Council of Ministers upon proposal from the Ministry of Environment and the Ministry of Health.

CHAPTER III

RESTRAINTS ON DISCHARGES IN THE AIR

Article 6

Restraints

1. Air discharges are restrained by establishing and enforcing discharge norms.
2. Based on EU norms, upon proposal from the Ministry of Environment, the Council of Ministers approves the air discharge norms.

Article 7

Provisional norms

1. For existing sources of pollution which continue to operate after the entrance into force of this law, given that technological quality does not allow for enforcement of discharge norms as provided by this present Law, the Minister of Environment defines provisional norms. Provisional norms and manner of establishment are approved by the Council of Ministers upon proposal from the Minister of Environment.
2. In cases when an existing source of pollution harms the human health and environment, the Minister of Environment warrants its closure, notwithstanding provisional norms.
- 3.

Article 8

Height of discharging equipment

Discharging equipment of pollution sources should be of such height that the value of environmental indicators of air condition does not exceed the permitted level of quality for a given pollutant. Height of discharging equipment is defined on a case by case basis in the environmental permit.

Article 9

Discharging norms for mobile sources

1. For mobile sources, discharging norms are defined on the basis of environmental indicators of discharges from these sources as demonstrated by incidence into air of soot, carbon dioxide, nitrate oxides, hydrocarbons and lead.
2. The norms of discharge from mobile sources are approved by joint decision of the Ministry of Environment and the Ministry of Transport and Telecommunications.

CHAPTER IV

OBLIGATIONS TO PROTECT THE AIR

Article 10

General obligations

1. Physical and legal persons, public or private, national or foreign, have the obligation to preserve the cleanness of the air, to protect it from pollution that may result from their activity as carried out in the territory of the Republic of Albania.
2. Producers, importer, exporters, transporters, traders and users of equipment, products, materials and substances that pollute the air are under the obligation to establish safeguards that guarantee the protection of cleanness of the air.
3. Producers and importers of mobile sources are under the obligation to

- produce and import only equipment and vehicles conforming to the trade mark characteristics and established discharge norms.
4. Mobile sources with combustible engines are subject to control of polluting gas discharge according to the regulations established by the Minister of Transport and Telecommunications.
 5. Producers, importers, exporters, transporters and traders of fuels are obligated to produce, import and trade such substance in accordance with quality requirements set by the Council of Ministers upon proposal from the Minister of Environment.
 6. This law prohibits the use of fuels, different from:
 - a) those defined by the maker of the equipment; those prescribed in the operating instructions of the object; and those required for standard production and trading of otherwise burning substances;
 - b) burning substances as defined in the technical parameters or in the safety precautions of the operation mode of pollution sources.
 7. This law obligates the use of only the best possible modern technology in the construction of new works and the renovation of existing ones.

Article 11

Main obligations of operators of immovable sources of pollution

1. The operators of large and medium size sources of pollution are obligated:
 - (a) to use these sources only as required by technical precautions and the conditions envisaged in the environmental permit;
 - (b) to respect air discharge norms and levels of soot density established in relevant legal provisions;
 - (c) to draft technical regulation for the operation of sources of pollution which form subject to control by the Inspectorate for Protection of the Environment;
 - (d) to monitor discharges in the air and publish periodically the data and measures taken to control pollution;
 - (e) in cases of accidents when the quality of the air is threatened or threateningly lowered, to stop the sources of pollution and implement the measures dictated by the Inspectorate for Protection of the Environment in order to guarantee the quality of air. To inform the public of the condition of the air and measures being taken to bring the situation under control.
2. Operators of large sources of pollution must prepare checklists of technical and operational parameters and organizational and technical safeguards for normal functioning of the pollution source. These parameters and safeguards are subject to control by the Inspectorate of the Ministry of Environment.
3. Operators of small sources of pollution are obligated to comply with the requirements of letters "a", "b" and "d" of point 1 of the present article.
- 4.

Article 12

Main obligations of the operators of mobile sources of pollution

Operators of mobile sources of pollution are obliged to use and maintain such sources in accordance with terms and conditions defined by respective makers in relation to discharge norms. They are also under the obligation to abide by the instructions and orders issued by the Minister of Environment and the local governments in instances of parts of the country requiring a special kind of protection of the quality of air.

CHAPTER V

PARTS OF THE COUNTRY UNDER SPECIAL PROTECTION

Article 13

Proclamation and protection

1. The Council of Ministers, upon proposal from the Minister of Environment and the Minister of Health, proclaims special parts of the country having high levels of pollution as areas requiring special protection of the air.
2. For special protection areas, the Minister of Environment, the Minister of Health and the Local Government design special measures for the protection of the quality of the air.
3. In special protection areas, for purposes of the regulatory system and smog detection, special smog detection and signaling systems are established and emergency measures are defined to be applied by government bodies and operators to bring the situation under control.
4. Upon proposal from the Environment Ministry, the Council of Ministers approves the criteria for setting up and operating smog detection systems.

Article 14

Smog conditions

1. To detect and signal smog conditions, smog alarm and regulatory systems are established.
2. The Ministry of Environment, in cooperation with specializing institutions, designs criteria for the establishment and operation of such systems subject to approval by the Council of Ministers.

Article 15

NOTIFICATIONS

Article 16

Air pollution notification

1. Every operator discharging pollutants in the air is under the obligation to make available to the public air pollution data and to periodically furnish the Ministry of Environment with detailed information.
2. The Ministry of Environment, in cases of extreme pollution and smog conditions, notifies the public by every medium of communication.
3. The Ministry of Environment prepares a scale of discharges in the air at levels of national, regional, city and individual sources of pollution. A copy of this scaling inventory is sent to the Institute of Statistics.
4. Institutions responsible for air pollution reporting and publicizing communicate pollution levels periodically to the Ministry of Environment. The rules, procedures and schedule of reporting are defined by decision of the Council of Ministers upon proposal from the Ministry of Environment.

CHAPTER VII

ENVIRONMENTAL PERMITS FOR AIR POLLUTING ACTIVITIES

Article 17

Environmental permits for air polluters

Physical and legal entities, national and foreign, are obligated to obtain joint permits from the Environmental Ministry and the local governments for:

- (a) establishment and operation of large and medium size sources of pollution and subsequent changes to these sources;
- (b) standard type design and construction models of large and medium size sources of pollution;
- (c) implementation of projects including technologies and new makes of large and medium sized sources of pollution;
- (d) change of technical standards and norms of gas discharge from various sources of pollution when their implementation affects protection of the air;
- (e) construction of small sources of pollution when the specific type does not fit the standard type or the prototype model;
- (f) changes of fuel and primary materials used by the source of pollution;
- (g) the production, importation and trade of fuel, static equipment, materials and products that pollute or may pollute the air;
- (h) change of technical and operational parameters and technical and organizational precautions of sources of pollution.

CHAPTER VIII

TAX POLLUTION LEVIES

Article 18

Air discharge taxes

For polluting the air, operators that discharge air pollutants are under the obligation to pay discharge taxes based on the amount and type of discharged pollutants as per definitions contained in Law No. 8435, dated 28 December 1998: "On the tax system of the Republic of Albania".

CHAPTER IX

SANCTIONS AGAINST AIR POLLUTERS

Article 19

1. For purposes of this law, when not qualifying as criminal offences, the following qualify as administrative infringements and are punished accordingly:
 - a) activities that in conflict with article 17 of this law do not possess an environmental permit are levied a fine of 10 thousand up to 1 million leks and are suspended for a period up to three months within which time the undertaking must obtain an environmental permit;
 - b) the production, importation or trading of fuel from undertakings in conflict with the requirements of article 10, point 5 of this law is punished with fines ranging from 10 thousand to 500 thousand leks depending on the quantity and level of danger posed by the unlicensed fuel and with confiscation of the stocks of the hazardous fuel;
 - c) use of unlawful fuels in conflict with the requirements of article 10, point 6 is punished by fines ranging from 10 thousand to 1 million leks depending from the amount and the scale of the fuel's hazard and suspension of activity until such time as the fuel is replaced;
 - d) the production and importation by the undertaking of mobile sources in conflict with Article 10, point 3, which mobile sources do not match the characteristics of the trade mark and the discharge norms is punishable by fines ranging from 10 thousand to 300 thousand leks depending on quantities of production or importation and the permanent closure of the activity.
 - e) pollution of the air by the operator of the large or medium size source of operation in violation of: the norms of discharge; the norms for special protection areas; smoke condition or emergency regulations; the technical precautions; and the requirements foreseen in the environmental permit is punishable by fines ranging from 10 thousand up to 1 million leks depending on the amount and the type of pollutants and with suspension of activity until such time as the operator of the polluting source brings discharges within allowable limits.
2. The Inspectorate for Protection of the Environment is the authority that

administers and executes the fines, and the suspension or termination of activity in accordance with this article. In cases when such violations qualify as criminal offences, the Inspectorate for the Protection of the Environment institutes charges against the polluting source.

Article 20

Repeal

Paragraph one of point 2 in article 15 of the Law no. 8364 dated 2 July 1998 "On some additions and amendments to Law No. 7664 dated 21 January 1993 "On protection of the Environment" is hereby repealed.

Article 21

By-laws

1. Upon entrance into force of this Law, the Council of Ministers is obligated to pass by-laws for purposes of implementation of articles 3, 4, 5, 6, 7, 10, 13, 14 and 16 of this Law.
2. Upon entrance into force of this Law, the responsible ministers are obligated to pass by-laws for purposes of implementation of articles 5, 7, 9, 12, 13, 15 and 16 of this Law.

Article 22

This law enters into force 15 days following its publishing in the Official Gazette.

CHAIRMAN
Servet Pellumbi

REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS

D E C I S I O N
(No. date)

COCERNING
THE APPROVAL OF TEMPORARY NORMS FOR DISCHARGES IN THE
AIR AND THE IMPLEMENTATION OF THESE NORMS

Based on article 100 of the Constitution and article 7 of Law No. 8897 dated 16. 05. 2002, "On protection of the air from pollution" upon proposal of the Minister of Environment, the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1. To approve the temporary norms of discharges in the air according to the Annexes attached to this decision and forming an integral part to it.
2. Temporary norms of discharges in the air are designed to be implemented only by subjects the existing activities of which employ technologies and machines that do not allow for the implementation of norms of discharges in the air approved by Decision of the Council of Ministers No. 435 dated 12. 09. 2002 "On approval of the norms of discharges in the air in the Republic of Albania".
3. Within 3 months from the entrance into force of this decision, subjects mentioned in point 2, are required to present to the Ministry of Environment the program of measures and schedule of commencing the implementation of the norms of discharges in the air stipulated by Decision of the Council of Ministers No. 435 dated 12.09.2002.
4. Based on presented programs, the Ministry of the Environment determines the timeline for implementation of temporary norms and the timing for the entrance into force of the legal norms of discharges in the air. The timeline for temporary norms cannot be longer than five years from the entrance into force of this decision.
5. In the case of subjects not presenting the program, the timeline for temporary norms is only two years from the entrance into force of this decision.

This decision enters into force 15 days following its publication in the Official Journal.

PRIME MINISTER
FATOS NANO

Minister of the Environment
Lufter XHUVELI

-
- **Appendix No.1**
-
- **THE LIST OF POLLUTES**

Group 0 – The Basic pollutes (those pertaining to Decision of Council of Ministers No. 435, dated 12.09.2002)

Solid matter
Sulfur oxides
Nitrogen oxides
Carbon oxides

Group 1

<p align="center"><i>Sub-group 1.</i></p> <p>asbestos benzoic(a)pyrite 2-naftilo amine beryllium and its components expressed as Be Cadmium and its components expressed as Cad di benzoic anthracite</p>	<p align="center"><i>Sub-group 2</i></p> <p>Arsenic and its components expressed as As • Chromium components (VI) expressed as Cr Cobalt and its components expressed as Co Nickel and its components expressed as Ni</p>
<p align="center"><i>Sub-group 3</i></p> <p>acrylic nitrite benzene 1,3-butadien epichlorhydrine ethylene oxide hydrazine propylene oxide vinyl chloride</p>	<p align="center"><i>Sub-group 4</i></p> <p>polychlorinated biphenyl polychlorinated dibenzofuranes polychlorinated dibenzodioxins</p>

Group 2

<p align="center"><i>Sub-group 1</i></p> <p>mercury and its components expressed as Hg thallium and its components expressed as Tl</p>	<p align="center"><i>Sub-group 2</i></p> <p>selenium and its components expressed as Se tellurium and its components expressed as Te</p>
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<i>Sub-group 3</i>
antimony and its components expressed as Sb
tin and its components expressed as Sn
fluoride expressed F ⁻
chromium and its components expressed as (with exception of Cr ^{VI}) Cr
cianur expressed CN ⁻
manganese and its components expressed as Mn
cooper and its components expressed as Cu
lead and its components expressed as Pb
vanadium and its components expressed as V
zinc and its components expressed as Zn

Group 3

<i>Subgroup 1</i>	<i>Sub-group 2</i>
SbH ₃ AsH ₃ PH ₃ phosgene Cyan hydroid chloride	bromine and its gas components expressed as HBr fluorine and its gas components expressed as HF chlorine acid/hydrogen cyanide hydrogen sulfide strong organic acids expressed as H ⁻
<i>Sub-group 3</i>	
Ammoniac Inorganic gas components of chlorine expressed as HCl	

Group 4

<i>Sub-group 1</i>	<i>Sub-group 2</i>
Aldehyd acetic Aniline benzene chloride diethyl amine 1,2-dichlorethane 1,1-dichlorethylene dimethyl amine ethanol amine ethylene acrolith phenol formic aldehyd krezole acid acrylic acid formic mercaptane methyl acrolith	benzoic aldehyd butyric aldehyd 1,4-dichlorbenzene ethyl benzene furfural chlorbenzene 2-chlorpren (2-chlorine-1,3- butadiene) 2-chlorpropan isopropyl benzene acid acetic acetate methyl methyl metacrilate 1-methyl naphthalene 2-methyl naphthalene naphthalene stiren

methyl amine nitrobenzene nitrophenol nitrokreazole nitrotoluenes pyridine sulfur carbon 1,1,2,2-tetra chlorine ethane tetra chlorine ethylene tioether o-toluedine (2-methyl aniline) trichlormethane trichlorethylene	toluene vinyl acetate xilen
<i>Sub-group 3</i>	
acetone alkali alcohol biphenyl 2-butanon butyl acetate dibutyric ether diethyl ether biphenyl ether 1,2-dichlorethylene dichloromethane diisopropyl ether diethyl ether ethyl acetate ethylene glycol 4-hydroxil-4-ethylene-2-penthanon methyl esters of benzoic acid 4-methyl-2-penthanol N-methyl pirrolydon olefin except 1,3- paraffin except methane	

Appendix No. 2

CATEGORIZATION OF SOME SELECTED SOURCES OF POLLUTION, NORMS OR EMISSIONS, PERMISSIBLE LEVEL OF SMOKE DARKNESS AND TECHNICAL CONDITIONS OF ACTIVITY OF SELECTED SOURCES OF POLLUTION

For the purpose of this Appendix, the following denominations will be used:

Conditions of Reference A for norms of emissions that refer to the concentration of relevant pollute in dry gas in normal conditions (101.32 kPa, 0°C), which may be followed by the referred content of other substances in the carrier gas (normally oxygen).

Conditions of Reference B for norms of emissions that refer to the concentration of relevant pollute in wet gas in normal conditions (101.32 kPa, 0°C), which may be followed by the referred content of other substances in the carrier gas (normally oxygen).

Conditions of Reference C for norms of emissions that refer to the concentration of relevant pollute in wet gas in normal conditions of activity.

1. THE INDUSTRY OF PRODUCTION OF ENERGY AND OF FOSSIL FUELS

1.1 **The combustion of fossil fuels for production of electric or thermal energy and technical plants which contain immovable equipment with thermal capacity greater than 0.2 MW (big or intermediate sources of pollutes).** These emission norms are equally valid for similar equipment, which themselves do not belong to the industry of fossil fuels and production of the energy.

The emission norms are valid for **conditions of reference A** and for containing O₂ in the carrying gas showed in column 7.

Thermal capacity installed [MW]	The emission norms (mg/m ₃) for					Ref containing of O ₂ [%]
	Solid Matter (LN)	Sulfur dioxide SO ₂	Oxides of nitrogen like NO ₂	Carbon oxide CO	Organic Matter as Σ C	
1	2	3	4	5	6	7

1.1.1 Coal scarp furnaces with rooms with fire grill and with valve for

emission slag.¹⁾

1	2	3	4	5	6	7
> 0.2	-	-	650	4000	-	6
	-	-	1100 ²⁾	-	-	6
> 0.2 - 1	150	-	-	1000	-	6
> 1 - 5	150	2000	500	250	-	6
> 0.2 - 5	150	-	-	-	-	6
> 0.2 - 50	-	2000	-	-	-	6
> 5 - 50	50	2000	500	400	-	6
> 50	50	-	-	250	-	6
> 50 - 300	50	1700	400	250	-	6
> 300	50	500	-	250	-	6

Note:

- 1) For coal scarp furnaces or furnaces with grill followed by reactor with boiling bed and their combination in rooms with boiling bed for reconstruction of similar furnaces which use elements of in boiling bed.
- 2) Fire furnaces with valve for emission slag.

1.1.2 Wood furnaces¹⁾

1	2	3	4	5	6	7
200- 500	150	-	2	-	900	13
500-1	150	-	2	-	500	13
1-5	150		2	50	250	11
>5	²⁾	²⁾	²⁾	²⁾	50	11

Note:

1. Equally valid for wood garbage, which are not dirty, wood shell and similar wooden matter, shell and similar plant matter.
2. The emission norms for the combustion of coal according to the installed capacity

1.1.3 Furnace with liquid fossil fuel

1	2	3	4	5	6	7
> 0.2	-	-	-	175	-	3
> 0.2 - 5	-	1)	500	-	-	3
> 0.2 - 50	100	1700	450	170	-	3
> 5	80	-	450	-	-	3
> 5 - 300	-	1700	-	-	-	3
> 50	50	1700	300	170	-	3
> 300	50	500	150	170	-	3

Note:

1) The content of S in the fossil fuel must not be higher than 1% in weight.

1.1.4 Furnace with gas fossil fuel

1	2	3	4	5	6	7
<0.2			120	100		3
> 0.2	50 ¹⁾	35 ²⁾ 900 ³⁾	100 200 ⁴⁾	100	-	3

Note:

- 1) For gaseous fossil fuels from the non-public distribution network (coke gas cleaned, biogas, propane or butane or their mixture or refinery)
- 2) For gaseous fossil fuels from the public distribution network
- 3) For gaseous fossil fuels except the public distribution network and the coke gas
- 4) In the combustion of propane or butane or their mixtures

1.1.5 Furnace with liquid fossil fuel

1	2	3	4	5	6	7
> 5 - 50	100	800 75% ¹⁾	400	250	-	6
> 50	50	500 75% ¹⁾	400	250	-	6
< 5 ²⁾					-	6

Note:

- 1) If it is not possible to obtain emission norms when fossil fuels are used domestically with an acceptable mixture of additives, the concentration must be reduced at least to 25% of the original value.
- 2) The emission norms of furnaces with boiling bed, with specific thermal capacity lower than five MW must be the same with the emission norms of classic furnaces depending on the kind of the fossil fuel used.

1.1.6 The units of production of energy with piston combustion engine

1	2	3	4	5	6	7
> 0.2 ¹⁾	130 ²⁾	³⁾	2000 ⁴⁾ 4000 ⁵⁾ 500 ⁶⁾	650	150 ⁷⁾	5 ⁸⁾

Note:

- 1) The units of production classify according to inputs
- 2) When are used liquid fossil fuels
- 3) When diesel fossil fuels are used, the concentration of sulfur in the other liquid fossil fuels must not be higher than 1% in weight; when gas fossil fuels are used the total amount of sulfur must not be higher than 2200 mg/ m³ recalculated according to the concentration in methane or 60 mg/MJ of the produced hit from the used fossil fuels.
- 4) For diesel motors with power greater than 5MW
- 5) For diesel motors with power till 5 MW, including the 5 value
- 6) For motors with internal combustion engine
- 7) The total concentration of all substances excluding methane when the flow in mass is higher than 3 kg/h.
- 8) Carbon oxide and oxides of nitrogen must be object of the emission norms for dry gas.
The emission norm of solid pollutes and organic substances must be valid for the wet gas.

1.1.7 The systems of direct warming up with hot air¹⁾

1	2	3	4	5	6	7
> 0.2	²⁾	²⁾	²⁾	²⁾		17

Note:

- 1) The systems that have equipment in which the flame or the mixture combustion products are in direct contact with the hot hair, part of which provides an oxygen source needed for the combustion of fossil fuels. The fossil fuels may be gas, supplied from the public distribution network of fossil fuels and also propane, butane or their mixture, or liquid fossil fuels unleaded, with sulfur up to 0,05% in weight. Such a fossil fuel has to meet the thermal conditions applied by the producer.
- 3) The numerical values of the emission norms for furnaces according to fossil fuel used

1.1.8 The gas turbines

Thermal capacity installed	Norms of emissions (mg/m ³)					The reference content	
	[MW]	Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxides NO ₂	Carbon oxide CO	Organic matter Σ C	O ₂ [%]
	1	2	3	4	5	6	7
< 60 000	100 ¹⁾	120	80	100	-	15	
≥ 60 000	50 ²⁾	120	120	100	-	15	

Note:

- 1- For combustion of suspended matters of charcoal and the gases of thermal plants of energy production from the non-public distribution network; in combustion of fossil fuels and hot gas matters from the public distribution network, the emission norm is the darkness of smoke measured according to Bacharach scale and must not exceed the fourth level of the black color in all operating conditions.
- 2- For the combustion of the suspended matter of char coal and the gases of thermal plants of energy production from the non-public distribution network; in combustion of liquid fossil fuels and hot gases from the public distribution network, the emission norm is the darkness of smoke measured according to Bacharach scale and must not exceed the second level of black color in normal operating conditions and the third level during the period of release to operation.

1.2 The combustion of some kinds of fossil fuels in the same equipment

- 1- In the case when only one combustion equipment burns some kinds of fossil fuels where a fossil fuel burns in a given time, are valid those emissions norms pertaining to the used fossil fuel;
- 2- In the case when only one combustion equipment burns some kinds of fossil fuels the emissions norms must derive from the emission norm for that fossil fuel that contributes 75% or higher thermal capacity;
- 3- If none of the types of fossil fuels used does not contribute in the thermal capacity in such mentioned mode, in that case should be applied the emission norm and the reference of O₂ content as well as the weighted average of values of emission norms or the reference values of O₂ for each kind of fossil fuel used, where the weight factor must constitute the component of contribution of each fossil fuel in the thermal capacity of the equipment.

1.3 The integration of furnaces in the gas turbines

1-If the product of combustion of a furnace which is connected with a gas turbine without extra heat or connected with extra heat from the same fossil fuel in a quantity up to 20% of the thermal capacity of the gas turbine, in that case this connection should be subject of the same emission norms and condition of reference for their determination as well as for the gas of turbine with the corresponding flow of the

volume.

2-If a combustion product of an furnace is connected to a gas turbine with extra heat which uses a different fossil fuel or the thermal capacity that uses the same fossil fuel exceeding 20% of the thermal capacity of the gas turbine, the emission norm and the reference state of O₂ content should be determined as weighted average of defined values for the gas turbine and the furnace separately, based in contributions of thermal capacity of turbine and the extra heating from furnace.

3- The thermal capacity of equipment should be determined through calculations from the capacity of heat and the amount of the fossil fuel, using the minimum value of the heat capacity of the fossil fuel guaranteed from its producer under standard technical conditions. If this value is not provided it should be determined as the sum of thermal capacities of components of fossil fuel. Their average content should be determined by analysis.

1.4 Upgrading and treatment of charcoal. Briquettes.

The emission norm [mg/m ³] for					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxides CO	Organic matter as Σ C		
1	2	3	4	5	6	7
a) <u>The upgrading or another treatment of charcoal</u> (average sources of pollution)						
100	-	-	-	-	-	B
b) <u>The thermal treatment of charcoal</u> (Big sources of pollution)						
100	-	-	-	50	5	A

1.5 Production of coke (big sources of pollution with exception of those given on the table)

The emission norm [mg/m ³] for					Referenc e content	Referenc e condition s
Solid Matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxide NO ₂	Carbon oxide CO	Organic matter as Σ C	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>The heating of coke battery</u>						
Undeter mined	¹⁾	500	-	-	5	B
<u>The preparations of reactors with fix coke batch (average pollution sources)</u>						
100	-	-	-	-		C
<u>Coking</u>						
²⁾	-	-	-	-	-	-
<u>The production of coke in extruder form</u>						
100 ³⁾	-	-	-	-	-	B
<u>Upgrading of coke (intermediate pollution sources)</u>						
100	-	-	-	-	-	B

Note:

1. The highest concentration of the hydrogen sulfur in the heating gas is 500 mg/m³
2. Norms must be set for the permitted visible emission for each coke battery in the local operational regulation as part of the technical organizational precautions. (§ 2.2 paragraph 2 of the clean air law)
3. Calculated as a day average

The requirements for design, equipping and /or operation of the technological processes

1. Every release of pollutes in air must be minimized by the extension or removal of pollutes or by the hermetic closer if this is technically possible.
2. The filling gasses (in the filling rooms of coking) must be fed on the rough coke

- gas or in some other coking rooms. The conditions for development of the operational cycle must be set on operational local conditions.
3. The amount of the solid substances, released in the air is limited in value 0,1 kg/t of the total dry cokes (tdc).The kind and the quality of the cooling water must be set in the local operational regulation as part of the technical organizational precautions. (§).
 4. The equipping of chemical operations of coke plants must be safe against the releasing of volatile substances in the exterior air. The polluted waters during the direct gas cooling must not get in direct contact with air.
 5. The concentration of sulfured hydrogen (H_2S) in the cokes gas with chemical operations capacity must not exceed 500 mg/m^3 .The concentration of $H_2 S$ gas must be determined with continuous operational measures.
 6. Must not be permitted the gasses emission of the cokes production plants in air. In the operational regulation as part of the technical organizational measures, (5.2 paragraph 2 of the clean air law) conditions must be determined for every type of their controlled combustion.

1.6 The production of energy in gas plants (generator gas, coke gas) and synthetic gas (big pollution sources)

The general emissions norms of solid pollutes, sulfur dioxide, nitrogen oxide, carbon oxide, sulfated hydrogen, ammonia and mercaptanes are equally valid to be applied.
Conditions of reference A

2. INDUSTRIAL PRODUCTION AND METALS PROCESSING

The requirements for design, equipping and/or operation of technological process

For processes with interrupted operation and changeable emissions, must be set emission norms on average parameters of technical processes.

All the emissions of solid pollutes in air from sources specified in chapter 2 must be minimized by the extension or removal of pollutes or by the hermetic closer if this is technically possible.

2.1 The fusion of iron minerals and manganese (big pollution sources with exception of those given in the table)

The emission norms [mg/m ³] for					Referenc e content	Referenc e condition s
Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxide NO ₂	Carbon oxide CO	Others	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>The preparation of reactors with periodic action (Intermediate pollution sources)</u>						
100	-	-	-	-	-	C
<u>The fusion agglomeration strips</u>						
100	400	400	6000 8000 ¹⁾	²⁾	19	A
<u>The fusion operation (intermediate pollution sources)</u>						
100	-	-	-	-	-	C

Note:

1. For carbonate minerals
2. The max concentration of mercury in gas must be 1mg/m³
3. Such as cooling, breaking, grinding, classification

2.2 The treatment of iron minerals (big pollution sources, except those given in the table)

The emission norms [mg/m ³] for					Referenc e content of	Referenc e condition s
Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxide as NO ₂	Carbon Oxides CO	Other	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>Transportation and functioning of loads of swelling of furnace (intermediate source of pollution)</u>						
50	-	-	-	-	-	C
<u>Pouring</u>						
50	-	-	-	-	-	C

1.3 The steel production (big sources of pollution with exception of those given in the table) (example: converter, Siemens Martin furnace, furnace with two hearts, Mars Bohlen furnace)

The emission norms [mg/m ³] for					Referenc e content of	Referenc e condition s
Solid matter	Sulfur dioxide SO ₂	Nitrogen oxide as NO ₂	Carbon oxide CO	Other	Oxygen O ₂ %]	
1	2	3	4	5	6	7
<u>Transportation and functioning of reactors with periodic action (intermediate source of pollution)¹⁾</u>						
100	-	-	-	-	-	C
<u>Furnace with two hearts with oxygen intensification</u>						
50	400	400	-	-	-	C
<u>Oxygen converter</u>						
50 ²⁾	-	-	-	-	-	C
<u>Electrical circuit and furnace with periodic action up to 20 tons this value inclusive</u>						
75/50	-	400	1000	-	-	C
<u>Furnace with electrical induction with periodic action over 5 tons</u>						
75	-	-	6000	-	-	C

Note:

- 1 The division of heavy metal remains by cutting them with oxygen flame must be by the air extension and immediate purification of the remaining gas where it is technically possible. The procedure of action must be set in local operational conditions as part of technical organizational precautions (§ 5.2 par.2 of low for clean air).
- 2 The converters gas must be collected taking into consideration the processing abilities and may be used further. The numerical value of emission norms is equally valid in cases when this gas is released in air.

2.4 The production of pouring/forming of iron (big sources of pollution with exception of those given in the table)

The emission norms [mg/m ³] for					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxides CO	oxides		
1	2	3	4	5	6	7
<u>The transport and the operations with product</u> ^{1), 5)} (Intermediate pollution source)						
100	-	-	-	-	-	C
<u>Fusion in furnace with electrical circuit</u>						
75	-	400	1000	-	-	C
<u>Fusion in furnace with electric induction with a 5 ton load</u> (Intermediate pollution source)						
75	-	-	-	-	-	C
<u>Furnace with cupola</u> ²⁾						
100	-	-	1000 ³⁾	-	-	C
<u>Fusion in furnace with rotating cylinder with fossil fuels gas/ liquid</u>						
30/20	⁴⁾	400	300/200	-	-	C

Note:

1. Including the other technical nodes as the lines of treatment, form and heart production, pouring clean of pouring and final operations.
2. The gaseous pollutes from gases of blowing furnaces must be eliminated if it's technical possible
3. In the chimney beyond the recuperating cupola furnaces with hot air
4. The concentration of sulfur in fossil fuels must not exceed max 1% in weight.
5. The inorganic and organic gaseous pollutes created during the production of forms must be collected

2.5 The treatment of non-ferric metal minerals

- a) The emission norms for solid pollutes mg/m³ 20
- b) During mineral processing to obtain lead different from letter a) mg/m³ 10

c) The sum of organic substances expressed as total carbon <50 mg/m³

2.8 The production of light alkaline metals and their mixture ¹⁾ (big pollution sources with exception of those given in the table) (Mg, Al, Be, NA, C, etc.)

The emission norms[mg/m ³] for					Referenc e content of	Referenc e condition s
Solid matters (LN)	Sulfur dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon oxide CO	Others	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>The transportation and operations with raw material and products</u>						
100	-	-	-	-	-	C
<u>Furnace aggregates</u>						
50 ²⁾	-	400	1000	-	-	C
<u>Electrolytic production of Aluminum</u>						
30 ³⁾	-	-	-	2 ⁴⁾	-	C

Note:

1. The total values of emission norms are equally valid to be applied for solid pollutes in electrolytic production with exception of aluminum production
2. Emission norms for solid pollutes in the remaining gas from the extension systems 100 mg/m³
3. In the remaining gas from electrolysis; the specific emissions of solid pollutes of production including extended gases from the electrolytic production zone derived from the daily average value, must not exceed 5 kg/tons of the aluminum produced.
4. From the zone of electrolyzes and electrolysis production, the specific emission of flour components expressed as an hydroid flourhydric which include in exhausted gases from the zone of electrolytic production derived from the daily average value, must not exceed 700g/t of aluminum production.

2.7 The production of other non-ferric metals and their alloys (big pollution sources except those given in the table)

The emission norms [mg/m ³] for					Referenc e content of	Referenc e condition s
Solid substanc es (LN)	Sulfur dioxide SO ₂	Nitrogen oxide as NO ₂	Carbon oxide CO	Other	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>Transportation and treatment of raw materials (intermediate pollute sources)</u>						
100	-	-	-	-	-	C
<u>Furnace aggregates</u>						
100	-	400	1000	-	-	C

2.8 The production of iron alloys (big pollution sources except those given in the table)

The emission norms [mg/m ³] for					Referenc e content of	Referenc e condition s
Solid Matters (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxide CO	Others	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>Transportation and treatment of raw materials (big pollute sources)</u>						
100	-	-	-	-	-	C
<u>Furnace aggregates</u>						
50	-	-	-	-	-	C

2.9 Other special metallurgical products (pollution sources)

The emission norms [mg/m ³] for					Reference content of Oxygen O ₂ [%]	Reference condition
Solid Matters (LN)	Sulfur dioxide SO ₂	Nitrogen oxide as NO ₂	Carbon oxides CO	Others		
1	2	3	4	5	6	7
<u>Transport and treatment of the raw materials</u> ^{1) 2)}						
100	-	-	-	-	-	C
<u>Fusion of iron metals and their alloys</u>						
75	-	400	1000	-	-	C
<u>The hot lining of Zinc</u>						
10	-	-	-	10 ³⁾	-	C

Note:

- 1) Other technical nodes like the treatment lines, the forms production and models, the cleaning of the pouring, the operations of the final processing inclusive.
- 2) The organic and gaseous inorganic pollutants generated from the forms production must be collected.
- 3) The limits of the emissions for Zinc

2.10 The superficial treatment of metals¹⁾ (intermediate pollution sources) (e.g. the galvanic metal lining, phosphate lining, enameling, emery rubbing, pulverization, swelling and other related operations)

The emission norms [mg/m ³] for					Reference content of Oxygen O ₂ [%]	Reference conditions
Solid matters (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon Oxide CO	Others		
1	2	3	4	5	6	7
100	-	1500 ²⁾	-	³⁾	-	C

Note:

- 1) With the exception of lining application
- 2) In the superficial treatment of metals which use nitric acid for equipments working uninterruptedly (baths)
- 3) For other pollutants are valid as to the point 5 paragraph 2 of this appendix

3. THE PRODUCTION OF NON-METAL MINERALS (Big sources of pollution with exception of those given in the table)

3.1 Asbestos and its products

The general norms of emission applied for asbestos are valid

3.2 Stone quarry and their processing plants, the stones transportation, process and functioning - Natural and artificial stones (intermediate pollution sources)

All places and processes which emit solid pollutes in the air must provide according to the technical abilities and on basis of the nature of the process with water or sprinkle nets, dust absorbing or sprinkle system.

3.3 Cement production, lime, magnetite, coated mixtures and the fusion of raw materials

The emission norms [mg/m ³] for				Specific production	Reference content of	Reference conditions
Solid substances (LN)	Sulfur oxides SO ₂	Nitrogen oxides as NO ₂	Carbon oxides CO	Others	Oxygen O ₂ [%]	
1	2	3	4	5	6	7
<u>The cement production</u>						
50 ¹⁾	400 ²⁾	800 ²⁾	-	1.5 ³⁾	-	C
<u>The lime production</u>						
50 ¹⁾		1800 ⁴⁾ 1500 ⁵⁾	⁶⁾	1.5 ⁷⁾	-	C
<u>The magnetite production and the material production with great durability to the heat, quartz, etc.</u>						
50 ¹⁾	400 ⁸⁾	1500 ⁸⁾	-	1.5 ⁹⁾	-	C
<u>The asphalt coated mixtures and the plants of asphalts mixture</u>						
20	¹⁰⁾				17 ¹¹⁾	A
<u>The fusion of the raw materials in the furnace with cupola with a fusion capacity < or 10 tons/hour</u>						

100/75			12)		-	C
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Note:

1. For all operations that include emission of solid matter in suspension state in the surrounding environment for the combustion of clink in the rotational furnaces
2. The emissions of the specific production of solid matter in suspension state from the entire plant of the cement production
3. For the rotational furnaces
4. For the other types of furnaces
5. In the lime production in the furnace with coke cylinder, the remained gases must not be in higher content than 1% in volume.
6. The specific emissions of the solid matter production in suspension state from the entire plant including storage and the delivery of the raw material and of products calculated as annual average for one tons of lime fused or processed.
7. From the combustion of materials
8. The specific emissions of solid matter production in suspension state from the entire lime plant including storage and delivery of the raw material and of products calculated as annual average for one tons of fused material.
9. The sulfur content in the liquid fossil fuels must not be higher than 1% weight
10. For the mixing equipment, conditions of reference C as applied for the other operations
11. The emissions of carbon monoxide (CO) must be reduced in the maximal permitted level based on technical abilities and the expenditures convenience.

3.4 Glass, glass fibers and mineral fibers

The emission norms [mg/m ³] for					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxide CO	Others		
1	2	3	4	5	6	7
<u>Production of glass and other glass products, glass fibers and other mineral fibers and glass ware for jewelry production</u>						
150 ¹⁾ 100 ²⁾	500 ⁷⁾ 1000 ⁸⁾	2500 ⁹⁾ 1100 ¹⁰⁾ 1600 ¹¹⁾ 12)	800 ¹³⁾	10 ⁵⁾ 5 ⁶⁾ 50 ¹⁴⁾ 100 ¹⁵⁾	13 ³⁾ 17 ⁴⁾	A A
<u>The production of mineral fibers which contain organic binders</u>						

50 ¹⁶⁾ 75 ¹⁷⁾	-	-	-	¹⁸⁾	-	C
<u>The processing and improvement of glass (polishing, coloring, compression, fusion from mid-products, etc) and the jewelry production with capacity up to 5 t/year(intermediate pollution sources)</u>						
-	-	-	-	7 ¹⁹⁾ 20)	-	C

Note:

1. Lower than 2 kg/h
2. For flow in mass equal or higher than 2.5 kg/h
3. For fusion aggregates with continuous action
4. For fusion aggregates with periodic action
5. For lead, antimony, manganese, vanadium, tin, copper, for a flow in mass equal or higher than 0.05 kg/h
6. For cobalt, nickel, chromium, cadmium, selenium, for flow in mass equal or higher than 0,01 kg/h
7. For the combustion of natural gas
8. For other fossil fuels
9. For regeneration of fusion aggregates with continuous action
10. For regeneration of fusion aggregates with periodic action
11. For recuperation which use aggregates with fusion with a continuous action
12. In cleaning the nitrates, the corresponding mass of the nitrogen oxides concentration must not be higher than the double of the given value
13. For flow in mass higher than 5 kg/h
14. For flour components expressed as HF for a flow in mass equal or higher than 0.05 kg/h.
15. The chlorine components expressed as HCl in a flow in mass 0,05 kg/h or higher
16. In the remaining gas originated from the blowing system, transport, reactors with fixed bed operation and other equipment that release solid matter in suspension state.
17. In other gases which come from precipitation processes, fortification, and drying of mineral fibers with organic binders.
18. Related to the permitted concentration of organic substances in the remaining gases must apply the general norms of the emissions.
19. The general values of emission norms are equally valid to apply even for other characteristic pollutes related with the given technological process.

4. THE CHEMICAL INDUSTRY (big pollute sources with exception of those given in the text)

4.1. The extraction, the transportation, the manipulation and the storage of Diesel and Natural gas

During the extraction, transportation, processing and storage of Diesel and Natural gas must be used all the technical precautions available for lowering the emission of

pollutes in air.

4.2. Diesel refineries, petrochemical processing diesel, production, processing and storage of petrochemical products and other liquid organic substances

4.2.1. Storage and processing

The requirements for construction, equipping and operation of technological processes

1- In the storage of the raw materials, intermediate products and the products with a steam pressure higher than 1.32 kPa in a temperature of 20 Celsius degrees, the storage tanks with a volume greater than 1000 m³ or the storage source tanks with an annual production greater than 10 000 m³ must be equipped as below follows:

- a) Storage tanks with an enameled outer roof and with an effective sealing of the corners of the roof
- b) The tank with a fixed roof equipped with an inner moving roof must be sealed with efficiency with closers that secure the decreasing of emissions at least 99%, compared with emissions from the tanks with a fixed roof, but without other safeguards.
- c) Alternatively, a tank with a fixed roof must be equipped with parts for collecting, recycling and taking out of the steams from such liquids with efficiency at least 99%. This efficiency must not be obtained by using combustion, excluding cases when the re-condensation of the steams is hazardous and technically impossible.

2- Tanks must have a suitable isolation and unreflecting lining with at least 70% of the radiation of heat aiming to decrease changes of the volume of the liquid in the tank resulting from changes of the temperature of environment. This safeguard is effective in a high level, for storage tanks with a volume up to 1000m³ or for sources with an annual production up to 10 000 m³.

3- For pumping of the substances with a steam pressure higher than 1.32kPa in a temperature of 20Celsius degree (e.g. during the discharge from the movable tanks, or during their loading from the storage tanks), conditions for collection, recycling and the elimination of such substances with efficiency not lower than 99% and must be established:

- a) Must be used pumps that stop the discharge of pumped substances e.g. with a mechanical blockage
- b) At least an operating line for loading of movable tanks must be equipped for loading the movable tanks from the lower bottom.
- c) Operation lines for filling of movable tanks from the top must be safeguarded in a manner that during the loading, the end of the filling pipe stays at the bottom of the movable tank.

4.2.2 The gases and steam from line production

The requirements for construction, equipping and operation of technological processes

- a) The remaining gases that exit, which are created during the normal operations, putting to work, operation stoppage, the reparation of technical lines, and the remaining gases created during the regeneration process of catalyst must be selected for further treatment or combustion or must be used other effective measures for the decreasing the emissions level.
- b) The point a) obligations must not apply for the emergency lines like springs of the safety valves and membranes, the hydraulic closer or other systems, which protect the system independently from the personnel service, where the catch, return and their consecutive removal would be destructive for the safety work conditions.

4.2.3 Sulfurs (H₂S)

The requirements for construction, equipping and operation of technological processes

- a) The remaining gases, which derive from the sulfur cleaning lines or the other sources with a concentration in mass of the sulfuric gas equal or higher than 6000 mg /m³ and for flow in mass equal or higher than 80 kg/h, must be reprocessed again.
- b) The remaining gas deriving according to point a) which can not be treated again must be liquidated through other manners e.g. combustion.
- c) The concentration in mass of sulfuric hydrogen in clean gas must not be higher than 10 mg/m³.

4.2.4 The regeneration and the catalysts activation for catalytic process in boiling layer

The emission norms [mg/m ³] for					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid Matter (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxide CO	Others		
1	2	3	4	5	6	7
50	1700	1700	-	-	17	A

4.2.5 The used water and of ballast

The used waters must be degassed before delivery to the treatment plant of used water. The escaping gases must be collected and cleaned by washing or by combustion.

4.3. The service stations and the transport lines of the combustion liquids for vehicle engines (intermediate sources of pollution)

The general values of the emission norms are equally valid to apply to these lines.

4.4 The production of organic substances

The emission norms [mg/m ³] for					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid matters (LN)	Sulfur dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxide CO	Others		
1	2	3	4	5	6	7

4.4.1. The production of 1,2-dichlorethane and vinyl chloride

1	2	3	4	5	6	7
1,2- dichloreth ane or vinyl chloride (2)	-	5	-	-	C	1)

Note:

- 1) The remaining gases that release must channel to one processing line for lowering of emission
- 2) The general values of emission of 1.2 dichlorethane or vinyl chloride are valid independent from flows in mass.

4.4.2. The production of polymer based in polyacrylonite

1	2	3	4	5	6	7
Acrylonitr ile	-	0.2 ¹⁾ 5 ²⁾	-	-	C	3)
Acrylonitr ile	-	10	20	-	C	4)
Acrylonitr ile	-	10 ⁵⁾ 35 ⁶⁾	-	-	C	7)
Acrylonitr ile	-	-	25	-	C	8)

Note:

1. In treatment lines to decrease the emissions from combustion
2. In the exit of other treatment lines to decrease the emissions volume
3. The fiber production
4. The production and processing of ACN polymers
5. In wet process of creation and production of fiber

6. In dry process of fibers creation
7. In the rotation of the fiber
8. The production of ABS polymers (the matter)

The requirements for construction, equipping and operation of technological processes

All the gases which contain acrylonitrile used in the plait of fibers, in contents higher than 5 mg/m³, all the gases from reactors, collection vessels of remains and the water of filters washing which contain acrytonile and butadiene must be collected and treated in a line or equipment to decrease the volume of their emissions.

4.4.3. The production of PVC (Poly Vinyl Chloride)

1	2	3	4	5	6	7
Vinyl chloride	-	5	-	-	C	¹⁾
Vinyl Chloride	-	-	-	10 ³⁾ 100 ⁴⁾	C	²⁾

Note:

1. The remaining gases that go out, that consist of vinyl chloride must be collected and cleaned or liquidated by thermal manners.
 2. The remaining content of vinyl chloride in the passing slot from the close system into an open system of treatment or drying, as a monthly average.
 3. For the final end-products in the plant of PVC
 4. In the suspension polymer in the PVC plant
 - 5.
- 4.4.4 The production of pulp including even the processing of the production waste

1	2	3	4	5	6	7
Sulfur dioxide	-	-	-	2000 ¹⁾	C	²⁾
The components of sulfur expressed as sulfur	-	-	-	350 ³⁾	C	⁴⁾

Note:

1. Which include the emissions from the combustion of the sulfite extracts, per unit of dry pulp produced completely fermented.
2. In the process of the production of sulfites
3. For the central liquidation of the odorous substances, per unit production of the dry pulp completely fermented
4. For the process of the sulfites production

The requirements for construction, equipping or operation of the technological processes

In the production of pulp, must be used all the available technical measures to decrease or liquidate odorous substances from individual emissions sources for example autoclave, evaporator, boiling column and after the local or central attraction of the gas, it has to be channeled in a treatment line for the decreasing of the emission.

4.4.5. The production and processing of viscous

1	2	3	4	5	6	7
Sulfured hydrogen carbon sulfur	- -	10 100	- -	-	C C	-
Sulfured hydrogen carbon sulfur	50 400	- -	- -	- 200 000 2)	C C	1)
Sulfured hydrogen carbon sulfur	200 3)	-	-	-	C	2)

Note:

1. In the production of the silk rope
2. In the production of the thread and silk cloth
3. Generally for sulfured hydrogen and sulfur carbon

The requirements for construction, equipping or operation of the technological processes

a) The remained gases, that deriving from the production of viscous, the preparation of the rotating baths and, where technologically is possible, and from the other operating processes, must accumulate for treatment in a decreasing line of the pollutes emissions

b) The machineries for the rotation of fiber for rotating processes with continuous operation must close down and the obtained gases must be taken back from them and accumulated for treatment in an decreasing line of the emissions of the pollutes components

c) The used waters that contain sulfured hydrogen and bicarbonate sulfur must be degassed and the gases obtained must accumulate for treatment in a decreasing line of the emission of pollutes components.

4.4.6 The production of chemical substances for the protection of plants

The concentration in mass of the solid pollutes components that consist of permanent matter (that resist for long time to natural biodegradation), matter that is accumulated immediately or matter with a higher degree of toxicity, in remained gasses obtained from the production, grinding, mixing, packing and reloading of

substances for plant protection against pesticides and seeds or for liquidation of pesticides and seeds must not exceed the value $5\text{mg}/\text{m}^3$ for a flow in mass higher than $25\text{g}/\text{hour}$.

4.4.7 The production of useful substances, for the rubber industry

The concentration in mass of solid components in the gas of stone quarry in production of SO_2 must not be higher than $25\text{mg}/\text{m}^3$ for every emission in air

The requirements for construction, equipping or operation of the technological processes

The process of production of SO_2 must be supplied with lines for the immediate combustion of gases in exit that contain matters which are flammable and the unsorted waste of soot, where the subsequent combustion must happen in an temperature at least 1100 C with 2% of volume in oxygen in the combustion products; in contrary, this combustion must be executed with a catalytic process. The equipment for the combustion of gas must work in continuous regime.

4.4.8 The production and processing of fats and oils that originate from plants and animals too (intermediate source of pollution)

The requirements for construction, equipping or operation of the technological processes

- 1) Equipments of the process including even the storage areas where is expected strong odors must be put in closed surfaces.
- 2) The air in these surfaces have to be removed and placed in the equipments for the cleaning of the remained gasses of may be adopted other measures to decrease the emissions
- 3) The raw materials, the products and the intermediate products, which expect to be accompanied by fragrance, must be put in closed vessels provided with cooling system.

4.4.9 Production of lime and binders (intermediate pollution source)

Are equally valid to be applied the points of paragraph 4.4.8.

4.5 Production of inorganic substances

Pollutes	Emissions limits [mg/m^3]	Specific emissions production [kg/t]	Reference Conditions	Note
1	2	3	4	5

4.5.1 Chlorine production ¹⁾

1	2	3	4	5
chlorine	6 ²⁾	0.003 ³⁾	C	-

Note:

1) All kinds of final gases, gases that come from technical processes that consist of chlorine must accumulate and treat in an appropriate line for taking away the chlorine.

2) In the quarry gas from electrolysis and catalytic oxidation

3) Average annual emissions of mercury from electrolytic operations determined as monthly average per unit of produced chlorine.

4.5.2 Production of chlorhydric acid

1	2	3	4	5
Hydrogen chloride	25	0.05 ¹⁾	C	-

Note:

1) Determined as monthly average per one tons of produced chlorhydric acid (36%)

4.5.3 Production of sulfur (Claus process) ¹⁾

1	2	3	4	5
H ₂ S	10 ²⁾	4 ⁴⁾ 2 ⁵⁾ 1.5 ⁶⁾	C	³⁾

Note:

1. the remained gases from processes that contain sulfured hydrogen have to be burned in the quarry gas from the further combustion

2. the production of emissions of sulfur components (calculated as elementary sulfur) must be expressed in percentage and referred to 1 ton produced sulfur

3. for lines with actual daily production of sulfur less or equal to 20 tons of sulfur

4. for lines with actual daily production of sulfur between 20-50 tons of sulfur, including even the value of 50

5. for lines with actual daily production of sulfur equal or higher than 20 tons of sulfur

4.5.4. Production of liquid sulfur dioxide

The remained gases that come from the production of liquid sulfur dioxide must be

channeled to a production line of sulfuric acid or in other processing or cleaning equipments of sulfur making it less harmful.

4.5.5 Production of sulfuric acid

1	2	3	4	5
Sulfur oxides	-	2.2 ¹⁾	C	-

Note:

1- As monthly average per one tons of produced sulfuric acid (100%)

4.5.6 Production of ammoniac

1	2	3	4	5
ammoniac	-	0.2 ¹⁾	C	-

Note:

1- As monthly average per one tons of produced ammoniac

4.5.7 Production of nitric acid and its salts

1	2	3	4	5
Nitrogen oxides such as NO ₂	-	1.6 ¹⁾	C	-

Note:

1. As monthly average per one tons of produced nitric acid (65%)

4.5.8 Production of industrial chemical fertilizers

The general values of emission norms are equally valid to apply to ammoniac, oxides and the components of nitrogen, components of sulfur, components of phosphor and solid matters.

4.5.9 Production and processing of carbonic materials¹⁾

1	2	3	4	5
Organic matter	100 ²⁾	-	C	³⁾
Organic matter	50 ²⁾	-	C	⁴⁾

Organic matter	200 ²⁾	-	C	5)
Organic matter	50 ²⁾	-	C	6)

Note:

- 1) The general norms of emissions are valid to apply for benzoic(a)pyrene and other cancerous matters
- 2) Organic matters calculated as general carbon
- 3) From the equipments of form and mixture, in which various binding liquids are processed in high temperatures
2. From furnaces with separate rooms, connected rooms and tunnel furnaces
3. From annular separated furnaces for graphite electrodes, carbon electrodes and carbon bricks
4. From compression equipments, in which raw materials used are of tarpaper.

4.5.10 The production of white titanium, lithopone, white fix and air pigments

1	2	3	4	5
Solid matter	150 ²⁾ 50 ³⁾ 300 ⁴⁾ 50 ⁵⁾	-	C	1)
Solid matter	100	-	C	6)
Solid matter	100	-	C	7)
Solid matter	300 ⁹⁾ 100 ¹⁰⁾ 100 ¹¹⁾ 50 ⁵⁾	-	C	8) 12)

Note:

1. In the production of limonite
2. In exit of drying plant
3. From the mill circuit
4. From calcium lining process (calcinations)
5. Beyond the filter cloth in the final treatment of the product (grinding, classification and packing)
6. For functioning of lithopone production
7. For functioning of production operations of white fix
8. In the production of colored pigments
9. For dehydration furnaces of iron sulphate
10. For drying of iron sulphate in rotational driers
11. For drying of pigments in rotational driers
12. For calcinations, where the produced mass is channeled to the separator; for some other technologies, the calcinations may be in functioning only with simultaneous operation of such separating equipments.

5. THE TREATMENT OF WASTE

5.1 The great sources of pollution

5.1.1 Plants for the treatment of urban waste

The emission norms for the					Referenc e content of Oxygen O ₂ [%]	Referenc e condition s
Solid substanc es (LN)	Sulfur dioxide SO ₂	Nitrogen oxides like NO ₂	Carbon oxides CO	other		
1	2	3	4	5	6	7
<u>Plants with capacity up to 1 t per hour burnt waste, including the value 1tons per hour</u>						
10	50	80	50	20 ¹⁾ 20 ²⁾	17	A
<u>Other plants</u>						
25	50	80	50	20 ¹⁾ 30 ²⁾ 2 ³⁾ 0.1 ⁴⁾ 2.0 ⁵⁾ 1.0 ⁶⁾ 0.1 Nanog/m 3	11	A

Note:

1. Organic components expressed as general carbon
2. Gaseous components expressed as hydrogen chloride
3. Gaseous components of fluoride expressed as hydrofluoric
4. Mercury, thallium and cadmium in gas, fluid and solid phase
5. Arsenic, nickel, chromium, and general cobalt in gas, fluid and solid faze.
6. Lead, copper, and general manganese in gas, liquid and solid faze
7. Dioxin (2,3,7,8 tetra chlorodioxin dibenzene)

Requirements for construction, equipping or operation of technological processes:

- 1) These lines should not be used for the combustion of animal bodies or their other parts.
- 2) The container should be designed in such a way as to be able to endure a permanent sub pressure in this space and the drained air must be sent in the firebox.

When the combustion line does not function, the air from the container must be discharged in open air after consultation with the air controlling authority.

3) The temperature in the combustible space beyond the last entry of the air should be at least 850°C and the combustion products should remain in this space for at least 2 seconds with a content of oxygen at least 6% in volume. For special design e.g. some kinds of pyrolyze furnace the conditions should be determined by the air protection authorities.

4) The equipments should be constructed such as to ensure enough stay time of the burnt waste in the combustion space for full combustion and channeling of the waste in the firebox should correspond with the stay time.

5) It is prohibited to burn urban and hazardous waste in small combustion plants with calorific power less than 350 kw. This prohibition does not apply for the hazardous hospital waste, which, according to its content, cannot be eliminated as urban waste.

5.1.2 The line for the combustion of the hazardous hospital waste

The emission norm[mg/m ³] for					Reference content of Oxygen O ₂ [%]	Reference conditions
Solid substances (LN)	Sulfur Dioxide SO ₂	Nitrogen oxides like NO ₂	Carbon oxides CO	other		
1	2	3	4	5	6	7
30	300	500	100	20 ¹⁾ 30 ²⁾ 2 ³⁾ 0.05 ⁴⁾ 2.0 ⁵⁾ 5.0 ⁶⁾	11	A

Note:

1. Organic components expressed as general carbon
2. Gaseous components expressed as hydrogen chloride
3. Gaseous components of fluoride expressed as hydrogen fluoride
4. Mercury, thallium and cadmium in gas, fluid and solid phase
5. The amount of arsenic, nickel, chromium, and general cobalt in gas, fluid and solid phase
6. The amount of lead, copper and manganese in gas, liquid and solid phase

Requirements for construction, equipping or operation of technological processes

1) The container of the solid waste should be designed in such a way as to be able to endure a permanent sub pressure in this space and the drained air should be channeled in the firebox. When the combustion line does not function, the air from

the container should be discharged in open air according to the specifications of air control authorities.

2) The equipment for the combustion of the hazardous waste should be equipped with additional combustion. The temperature in the combustion space beyond the last entry of the air should be at least 900°C so to ensure the maximal oxides destruction of all discharged substances in at least 1 second of stay time for an oxygen content of 6% volume.

3) In the combustion of the waste containing 1% of weight or more halogen organic substance, calculated as chlorine, should be taken measures to ensure the oxide destruction of all hazardous discharged substances (at least 1100°C) in at least 2 seconds of stay time for oxygen content of 6% volume.

4) In the combustion of substances containing organic substance with high durability as polychlorbiphenil (PCB's) or pentachlorphenol with a concentration higher than 10mg/kg, the air temperature in the combustion space beyond the last entry of the air should be at least 1200°C, with a stay time of combustion products in this area of at least 2 seconds

5) For special types of equipments, e.g. a kind of pyrelize furnace, the air protection authorities should determine conditions separately.

5.2 INTERMEDIATE SOURCES OF POLLUTION

5.2.1 The plants for the treatment of used water

Equipments with capacity for 500 or more inhabitants equivalent or designed for the operation of technologies that produce water pollution.

Odorous substances should not be present in discharged air in concentrations that may cause disturbance to inhabitants.

5.2.2 The composting plants

Equipments made for industrial composting

Odorous substances should not be present in discharged air in concentrations that may cause disturbance to inhabitants.

5.2.3 Plants for the combustion of used wood, paper remnants and other similar waste

The emission norm[mg/m ³] for					Reference content of Oxygen O ₂ [%]	Reference conditions
Solid substances (LN)	Sulfur Dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxides CO	other		
1	2	3	4	5	6	7
50	300	500	250	5 ¹⁾ 50 ²⁾	11	A

a) It is prohibited to burn waste in plants with less than 350kw calorific power.

6. OTHER (intermediate source of pollution with the exceptions noted in the text)

6.1 The crematorium

Equipments meant for the combustion of corpses, organs and waste.

These requirements should apply as well as for incinerators of the animals and their remnants.

The emission norm[mg/m ³] for					Reference content of Oxygen O ₂ [%]	Reference conditions
Solid substances (LN)	Sulfur Dioxide SO ₂	Nitrogen oxides as NO ₂	Carbon oxides CO	other		
1	2	3	4	5	6	7
50	-	350	100	15 ¹⁾ 30 ²⁾	17	A

Note:

1. Organic components expressed as general carbon
2. Gaseous components of chlorine and fluoride expressed as a sum of hydrogen of chloride and fluoride

Requirements for construction, equipping or operation of technological processes

- 1) The temperature in the combustion space beyond the last entry of the air should be at least 850°C and the combustion products should remain in this space for at least 1 second, in such a manner to ensure the complete oxide thermal destruction of all hazardous substances discharged.
- 2) In case of use of heating oils the content of sulfur should be higher than 1% in weight

6.2 Structures and lines for the management of domestic animals

The complexes with the average yearly augmentation [growth] of more than 500 heads cattle, more than 5000 heads pigs, and more than 50 000 heads poultry should be considered as **big source of pollution**.

The complexes with the average yearly augmentation amid 180 – 499 heads cattle, 500-4999 heads pigs, and more than 1000-49 999 heads poultry should be considered as an **intermediate source of pollution**.

The general values of the emissions norms are equally valid to apply for the ammoniac.

Odorous substances should not be present in the discharged air in concentrations that may cause disturbance to inhabitants.

The emission of organic substances expressed in carbon total should not exceed the following values:

- a) Excrements in warmth for bearing more than 50gram per hour
50mg/m³
- b) Excrements in the cold for bearing more than 50-300 gram per hour
120mg/m³
- c) Excrements in the cold for bearing more than 300 gram/hour
50mg/m³

6.2 Complexes for the animals health care

The lines for collection and processing of animals body and the production of feeding materials, fertilizers and grease from the lateral excrements of animals like the bones, skins, the blood, horns, hairs, etc.

Odorous substances should not be present in the discharged air in concentrations that may cause disturbance to inhabitants.

6.2 The use of colors

The lines and technology designed for the use of liquid or pulverized materials (e.g. with sprinkling, dyeing, painting, polishing etc) as colors for different substances (such as metals, plastic, leather, wood etc), with the exception of paper and cardboard.

The requirements for construction, equipping or operation of the technological processes

1. In order to reduce the emissions of organic substances should be used all technically available means especially the use of technologies with a low concentration of coating solvent, the application of high efficient processes, etc.
2. For the establishment of emissions norms such lines should be considered as technical units of a coated technical system.
3. For the use of color should be valid **the Conditions of Reference C**

6.4.1 The use of colors with consumption of coating more than 5 kilos a day, up to an annual consumption of 10tons (intermediate sources of

pollution).

The emission norm should be the value of the hourly value of the emission norm for the volatile substances including of solvents expressed as carbon total 100mg/m³

6.4.2 The color shops with consumption for coating higher than 5 kilos a day, up to an annual consumption higher than 10tons (big sources of pollution)

The mass concentration of solid polluters in gases that come out from the dry boxes or from the areas of the use of clothes should not exceed 3mg/m³.

6.4.3 Existing color shops aiming at serial production with an annual painting expenditure higher than 200tons

a) The emission norm should correspond to the specific emissions of the production of organic volatile components like carbon total 35g/m³

b) If this value is not reached, then the mass concentration of organic volatile components in the air that emit from the area of the application of coating, expressed as carbon total should not exceed 50mg/m³

6.4.4 Other color shops with an annual consumption for coating less than 250 tons

The emission norm should correspond to the specific discharge of the production of volatile substances, expressed as general carbon in an amount of:

-120 mg/m³ for the application of coating with metallic effects

-60 mg/m³ for the application of other clothes.

In the same time the mass concentration of volatile substance in the remaining air that emits of the coating application area, expressed as general carbon, should not exceed 50mg/m³

6.2 The wood processing

The industrial processing of wood (e.g. mills), production of furniture and construction cardboard except grinding and conservation in warehouses operations

Pollutes	Emission norm [mg/m ³]	Emission of specific production [kilo/t]	Reference conditions	Note
1	2	3	4	5
Solid substances	50 ¹⁾ 10 ²⁾		C	³⁾

Note:

1. For all the technical operations except the cleaning with sandpaper
2. For the cleaning with sandpaper in the production of scaffolds and furniture
3. The emission norms for the organic substances in the production of veneer and

in the production of pasteboard for building and furniture should be determined specifically taking under consideration the operation conditions.

6.2 The polygraph industry

The lines and technologies produced for application of ink print in letter, pasteboard or other materials produced by them, or the use of similar technical and material applications

Pollute component	Emission norm [mg/m ³]	Emission specific production [kg/tons]	Reference conditions	Note
1	2	3	4	5
Organic components Solid substances	50 ²⁾ 3	-	C	1)

Note:

- 4. In gases that emit from the application and drying of printing colors area
- 4. Expressed as general carbon

6.7 Wiping the grease from metals and electric components that use chlorinated organic solvents

In gases emitting from technologies and degreasing lines that use a volume of chlorinated organic solvents higher than 5 liters, and for a flow mass of steam higher than 500g/h, the mass concentration of these solvents steam in exit of the extraction equipment of gas into air should not exceed 100mg/m³ for the Conditions of Reference C.

6.2 The cleaning of cloth, leather and fur coat with organic solvents

For the concentration values should be valid the Conditions of Reference C. The mass concentration of the chlorinated solvents steam in gases that emit from the drying containers and working environs, for a flux higher than 500g/h should not exceed the values of 150mg/m³.

The specific production emissions, determined from the monthly average, should not exceed 30g of solvent for a kilo of cloth, leather and cleaned fur cloth. Each line should be equipped with equipments for the capture of concentrated steam.

In the cleaning of cloth, leather and fur coat with gasoline 150/200, or similar alkenes solvents, the mass concentration in the gas carrier should not exceed the value of 6g/m³.

The specific production emissions, determined from the monthly average, should not exceed the value of 150 g solvent for a kilo of cloth, leather and cleaned fur.

7. UNCLASSIFIED PROCESSES

In this appendix are not specified those processes for which the general norms of emissions are equally valid.

In such a case, the classification of the sources and obligations related with them, come from the points of this appendix, especially § 6 and § 5 par. 2

Appendix nr 2

GENERAL VALUES OF THE GASEOUS EMISSION NORMS AND THE PERMITTED SCALE OF THE DARKNESS OF SMOKE

All emission norms of this appendix are valid for the concentration of gas damp, (+) in normal conditions (pressure of 101.32 kPa and temperature of 0°C).

0. Emission norms for polluting substances of group 0- base polluters

a) Emission norms for solid polluters

The source of pollution should be constructed and operate is such a manner that for a flow in quantity, of solid polluters, equal or less than 1kg/h, the mass concentration of solid polluters in the gas of the chimney does not exceed the value of 120 mg/m³. For a flow in quantity of solid polluters higher than 1 kg/h, the mass concentration of solid polluters in the gas of the chimney does not exceed the value of 100mg/m³.

b) Emission norms for the sulfur dioxide

The source of pollution should be constructed and operate is such a manner that for a flow in quantity of sulfur dioxide higher than 2.5kg/h, the mass concentration of the sulfur dioxide in the gas of the chimney does not exceed 250mg/m³.

c) Emission norms of nitrogen oxides

The source of pollution should be constructed and operate is such a manner that for a flow in quantity of nitrogen oxides higher than 2.5kg/h, the mass concentration of nitrogen oxides in the gas of the chimney does not exceed 250mg/m³. The values of the flow in quantity and the mass concentration of nitrogen oxides should be expressed as nitrogen dioxides.

d) Emission norms for the monoxide carbon

The source of pollution should be constructed and operate is such a manner that for a flux of monoxide carbon higher than 2.5kg/h, the mass concentration of the monoxide carbon in the gas of the chimney does not exceed 100mg/m³.

1. Emissions norms for polluting substances of Group 1

Sub-group 1

For a flow in quantity of emissions of these polluters higher than 1 g/h, the general

⁺ damp gas is considered the gas with water content which comes out of the technological process

mass concentration of these polluting components in the gas of chimney should not exceed the value of 0.2 mg/m^3 .

Sub-group 2

For a flow in quantity of emissions of these polluters higher than 10 g/h , the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 2 mg/m^3 .

Sub-group 3

For a flow in quantity of emissions of these polluters higher than 50 g/h , the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 5 mg/m^3 .

2. Emissions norms for polluting substances of Group 2

Sub-group 1

For a flow in quantity of emissions of these polluters higher than 1 g/h , the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 0.2 mg/m^3 .

Sub-group 2

For a flow in quantity of emissions of these polluters higher than 10 g/h , the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 2 mg/m^3 .

Sub-group 3

For a flow in quantity of emissions of these polluters higher than 50 g/h , the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 5 mg/m^3 .

3. Emissions norms for polluting substances of Group 3

Sub-group 1

For an emissions flux of these polluters higher than 10 g/h , the general mass concentration of these polluting components in the gas of the chimney should not exceed 2 mg/m^3

Sub-group 2

For an emissions flux of these polluters higher than 50 g/h , the general mass concentration of these polluting components in the gas of the chimney should not exceed 5 mg/m^3

Sub-group 3

For an emissions flux of these polluters higher than 300 g/h , the general mass concentration of these polluting components in the gas of the chimney should not exceed 30 mg/m^3

4. Emissions norms for polluting substances of Group 4

Sub-group 1

For a flow in quantity of emissions of these pollutants higher than 0.1 g/h, the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 20 mg/m³.

Sub-group 2

For an emissions flux of these pollutants higher than 2g/h, the general mass concentration of such polluting components in the gas of the chimney should not exceed 100mg/m³

Sub-group 3

For a flow in quantity of emissions of these pollutants higher than 2 g/h, the general mass concentration of these polluting components in the gas of chimney should not exceed the value of 100 mg/m³.

5. Emissions norms for the permitted scale of the darkness of smoke

The highest permitted norm of the smoke darkness should be an optical feature of the smoke produced by the absorption in the line of smoke that leaves the chimney. This amount should be expressed in units according to Ringelmann scale for the line of the smoke (levels 0-5). The smoke darkness can also be expressed with Bacharach scale (0-9) or by measuring the opacity (%) which should be measured in the smoke flue.

The highest permitted norm of the smoke darkness caused by combustion processes should apply the following general emission norms:

- a) In the combustion of combustible substances, the smoke should not be darker than level 2 for measures and evaluations according to Ringelmann scale; whilst according to the measured value of opacity should not be higher than 40%. During the period of the line and equipment heating from the cold state, which lasts 30 minutes the maximum, when the furnace technical manual does not say otherwise, the smoke darkness is acceptable to reach the level 3 of Ringelmann scale or the 60% opacity value.
- b) In the combustion of combustible substances, the process should be controlled in such a manner that, together with conditions placed in the above paragraph, the content of SO₂, determined by measuring the darkness of a spot on a filter by a sample according to Bacharach scale should not have a value higher than 4 according to this scale for one of the successive tests and level 3 for at least two out of 3 completed tests. The controls for the smoke darkness according to Bacharach scale should not be performed during the line heating from the cold state.

Appendix No. 3

• THE VALUES OF EMISSIONS FACTORS FOR THE DETERMINATION OF EMITTED QUANTITIES BY CALCULATION

The type of the combustible matter	The type of the combustion box	The thermal capacity of the furnace	Solid matter	SO ₂	NO _x	C O	C _x H _y	Units
1	2	3	4	5	6	7	8	9
All the solid matters except coal and cokes	Fixed broil	All	1.0 A _p	19.0 S _p	3.0	45.0	10.0	kg/tons of combustible matter
Black coal and coke		All	1.0 A _p	19.0 S _p	1.5	45.0	10.0	
Black coal, coal layer, lignite briquettes	Broil belt	up to 3 MW	1.9 A _p	19.0 S _p	3.0	5.0	1.5	
			> 3 MW	1.9 A _p	19.0 S _p	3.0	1.0	
Black sifted and dusted coal, other Combustible and solid matters		up to 3 MW	1.7 A _p	19.0 S _p	3.0	5.0	1.5	
			> 3 MW	1.7 A _p	19.0 S _p	7.5	1.0	
All the combustible, solid matter, except black coal And coke	Broil belt with an overthoug motor		5.0 A _p	19.0 S _p	3.0	1.0	0.5	
	Moving and combustible broil + combustible matter with pulverized gas or diesel		3.5 A _p	19.0 S _p	3.0	1.0	0.5	
	And combustible broil + dust, pulverized		8.5 A _p	19.0 S _p	6.0	0.5	0.15	

			5.5 A _p	19.0 S _p	15.0	0.5	0.15
	Cyclone with melting gas		1.5 A _p	19.0 S _p	27.5	0.5	0.15

Appendix 4 Continued

The type of the combustible matter	The type of the combustion box	Thermal capacity of the furnace	Solid matter	SO ₂	NO _x	C O	C _x H _y	Units
1	2	3	4	5	6	7	8	9
Black coal and coke	Fixed broil	All	1.0 A _p	19.0 S _p	7.5	1.0	0.5	Kg/tons of combustible matter,
	Moving broil and combustion broil + Combustible matter with pulverized gas or diesel		3.5 A _p	19.0 S _p	7.5	1.0	0.5	
	And combustible broil + dust, dust +		8.5 A _p	19.0 S _p	9.0	0.5	0.15	
	Fusion		5.5 A _p	19.0 S _p	15.0	0.5	0.15	
	Cyclone		1.5 A _p	19.0 S _p	27.5	0.5	0.15	
Wood	All	Up to 3 MW	12.5 15.0	1.0 1.5	3.0 3.0	1.0 1.0	1.0 1.0	
Heavy and intermediate oil for combustion		Up to 100 MW	2.91	20.S	10.0	0.53	0.37	
Light oils for combustion	All	all	2.13	20.S	10.0	0.59	0.41	
Diesel and similar combustible matters	All	all	1.42	20.S	5.0	0.71	0.41	
propane and	All	up to 3 MW	0.45	0.02 S	2.4	0.46	0.18	

butane		> 3 MW	0.42	(0.004) 0.02 S (0.004)	2.8	0.37	0.07	
Gas from the coke furnace	All	to 3 MW > 3-100 MW	302 290	2.0 S (950) 2.0 S (950)	1920 3700	320 270	128 48	kg/10 ⁶ . m ³ combustible gas
Generator gas	All	up to 3 MW > 3-100 MW	302 290	2.0 S (650) 2.0 S (650)	1920 3700	320 270	128 48	

Appendix 4 continued

The kind of the combustible matter	The kind of the combustion box	The thermal capacity of the furnace	Solid matter	SO ₂	NO _x	CO	C _x H _y	Units
1	2	3	4	5	6	7	8	9
Furnace gas blast	All	Up to 3 MW > 3-100 MW	302 290	2.0 S (150) 2.0 S (150)	1920 3700	320 270	- -	kg/10 ⁶ . m ³ combustible gas
Coal gas	All	< 0.2 MW 0.2-5 MW	20 20	2.0 S (85) 2.0 S (85)	800 960	320 320	128 128	
Natural gas	All	< 0.2 MW 0.2-5 MW	20 20	2.0 S (9.6) 2.0 S (9.6)	1600 1920	320 320	128 128	

Note:

1. When the sulfur content in the combustible matter is unknown should be used the number placed in the brackets.

A_p - The content of ash in the original sample of the combustible solid matter [% weight.]

S_p - The content of sulfur in the original sample of the combustible solid matter [%

weight.]

S – The content of sulfur in the original sample of the combustible solid matter for:

- Combustible liquid matter [% weight.]

-Propane-butane [g/kg]

-Combustible gaseous matter [mg/m³]

2- If the measured content of oxygen is different from the refereed one as a result of thinning down of gases, the emission mass must be corrected by multiplying the result with a factor k, that is calculated by the formula:

$K = (21 - O_1) / (21 - O_2)$ where

O₁ is the refereed content of oxygen in the gas that comes out of the chimney

O₂ is the refereed content of oxygen that comes from the final equipment before the equipment that emit the gas in the atmosphere

Appendix No. 4

MEASURING METHODS AND THE TECHNICAL REQUIREMENTS TOWARDS TOOLS FOR CONTINUOUS MEASUREMENTS

I. The continuous analyzing methods for the measuring of the following:

A. Solid pollutes

Absorption of beta rays

Photometer

B. Gaseous emissions

The principle of the method

Spectrometer with infra red rays

Ultraviolet spectrometer

Potentiometer

Calorimeter

Detection by ironing flame

Catalytic combustion

Chemiluminescence's

Measured air pollute

SO₂, CO, NO_x (NO), Cl⁻

SO₂, NO_x (NO), CO

F⁻ and Cl⁻

H₂S

hydrocarbons, organic matter

hydrocarbons, organic matter

NO_x (NO)

II. The requirements towards tools for continuous measurement of polluting emissions

The polluting emissions must be measured through tools that must meet the technical parameters as follows:

a)	The least detected amount	Up to 2% of the interval
b)	The temperature of the surrounding environment	+ 5°C to 35°C or -10°C up to + 55°C
c)	The dependence of temperature from point 0 during a change of 10°C	Less than ± 2% of the most sensitive interval (The outer effects must be compensated)
d)	The dependence of temperature	Less then ± 3% of the interval

		The sensibility (of data) towards a change of 10°C	The greater effects must be compensated
	e)	The interference effect of all the components in measure	Less than $\pm 4\%$ of the most sensitive interval
	f)	90% value of time	It must not be higher than 200 sec. including even the time of the sample taking
	g)	The changes in 0 during the control interval	It must not be higher than $\pm 2\%$ in the most sensitive interval
	h)	The changes in sensitivity for the same period of time	It must not be higher than $\pm 2\%$ in the most sensitive interval
	i)	The taking of samples and equipments of samples taking	All designed in such a way that prevents blocking with solid matter and the absorption of the substances that are going to be measured
	j)	point 0 and of reference	It must be checked during the interval with at least 1 registration in the registering equipment
	k)	The producer must specify the time interval for the enlargement, calibration and maintenance of the apparatus	

Appendix No. 5

THE EQUIVALENT TOXITY OF BENZODIOXIDES AND DIBENZOFURANES

In determination of the summary values, the concentration in mass of dioxins polychlorinated and dibenzofuranes must multiply by sufficient toxic coefficients:

		The toxic equivalent coefficient
2,3,7,8	- tetrachlordibenzodioxin (TCDD)	1
1,2,3,7,8	- pentachlordibenzodioxin (PeCDD)	0.5
1,2,3,4,7,8	- hexachlordibenzodioxin (HxCDD)	0.1
1,2,3,7,8,9	- hexachlordibenzodioxin (HxCDD)	0.1
1,2,3,6,7,8	- hexachlordibenzodioxin (HxCDD)	0.1
1,2,3,4,6,7,8	- heptachlordibenzodioxin (HpCDD)	0.01
	octachlordibenzodioxin(OCDD)	0.001
2,3,7,8	- tetrachlordibenzofurane (TCDF)	0.1
2,3,4,7,8	- pentachlordibenzofurane (PeCDF)	0.5
1,2,3,7,8	- pentachlordibenzofurane (PeCDF)	0.05
1,2,3,4,7,8	- hexachlordibenzofurane (HxCDF)	0.1
1,2,3,7,8,9	- hexachlordibenzofurane (HxCDF)	0.1
1,2,3,6,7,8	- hexachlordibenzofurane (HxCDF)	0.1
2,3,4,6,7,8	- hexachlordibenzofurane (HxCDF)	0.1
1,2,3,4,6,7,8	- heptachlordibenzofurane (HpCDF)	0.01
1,2,3,4,7,8,9	- heptachlordibenzofurane (HpCDF)	0.01
	oktachordibenzofurane (OCDF)	0.001

Appendix No. 6

THE UNCHANGABLE AND CHANGABLE INFORMATION LIST OF THE NOTES DURING FUNCTIONING

1. Identification of the pollution source

Constant information

Data of the operator

Identification number of the operator, birth certificate, name of the activity and his address, district, prefecture and municipality, street, number, telephone, fax, bank account, statute representation and pollution sources number.

Data of pollution sources

Identification number of the pollution sources, category, name and content of the source, (e.g. the plant of the furnace with separator, technology, mines, quarry, landfill and combustion area, etc), address (district, prefecture and municipality, street, number, telephone, fax), bank account, statute representation and pollution sources number, in case when these change with the identification of the operator,

the number of mortgage registration, general capacity or the production capacity, the responsible person.

2. Data of the technical functioning

Constant data:

Identification number of pollution source, number of the technology registration, type of production (according to the appendix no 2), name, producer, the year of production and first operation, the period of moral amortization, daily and weekly regime, the registration of chimneys or exits of gases, the number of special units, the application of the emission norms.

- a) Information on furnaces and the units of heating processes without having a direct contact with the technical substance

Constant information:

The type of the furnace or equipment, the producer, the year of first operation, the nominal thermal capacity, the furnace or equipment efficiency according to the producer, the type of the firebox.

For the furnaces for the electric energy production or combined production with thermal energy, also the electric capacity installed.

For the furnaces and equipments that burn flammable gaseous and liquid matters, also the type, the capacity and the overpressure of the combustion.

For furnaces and equipments burning in a simultaneously manner more than a type of combustible matter, also use the type of the extra combustible matter and its average contribution in the thermal capacity of the line.

Changeable information:

The year, month, day, hour, operation hours, produced heat, the average use of the thermal capacity.

For furnaces for electric energy production or combined production with thermal energy, also, the electric capacity produced and the average use of the electrical capacity installed.

- b) Information about the combustion processes with a direct contact of combustion products with technical substance.

Constant information:

The type and characteristics of the combustion line, nominal thermal capacity, combustion number, type, capacity and over pressure of the combustive work, name of the product, specific unit of the product, the capacity of production.

Changeable information:

Year, month, day, hour, operation hours, amount of the produced product (the number of the nominal units of the product in a given day, month, year)

- c) Other technical processes

Constant information:

The design of product, specific unit of production, production capacity, specific need for energy.

Changeable information:

Year, month, day, hour, operation hours, amount of the product produced (the number of the nominal units of the product in a given day, month, year)

3. Information about the combustible matters and raw materials

a) Information on combustible matters

Constant information:

The identification number of the source (source), the registration number of technology

Changeable information:

Year, month, day, time, type of the combustion matter, number of operation hours, features of the combustible matter (capacity of heat, content of water in the dry matter or the content of ashes and sulfur in the original sample), the pollutes emissions. (Summary evaluation).

For other furnaces and lines, that combust in simultaneous way more than a type of combustible matter, also: the type of the combustible matter, consumption of special kinds of combustible matter, number of operation hours, qualities of the combustible matter and their individual contribution in the thermal capacity.

b) Information on raw materials

Constant information:

The identification number of the source, the registration number of the technology

Changeable information:

Year, month, date, time, name of the raw material, specific unit of the raw material, the content of pollutes in the raw material (emissions of the specific production related to a specific unit of the raw material), consumption of the raw materials in specific units, pollutes emissions (summary evaluation).

4. Information on emission lines and norms

Constant information:

Identification number of the source and registration number of the technology. Registration number and the type of the separation equipment, unit number, producer, operation year, type of the pollution ingredients, guaranteed efficiency.

Continuing information:

Registration number of the separation equipment, registration time, type of pollution ingredients, actual efficiency and the use in time and in a given interval.

5. Information on chimneys

Constant information:

Identification number of the source and registration number of the technology. Registration number of the chimneys (or other exits), height of chimneys (or other exits in air) and inner diameter of the chimney.

Changeable information:

The registration number of the chimney, inner surface in the measuring point of gas speed, the average temperature and the velocity of gases that pass through the chimney (summary evaluation)

6. Information on the measures

Constant information:

Identification number of the source and registration number of the technology.

Changeable information:

Date, name of the entity performing only one measure or a simultaneous warranted measures, type, number, conditions and the measuring place, the measuring instrument and used measuring method; name of the pollution ingredients and concentrations of every pollute in the conditions of reference measured, the velocity of the current, of the temperature and gas pressure, the content of the oxygen in gas of the chimney, concentration and the flow in mass of the pollution ingredients determined.

7. Information on breakdowns and emergencies

Constant information:

Identification number of the source and registration number of the technology.

Changeable information:

Date, equipment's name, duration, type and amount of emissions, cause of the accident, adapted measures and notice of the authorities about the air pollution.

Appendix No. 7

REQUIREMENTS ON QUALITY OF COMBUSTIBLE SUBSTANCES FOR COMBUSTIONS IN ALL SOURCES OF POLLUTION AND OF USE FROM THE CONSUMERS AT LARGE

Specific norms of sulfur content in combustible matter [g.MJ ⁻¹]	
Dark brown domestic coal	1.07
Dark brown imported coal	0.50
Black domestic coal	0.78
Black imported coal	0.50
Locally produced briquettes	0.60
Imported briquettes	0.50
Norms of sulfur content [% of weight]	
Fossil fuels	1.0
Oil for combustion	0.05

The limited specific content of sulfur in combustible matters constitutes the highest permitted content of sulfur components expressed as sulfur in grammas in the original state of combustible matter related with its thermal capacity.

The limited sulfur content in fossil fuels constitutes the highest permitted content of sulfur components expressed as sulfur in percentage of weight.

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- **Appendix No.1**
- **THE LIST OF POLLUTES**

- **Group 0 - The Basic pollutants**

Solid matter
Sulfur oxides
Nitrogen oxides
Carbon oxides

Group 1

<p style="text-align: center;"><i>Sub-group 1.</i></p> <p>asbestos benzoic(a)pyrite 2-naftilo amine beryllium and its components expressed as Be Cadmium and its components expressed as Cad dibenzoanthracite</p>	<p style="text-align: center;"><i>Sub-group 2</i></p> <p>Arsenic and its components expressed as As</p> <ul style="list-style-type: none"> • Chromium components (VI) expressed as Cr <p>Cobalt and its components expressed as Co Nickel and its components expressed as Ni</p>
<p style="text-align: center;"><i>Sub-group 3</i></p> <p>acrylic nitrite benzene 1,3-butadien epichlorhydrine ethylene oxide hydrazine propylene oxide vinyl chloride</p>	<p style="text-align: center;"><i>Sub-group 4</i></p> <p>polychlorinated biphenyl polychlorinated dibenzofuranes polychlorinated dibenzodioxins</p>

Group 2

<p style="text-align: center;"><i>Sub-group 1</i></p> <p>mercury and its components expressed as Hg thallium and its components expressed as Tl</p>	<p style="text-align: center;"><i>Sub-group 2</i></p> <p>selenium and its components expressed as Se tellurium and its components expressed as Te</p>
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Sub-group 3

antimony and its components expressed as Sb
tin and its components expressed as Sn
fluoride expressed F⁻
chromium and its components expressed as (with exception of Cr^{VI}) Cr
cyanur expressed CN⁻
manganese and its components expressed as Mn
cooper and its components expressed as Cu
lead and its components expressed as Pb
vanadium and its components expressed as V
zinc and its components expressed as Zn

Group 3

<i>Subgroup 1</i>	<i>Sub-group 2</i>
SbH ₃ AsH ₃ PH ₃ phosgene Cyan hydroid chloride	bromine and its gas components expressed as HBr fluorine and its gas components expressed as HF chlorine acid/hydrogen cyanide hydrogen sulfide strong organic acids expressed as H ⁻
<i>Sub-group 3</i>	
Ammoniac Inorganic gas components of chlorine expressed as HCl	

Group 4

<i>Sub-group 1</i>	<i>Sub-group 2</i>
Aldehyd acetic	benzoic aldehyd
Aniline	butyric aldehyd
benzene chloride	1,4-dichlorbenzene
diethyl amine	ethyl benzene
1,2-dichlorethane	furfural chlorbenzene
1,1-dichlorethylene	2-chlorpren (2-chlorine-1,3-butadiene)
dimethyl amine	2-chlorpropan
ethanol amine	isopropyl benzene
ethylene acrolith	acid acetic
phenol	acetate methyl
formic aldehyd	methyl metacrilate
cresol	1-methyl naphthalene
acid acrylic	2-methyl naphthalene
acid formic	naphthalene
mercaptane	styrene
methyl acrolith	toluene
methyl amine	vinyl acetate
nitrobenzene	xilen
nitro phenol	
nitro cresol	
nitrotoluenes	
pyridine	
sulfur carbon	
1,1,2,2-tetra chlorine ethane	
tetra chlorine ethylene	
tioether	
o-toledine (2-methyl aniline)	
trichlormethane	
trichloroethylene	

Sub-group 3

acetone
alkali alcohol
biphenyl
2-butanon
butyl acetate
dibutyric ether
diethyl ether
biphenyl ether
1,2-dichlorethylene
dichloromethane
diisopropyl ether
diethyl ether
ethyl acetate
ethylene glycol
4-hydroxil-4-ethylene-2-penthanon
methyl esters of benzoic acid
4-methyl-2-penthanol
N-methyl pirrolydon
olefin except 1,3-
paraffin except methane

Appendix No. 2

CATEGORIZATION OF SOME SELECTED SOURCES OF POLLUTION, NORMS OR EMISSIONS, PERMISSIBLE LEVEL OF SMOKE DARKNESS AND TECHNICAL CONDITIONS OF ACTIVITY OF SELECTED SOURCES OF POLLUTION

For the purpose of this Appendix, will be used the following denominations:

Conditions of Reference A for norms of emissions that refer to the concentration of relevant pollute in dry gas in normal conditions (101.32 kPa, 0°C), which may be followed by the referred content of other substances in the carrier gas (normally oxygen).

Conditions of Reference B for norms of emissions that refer to the concentration of relevant pollute in wet gas in normal conditions (101.32 kPa, 0°C), which may be followed by the referred content of other substances in the carrier gas (normally oxygen).

Conditions of Reference C for norms of emissions that refer to the concentration of relevant pollute in wet gas in normal conditions of activity.

1. INDUSTRY OF PRODUCTION OF COMBUSTIBLE MATTERS AND OF ENERGY

1.1 Combustion of combustible matters for processing of diesel in technical plants containing stable [immovable] equipments with a thermal capacity higher than 0.2

MW (KPTHN³ – in Ballsh, UPN⁴ – in Fier)

1.1.1 Furnaces with fossil fuels –Dark viscous industrial oil

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
> 0.2 - 20	200	8000	650	350	-	3

1.1.2 Furnaces with fossil fuels -Solar

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
> 0.2 - 20	100	6000	300	200	-	3

1.1.3 Furnaces with fossil fuels - Gasoline

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
> 0.2 - 20	50	900	200	100	-	3

1.1.4 Sulfur production in KPTHN

Quantity of Emission Nm ³ /24hrs	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Sulfur Hydroge n H ₂ S	Carbon Oxide CO	Organic Matter as Σ C	
1500	0.2	34	15	0.2	-	3

³ Note of the translator: KPTHN – abbreviation for Profound Processing of Petroleum Plant

⁴ Note of the translator: UPN – Petroleum Processing Factory

1.1.5 Breakdown column in the coke plant KPTHN - Ballsh

Quantity of Emission Nm ³ /24hrs	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Sulfur Hydrogen H ₂ S	Carbon Oxide CO	Organic Matter as Σ C	
300	0.2	84	15	0.2	-	3

1.2 Combustion of fossil fuels for production of energy in technical plants that contain stable equipments with a thermal capacity higher than 0.5 MW (TEC-e – Thermal Electrical Plants)

1.2.1 Furnaces with fossil fuel - Dark viscous industrial oil

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Sulfur Dioxide SO ₂	Carbon Oxide CO	Organic Matter as Σ C	
> 50	200	8000	650	350	-	3

2. INDUSTRIAL PRODUCTION AND METALS PROCESSING

The requirements for design, equipping and/or operation of technological process

For processes with interrupted operation and changeable emissions, must be set emission norms on average parameters of technical processes.

All the emissions of solid pollutes in air from sources specified in chapter 2 must be minimized by the extension or removal of pollutes or by the hermetic closer if this is technically possible.

2.1 Production of steel in an electrical furnace with circuit (FEH)

Capacity of FEH in tons	Temporary Norm of emission in mg/m ³ , for	Reference Conditions
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
20~50 t	100	1700	600	1800	-	C

2.2 Heating furnaces for thermal treatments of lamination and other plastic deformations

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
>0.2 ~ 50	100	1700	450	300	-	3

2.3 Plants for production of Ferro-binds through electro-thermal or pyro-metalurgical processes

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference Conditions
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
>0.2 ~ 50	140	-	400	1600	-	C

2.4. Production of blister copper in Water-Jacket or Reverber furnaces

Thermal installed capacity MW	Temporary Norm of emission in mg/m ³ , for	Reference Conditions
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
30 - 40	1000	30000	-	3000	-	C

3. PRODUCTION OF MINERAL NON-METALLIC PRODUCTS

(Big pollution sources with exception of those given in the table)

3.1 Stone quarries and their processing plants, Stone transportation, The Process and operation – Natural and artificial stones (intermediate pollution sources)

All places and processes which emit solid pollutes in the air must provide according to the technical abilities and on basis of the nature of the process with water or

sprinkle nets, dust absorbing or sprinkle system.

3.2 Production of lime

	Temporary Norm of emission in mg/m³, for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
	100	800	1800	250	-	C

3.3 Production of cement

	Temporary Norm of emission in mg/m³, for	Reference of Oxygen content in %
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	Solid Matter (SM)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Organic Matter as Σ C	
	100	800	1500	250	1.5	C

4. CHEMICAL INDUSTRY

(Big pollution sources with exception of those written in the text)

4.1 Service stations and transportation lines of fossil fuels for vehicle motors (intermediate pollution sources)

For pumping of the substances with a steam pressure higher than 1.32kpA in a temperature of 20Celsius degree (e.g. during the discharge from the movable tanks, or during their loading from the storage tanks), conditions for collection, recycling and the elimination of such substances with efficiency less lower than 99% and must be established the following:

- d) Must be used pumps that stop the discharge of pumped substances e.g. with a mechanical blockage
- e) At least an operating line for loading of movable tanks must be equipped for loading the movable tanks from the lower bottom.
- f) Operation lines for filling of movable tanks from the top must be safeguarded in a manner that during the loading, the end of the filling pipe stays at the bottom of the movable tank.

The general values of emission norms are equally valid to apply even to such lines.

4.2 Production of inorganic substances

4.2.1 Production of industrial chemical fertilizers

The general values of emission norms are equally valid to apply to ammoniac, oxides and the components of nitrogen, components of sulfur, components of phosphor and solid matters.

For super phosphate:

Solid Substances (SS)	50 mg/m ³
Sulfur Dioxide (SO ₂)	1200 Nm ³ /hour

5. TREATMENT OF WASTE

5.1 Big pollution sources

5.1.1 Line for combustion of hazardous and hospital waste

Emission Norms [mg/m ³] for					Reference Content of Oxygen O ₂ [%]	Reference Conditions
Solid Substances (SS)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Other		
1	2	3	4	5	6	7
10	300	500	150	2 ¹⁾ 10 ²⁾	11	A

Note:

1. HF (Hydrogen Fluoride)
2. HCl (Hydrogen Chloride)

5.2 Intermediate sources of pollution

5.2.1 The plants for the treatment of used water

Equipments with capacity for 500 or more inhabitants equivalent or designed for the operation of technologies that produce water pollution. Odorous substances should not be present in discharged air in concentrations that may cause disturbance to inhabitants.

5.2.2 The composting plants

Equipments made for industrial composting. Odorous substances should not be present in discharged air in concentrations that may cause disturbance to inhabitants.

5.2.3 Plants for the combustion of used wood, paper remnants and other

similar waste

Emission Norms [mg/m ³] for					Reference Content of Oxygen O ₂ [%]	Reference Conditions
Solid Substances (SS)	Sulfur Dioxide SO ₂	Nitrogen Oxides as NO ₂	Carbon Oxide CO	Other		
1	2	3	4	5	6	7
50	300	500	250	5 ¹⁾ 50 ²⁾	11	A

b) It is prohibited to burn waste in plants with less than 350kw calorific power.

6. OTHER

(Intermediate pollution sources with exceptions noted in the text)

6.1 Structures and lines for the management of domestic animals

The complexes with the average yearly augmentation [growth] of more than 500 heads cattle, more than 5000 heads pigs, and more than 50 000 heads poultry should be considered as **big source of pollution**.

The complexes with the average yearly augmentation amid 180 – 499 heads cattle, 500-4999 heads pigs, and more than 1000-49 999 heads poultry should be considered as an **intermediate source of pollution**.

The general values of the emissions norms are equally valid to apply for the ammoniac.

Odorous substances should not be present in the discharged air in concentrations that may cause disturbance to inhabitants.

The emission of organic substances expressed in carbon total should not exceed the following values:

- a) Excrements in warmth for bearing more than 50gram per hour
50mg/m³
- b) Excrements in the cold for bearing more than 50-300 gram per hour
120mg/m³
- c) Excrements in the cold for bearing more than 300 gram/hour
50mg/m³

6.2 Complexes for the animals health care

The lines for collection and processing of animals body and the production of feeding materials, fertilizers and grease from the lateral excrements of animals like the bones, skins, the blood, horns, hairs, etc.

Odorous substances should not be present in the discharged air in concentrations that may cause disturbance to inhabitants.

6.3 The use of colors

The lines and technology designed for the use of liquid or pulverized materials (e.g. with sprinkling, dyeing, painting, polishing etc) as colors for different substances

(such as metals, plastic, leather, wood etc), with the exception of paper and cardboard.

The requirements for construction, equipping or operation of the technological processes

1. In order to reduce the emissions of organic substances should be used all technically available means especially the use of technologies with a low concentration of coating solvent, the application of high efficient processes, etc.
2. For the establishment of emissions norms such lines should be considered as technical units of a coated technical system.
3. For the use of color should be valid **the Conditions of Reference C**

6.3.1 The use of colors with consumption of coating more than 5 kilos a day, up to an annual consumption of 10tons (intermediate sources of pollution).

The emission norm should be the value of the hourly value of the emission norm for the volatile substances including of solvents expressed as carbon total 100mg/m³

6.3.2 The color shops with consumption for coating higher than 5 kilos a day, up to an annual consumption higher than 10tons (big sources of pollution)

The mass concentration of solid polluters in gases that come out from the dry boxes or from the areas of the use of clothes should not exceed 3mg/m³.

6.3.3 Other color shops with an annual consumption for coating less than 250 tons

The emission norm should correspond to the specific discharge of the production of volatile substances, expressed as general carbon in an amount of:

- 120 mg/m³ for the application of coating with metallic effects
- 60 mg/m³ for the application of other clothes.

In the same time the mass concentration of volatile substance in the remaining air that emits of the coating application area, expressed as general carbon, should not exceed 50mg/m³

6.4 The wood processing

The industrial processing of wood (e.g. mills), production of furniture and construction cardboard except grinding and conservation in warehouses operations

Pollutes	Emission	Emission	of	Reference	Note
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	norm [mg/m ³]	specific production [kg/tons]	Conditions	
1	2	3	4	5
Solid Matter	70 ¹⁾ 20 ²⁾		C	³⁾

Note:

4. For all the technical operations except the cleaning with sandpaper
5. For the cleaning with sandpaper in the production of scaffolds and furniture
6. The emission norms for the organic substances in the production of veneer and in the production of pasteboard for building and furniture should be determined specifically taking under consideration the operation conditions.

6.5. Polygraph Industry

The lines and technologies produced for application of ink print in letter, pasteboard or other materials produced by them, or the use of similar technical and material applications

Pollute component	Emission norm [mg/m ³]	Emission of specific production [kg/tons]	Reference Conditions	Note
1	2	3	4	5
Organic components Solid substances	50 ²⁾ 3	-	C	¹⁾

Note:

4. In gases that emit from the application and drying of printing colors area
4. Expressed as general carbon

6.7 Wiping the grease from metals and electric components that use chlorinated organic solvents

In gases emitting from technologies and degreasing lines that use a volume of chlorinated organic solvents higher than 5 liters, and for a flow mass of steam higher than 500g/h, the mass concentration of these solvents steam in exit of the extraction equipment of gas into air should not exceed 100mg/m³ for the Conditions of Reference C.

6.8 The cleaning of cloth, leather and fur coat with organic solvents

For the concentration values should be valid the Conditions of Reference C. The mass concentration of the chlorinated solvents steam in gases that emit from the drying containers and working environs, for a flux higher than 500g/h should not

exceed the values of 150mg/m³.

The specific production emissions, determined from the monthly average, should not exceed 30g of solvent for a kilo of cloth, leather and cleaned fur cloth.

Each line should be equipped with equipments for the capture of concentrated steam.

In the cleaning of cloth, leather and fur coat with gasoline 150/200, or similar alkenes solvents, the mass concentration in the gas carrier should not exceed the value of 6g/m³.

The specific production emissions, determined from the monthly average, should not exceed the value of 150 g solvent for a kilo of cloth, leather and cleaned fur.

7. UNCLASSIFIED PROCESSES

In this appendix are not specified those processes for which the general norms of emissions are equally valid.

In such a case, the classification of the sources and obligations related with them, come from the points of this appendix, especially § 6 and § 5 par. 2

B. GENERAL VALUES OF THE GASEOUS EMISSION NORMS AND THE PERMITTED SCALE OF THE DARKNESS OF SMOKE

All emission norms of this appendix are valid for the concentration of gas damp, (+) in ⁺normal conditions (pressure of 101.32 kPa and temperature of 0°C).

0. Emission norms for polluting substances of group 0- base polluters

e) Emission norms for solid polluters

The source of pollution should be constructed and operate is such a manner that for a flow in quantity, of solid polluters, equal or less than 1kg/h, the mass concentration of solid polluters in the gas of the chimney does not exceed the value of 250 mg/m³. For a flow in quantity of solid polluters higher than 1 kg/h, the mass concentration of solid polluters in the gas of the chimney does not exceed the value of 200mg/m³.

f) Emission norms for the sulfur dioxide

The source of pollution should be constructed and operate is such a manner that for a flow in quantity of sulfur dioxide higher than 25kg/h, the mass concentration of the sulfur dioxide in the gas of the chimney does not exceed 8500mg/m³.

g) Emission norms of nitrogen oxides

The source of pollution should be constructed and operate is such a manner that for a flow in quantity of nitrogen oxides higher than 25kg/h, the mass concentration of nitrogen oxides in the gas of the chimney does not exceed 650mg/m³. The values of the flow in quantity and the mass concentration of nitrogen oxides should be expressed as nitrogen dioxides.

⁺ damp gas is considered the gas with water content which comes out of the technological process

h) Emission norms for the monoxide carbon

The source of pollution should be constructed and operate in such a manner that for a flux of monoxide carbon higher than 25kg/h, the mass concentration of the monoxide carbon in the gas of the chimney does not exceed 350mg/m³.

1. Emissions norms for the permitted scale of the darkness of smoke

The highest permitted norm of the smoke darkness should be an optical feature of the smoke produced by the absorption in the line of smoke that leaves the chimney. This amount should be expressed in units according to Ringelmann scale for the line of the smoke (levels 0-5). The smoke darkness can also be expressed with Bacharach scale (0-9) or by measuring the opacity (%) which should be measured in the smoke flue.

The highest permitted norm of the smoke darkness caused by combustion processes should apply the following general emission norms:

- a) In the combustion of combustible substances, the smoke should not be darker than level 2 for measures and evaluations according to Ringelmann scale; whilst according to the measured value of opacity should not be higher than 40%. During the period of the line and equipment heating from the cold state, which lasts 30 minutes the maximum, when the furnace technical manual does not say otherwise, the smoke darkness is acceptable to reach the level 3 of Ringelmann scale or the 60% opacity value.
- b) In the combustion of combustible substances, the process should be controlled in such a manner that, together with conditions placed in the above paragraph, the content of SO₂, determined by measuring the darkness of a spot on a filter by a sample according to Bacharach scale should not have a value higher than 4 according to this scale for one of the successive tests and level 3 for at least two out of 3 completed tests.

The controls for the smoke darkness according to Bacharach scale should not be performed during the line heating from the cold state.

Appendix No. 3

VLERAT E FAKTORËVE TË SHKARKIMEVE PËR PËRCAKTIMIN E SASIVE TË SHKARKUARA ME LLOGARITJE

Type of combustible matter	Type of the Box	Thermal Capacity of furnace	Solid matter	SO ₂	NO _x	CO	CxHx	Unit
Mid and heavy Oils	All	Up to 100MW	4	25..S	15.0	1.0	0.7	kg/tons of burned combustible matter
Light oils for combustion	All	All	4	25. S	15.0	1.0	0.9	kg/tons
Diesel	All	All	1.42	20. S	5.0	0.71	0.41	kg/tons
Propane-butane	All	Up to 3 MW > 3 MW	0.45 0.42	0.02 .S 0.02. S	2.4 2.8	0.46 0.37	0.18 0.07	kg/tons
Natural gas	All	< 0.2 MW 0.2 ~ 5 MW	20 20	2.0. S 2. 0.S	1600 1920	320 320	128 128	kg/106m ³ of combust ed gas

Appendix No. 4

MEASURING METHODS AND THE TECHNICAL REQUIREMENTS TOWARDS TOOLS FOR CONTINUOUS MEASUREMENTS

I. The continuous analyzing methods for the measuring of the following:

A. Solid pollutes

Absorption of beta rays
Photometer

B. Gaseous emissions

The principle of the method

Spectrometer with infra red rays
Ultraviolet spectrometer
Potentiometer
Calorimeter
Detection by ironing flame

Measured air pollute

SO₂, CO, NO_x (NO), Cl⁻
SO₂, NO_x (NO), CO
F⁻ and Cl⁻
H₂S
hydrocarbons, organic matter

Catalytic combustion
Chemiluminescence's

hydrocarbons, organic matter
NO_x (NO)

II. The requirements towards tools for continuous measurement of polluting emissions

The polluting emissions must be measured through tools that must meet the technical parameters as follows:

a)	the least detected amount	Up to 2% of the interval
b)	The temperature of the surrounding environment	+ 5°C to 35°C or -10°C up to + 55°C
c)	The dependence of temperature from point 0 during a change of 10°C	Less than ± 2% of the most sensitive interval (The outer effects must be compensated)
d)	The dependence of temperature	Less then ± 3% of the interval
	The sensibility (of data) towards a change of 10°C	The greater effects must be compensated
e)	The interference effect of all the components in measure	Less than ± 4% of the most sensitive interval

f)	90% value of time	It must not be higher than 200 sec. including even the time of the sample taking
g)	The changes in 0 during the control interval	It must not be higher than ± 2% in the most sensitive interval
h)	The changes in sensitivity for the same period of time	It must not be higher than ± 2% in the most sensitive interval
i)	The taking of samples and equipments of samples taking	All designed in such a way that prevents blocking with solid matter and the absorption of the substances that are going to be measured
j)	point 0 and of reference	It must be checked during the interval with at least 1 registration in the registering equipment
k)	The producer must specify the time interval for the enlargement, calibration and maintenance of the apparatus	

Appendix No. 5

THE UNCHANGABLE AND CHANGABLE INFORMATION LIST OF THE NOTES DURING FUNCTIONING

1. Identification of the pollution source

Constant information

Data of the operator

Identification number of the operator, birth certificate, name of the activity and his address, district, prefecture and municipality, street, number, telephone, fax, bank account, statute representation and pollution sources number.

Data of pollution sources

Identification number of the pollution sources, category, name and content of the source, (e.g. the plant of the furnace with separator, technology, mines, quarry, landfill and combustion area, etc), address (district, prefecture and municipality, street, number, telephone, fax), bank account, statute representation and pollution sources number, in case when these change with the identification of the operator, the number of mortgage registration, general capacity or the production capacity, the responsible person.

2. Data of the technical functioning

Constant data:

Identification number of pollution source, number of the technology registration, type of production (according to the appendix no 2), name, producer, the year of production and first operation, the period of moral amortization, daily and weekly regime, the registration of chimneys or exits of gases, the number of special units, the application of the emission norms.

- a) Information on furnaces and the units of heating processes without having a direct contact with the technical substance

Constant information:

The type of the furnace or equipment, the producer, the year of first operation, the nominal thermal capacity, the furnace or equipment efficiency according to the producer, the type of the firebox.

For the furnaces for the electric energy production or combined production with thermal energy, also the electric capacity installed.

For the furnaces and equipments that burn flammable gaseous and liquid matters, also the type, the capacity and the overpressure of the combustion.

For furnaces and equipments burning in a simultaneously manner more than a type of combustible matter, also use the type of the extra combustible matter and its average contribution in the thermal capacity of the line.

Changeable information:

The year, month, day, hour, operation hours, produced heat, the average use of the thermal capacity.

For furnaces for electric energy production or combined production with thermal energy, also, the electric capacity produced and the average use of the electrical capacity installed.

b) Information about the combustion processes with a direct contact of combustion products with technical substance.

Constant information:

The type and characteristics of the combustion line, nominal thermal capacity, combustion number, type, capacity and over pressure of the combustive work, name of the product, specific unit of the product, the capacity of production.

Changeable information:

Year, month, day, hour, operation hours, amount of the produced product (the number of the nominal units of the product in a given day, month, year)

c) Other technical processes

Constant information:

The design of product, specific unit of production, production capacity, specific need for energy.

Changeable information:

Year, month, day, hour, operation hours, amount of the product produced (the number of the nominal units of the product in a given day, month, year)

3. Information about the combustible matters and raw materials

a) Information on combustible matters

Constant information:

The identification number of the source (source), the registration number of technology

Changeable information:
Year, month, day, time, type of the combustion matter, number of operation hours, features of the combustible matter (capacity of heat, content of water in the dry matter or the content of ashes and sulfur in the original sample), the pollutes emissions. (Summary evaluation).

For other furnaces and lines, that combust in simultaneous way more than a type of combustible matter, also: the type of the combustible matter, consumption of special kinds of combustible matter, number of operation hours, qualities of the combustible matter and their individual contribution in the thermal capacity.

b) Information on raw materials

Constant information:

The identification number of the source, the registration number of the technology

Changeable information:

Year, month, date, time, name of the raw material, specific unit of the raw material, the content of pollutes in the raw material (emissions of the specific production related to a specific unit of the raw material), consumption of the raw materials in specific units, pollutes emissions (summary evaluation).

4. Information on emission lines and norms

Constant information:

Identification number of the source and registration number of the technology. Registration number and the type of the separation equipment, unit number, producer, operation year, type of the pollution ingredients, guaranteed efficiency.

Continuing information:

Registration number of the separation equipment, registration time, type of pollution ingredients, actual efficiency and the use in time and in a given interval.

5. Information on chimneys

Constant information:

Identification number of the source and registration number of the technology. Registration number of the chimneys (or other exits), height of chimneys (or other exits in air) and inner diameter of the chimney.

Changeable information:

The registration number of the chimney, inner surface in the measuring point of gas speed, the average temperature and the velocity of gases that pass through the chimney (summary evaluation)

6. Information on the measures

Constant information:

Identification number of the source and registration number of the technology.

Changeable information:

Date, name of the entity performing only one measure or a simultaneous warranted measures, type, number, conditions and the measuring place, the measuring instrument and used measuring method; name of the pollution ingredients and concentrations of every pollute in the conditions of reference measured, the velocity of the current, of the temperature and gas pressure, the content of the oxygen in gas of the chimney, concentration and the flow in mass of the pollution ingredients determined.

7. Information on breakdowns and emergencies

Constant information:

Identification number of the source and registration number of the technology.

Changeable information:

Date, equipment's name, duration, type and amount of emissions, cause of the accident, adapted measures and notice of the authorities about the air pollution.

Appendix No.6

TEMPORARY REQUIREMENTS FOR QUALITY OF COMBUSTIBLE MATTER FOR CUMBUSTION IN ALL POLLUTION SOURCES AND FOR USE BY THE CONSUMER AT LARGE

1. for local combustible matter:

- Liquid, solid and gaseous apply standards of production in force.

2. for imported combustible matter

- Liquid, solid and gaseous apply requirements of Appendix No. 7 of Decision of the Council of Ministers No.435, dated 12.09.2002 "On endorsement of emission norms in air in the Republic of Albania".

D E C I S I O N
(No. 435 dated 12. 09. 2002)

**CONCERNING ENDORSEMENT OF DISCHARGES IN THE AIR IN THE
REPUBLIC OF ALBANIA**

Pursuant to article 100 of the Constitution and point 2 of article 6 of Law no. 8897, dated 16. 05. 2002 "Concerning the protection of air from pollution" upon proposal from the Minister of Environment, the Council of Ministers,

HAS DECIDED AS FOLLOWS:

1. To endorse the norms of discharges in the air according to the annexes attached to this decision.
2. Discharge norms endorsed by this decision are binding only upon subjects commencing their activity following the entrance into force of this decision.
3. The Ministry of Environment is hereby charged to implement this decision.

This decision enters into force 15 days after its publication in the Official Journal.

PRIME MINISTER
• **Fatos**
Nano

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L A W
No. 8094 dated 21. 03. 1996

CONCERNING
PUBLIC DISPOSAL OF WASTE

Based on article 16 of Law No. 7461 dated 29. 04.1991 "On basic constitutional provisions" upon proposal from the Council of Ministers,

The People's Assembly of the Republic of Albania

Has decided as follows:

CHAPTER I

Article 1

Purpose

The purpose of this law is to protect the urban environment from waste pollution by regulating the public disposal of waste inside municipal and commune territories, as per the border lines defining the jurisdiction of each commune and municipality. Its purpose is also to discipline the public service of waste disposal in the towns (discarding, collection, cleaning and concentration) within the perimeter of each of the above territories.

Article 2

Ownership

Any kind of waste, in accordance with definitions of this law, after collection become government property.

Article 3

General Stipulations

The waste disposal service is obligated to honor the following principles:

- 1** – Avoidance of any threat or damage to the health, wellbeing and safety of the life of humans.
- 2** – The enforcement of hygiene and health requirements to reduce the risk of polluting the air, the water, the soil and subsoil.
- 3** – Protection of the fauna and flora and the environment and landscape from degradation.

Article 4

Definitions

For the purposes of this law:

- 1** - "Waste" means substances or objects for which people have no further use;
- 2** - "Public disposal of waste" is the process of discarding, collection, transportation and concentration of the waste.
- 3** - "Collection of waste" is the taking possession of waste at public amenity sites.
- 4** - "Waste establishment" is a site designated by the local government for waste processing and manipulation
- 5** - "Voluminous object" means huge solid waste such as mobile equipment, vehicle parts, concrete fragments, metals and other voluminous waste, the proportions of which obstruct the use of usual methods for their collection, transport or movements.
- 6** - "Consumer" means a commercial, industrial or institutional entity or a person who owns, rents, leases, or keeps and uses an apartment or any other manner of housing located inside the town where the service of waste collection is provided by the contractor and the consumer may thus utilize the services of waste collection sites.
- 7** - "Public education" means the efforts to increase or improve the awareness of the consumers and inhabitants of the town or village with regard to waste disposal, discard and collection, or any other aspect of waste management.
- 8** - "Contract zone" means the zone within the boundaries of the yellow line in which the contractor will provide the services of waste management for both the existing customers and those that may be added in the zone during the contract duration. The boundaries of the zone are defined by the municipality or the commune.
- 9** - "Road" means any paved passage in between two boundary lines.
- 10** - "Zone of watering" means the service of watering the roads alone (not the pavements).
- 11** - "Discard" means the discarding or getting rid of waste from its holder by throwing it in the civic amenity sites.
- 12** - "Hazardous waste" means the dangerous or toxic waste that endangers human health and entails ecological consequences.
- 13** - "Non-acceptable waste", means the hazardous or voluminous waste which is subject to administration by special laws.

CHAPTER II

Article 5

Waste

Waste for the purposes of this law, means the objects or substances that after being used by human activity are discarded or are destined to be discarded.

Waste as defined by this law includes:

- a)** Rubbish from households, kitchen remains, cloth, cans, ashes, soot, plastic, splinters, etc.
- b)** Refuse from shops, bars, restaurants and the like.
- c)** Trash from gardens, and yards of public buildings.
- d)** Litter from private and public companies engaged in production, craftsmanship,

commercial, service and other activities, etc.

e) Junk from small scale renovation works like sand, soil, in small quantities or about 1/10 m³.

Article 6

Exceptions

The following are not waste and will not be the object of public disposal of waste:

1 – Radioactive waste.

- **2** – Research residue, waste from the extraction and processing industry, the industries of mineral exploitation, etc.

3 – Earth, mud, snow, ice, sewage, waste resulting from burning or extinct materials.

4 – Craftsmanship residue, stable filth, cadavers, liquid waste, used oils, used fuel and gas.

5 – Explosive liquid, corrosive substances, slag and carbide residue.

- **6** – Dead animals.

7 – Agricultural waste.

8 – Explosive and flammable substances.

9 – Sewage sludge.

10 – Debris from construction and rehabilitation work of proportions over 1/10m³.

11 – Other material waste discarded outside the boundaries of towns or communes, and other substances and materials forming the object of specific laws.

12 – Waste of any type and kind that, during disposal operations, may harm or entail risks for those engaged in such operations, that emit hazardous substances into the air, cause destruction, etc.

13 – Classification and concrete definition of waste and its nature is the object of regulations governing cleaning services.

Article 7

Waste discarding

Discarding of waste is the responsibility of the producer of waste.

Waste must be presented packaged and covered to avoid the danger of waste being scattered.

Waste is discarded in boxes, garbage cans, garbage containers placed in civic amenity sites designated by the municipality or the commune.

Article 8

Waste collection

- Waste collection and its disposal to the landfill is carried out by physical and legal entities specializing and licensed in waste disposal services.

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Article 9

Methods and technologies used or to be used for purposes of public disposal of

waste are designated by the municipalities and communes in conjunction with the competent authority in accordance with the regulations concerning public cleaning services.

Article 10

Waste transportation

- Waste transport services are carried out by vehicles satisfying hygiene, health and ecological requirements. Such vehicles must also honor circulation rules and must be duly licensed to circulate in roads where passage is interdicted and to stand in no-standing places.

Article 11

Prohibitions and interdictions

It is prohibited to arbitrarily change civic amenity sites, containers, garbage cans and other facilities designated for discarding and collecting waste.

- It is prohibited to change the quality of the earth in the sites of waste collection, to change the method and technology for waste collection and waste transportation contrary to what has been enshrined in the contractual agreement. Any change similar to those described above should be made after written agreement has been obtained from the local government and in any case only if the hygienic and technical requirements for environment protection have been fully complied with.

Article 12

Any waste, in accordance with definitions contained in this law, must be discarded in the containers designated for public disposal of waste. Containers must be used solely for discarding and collecting waste. Waste defined in article 5 "g" must occupy less than 1/4 of the container's volume. Depletion or search of containers may be done only by persons authorized by the undertaker. It is prohibited to discard waste outside containers.

Article 13

Waste processing

- Waste processing and treatment is the object of specific laws.

Article 14

Control and supervision

- The municipality or commune, or persons authorized on its behalf, are entitled to control and supervise the manner of implementation of technical and

hygiene requirements of waste disposal in accordance with the terms and conditions enshrined in the contract agreement with the undertaker.

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Article 15

Waste producers

- Any physical or legal person, households, owners of shops and various objects that produce the type of waste forming object of public disposal of waste, are obligated to not obstruct the public disposal of waste as provided by this law.

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Article 16

Rights and obligations

- Any physical or legal person is obligated to protect from waste pollution the urban environment as represented by any public or private facility, open space (not forming object of the cleaning services) as well as the surrounding territories.

CHAPTER III

CLEANING ZONES

Article 17

Cleaning zone

- The municipalities and communes, within the perimeter of the territory under their jurisdiction, with the help of their city-planning units, divide their territories into cleaning zones as follows:
1 – Towns with a population of up to 100.000 inhabitants may have one cleaning zone.
2 – Towns with a population over 100.000 inhabitants may designate more than one cleaning zones.

Article 18

Watering of cleaning zones

- The watering of the cleaning zones is called roads watering service. The zone of road watering is defined in the contract alongside public objects and sites administered by the municipality.

CHAPTER IV

PUBLIC DISPOSAL OF WASTE

Article 19

Waste disposal

- Public disposal of waste (cleaning) is the collection into containers and transportation of waste to the sites designated by the municipality or commune. Waste collection and transportation is carried out in accordance with the technical and hygiene requirements defined in the regulations for cleaning the cities.

Article 20

Public disposal of waste is organized by the local government authorities in accordance with the rules and procedures endorsed by the Council of Ministers. For each of the cleaning zones, local governments conclude a contract with the undertaker of such services for periods up to 5 years in accordance with public procurement provisions.

Article 21

Collection and disposal of waste is carried out by physical and legal persons, public or private, specializing in cleaning services and waste collection. In inhabited zones outside the border line of municipalities and communes, public disposal of waste is subject to regulation by sub legal acts.

Article 22

Local governments (municipality, commune) nominate one person to supervise implementation of the cleaning and waste disposal contracts. The salary of the supervisor is covered by cleaning tax revenue.

Article 23

Bidding conditions

The municipality and commune invite bids for services of public disposal of waste in accordance with:

- 1 – Information on the cleaning zone.
- 2 – Planimetry of the cleaning zone.
- 3 – Type of waste forming object of the contract and exceptions from the rule.
- 4 – Contract duration.
- 5 – Frequency of service.
- 6 – Schedule of road watering.
- 7 – Site for waste collection.
- 8 – Measures for public awareness.

9 – Technologies for waste collection and disposal.

10 – Other supporting documents required for bidding in accordance with legal provisions.

Article 24

Public disposal of waste involves:

1 – Waste discarding.

2 – Waste collection.

3 – Collection and cleaning of street refuse.

4 – Waste transportation.

5 – Management of landfills.

6 – Road watering.

• Public disposal of waste as defined by the provisions of this law benefits:

a) All physical and legal entities producing waste as defined by article 4, local authorities and central institutions, civic and religious organizations, etc.

b) Households with permanent residence in a given town or commune.

c) Any physical or legal person, any subject carrying out temporary activity in towns for periods over three months.

Article 25

Landfills designated per municipality and commune must, in any case, be outside the perimeter of the bordering line.

Article 26

Extraordinary situations

• In cases of extraordinary situations relative to force majeure affecting public health or the environment, local governments in conjunction with the Ministry of Health and Environmental Protection and the Hygiene & Health Service, issue orders for special cases that must be implemented throughout the continuation of the extraordinary situation.

In such situations, they are empowered to declare a general temporary ban on the circulation of certain vehicles.

CHAPTER V

CLEANING OPEN SPACES

Article 27

Open space

• Open space in the midst of co-owned or private-owned buildings, enclosed or not, is under the care of its owner/owners.

The owners of such space are obligated to prevent pollution and ensure the

cleanness of these spaces by effectuating waste disposal in any manner feasible.

Article 28

Public and private terrains

- Public and private terrains, free of buildings, must be cleaned from pollution and waste in accordance with the provisions of this law, i.e. by the institutions having jurisdiction over these terrains or their private owners.

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Article 29

New constructions

- New constructions, public or private, to be commenced after entrance into force of this law, are required to plan specific space, close to public roads, for the deployment of containers, boxes, cans, etc. as places for waste discarding. Such sites for waste discarding and collection form part of the construction blue print and are reviewed accordingly.

Article 30

Any physical or legal persons engaged in stationary or ambulatory activities as well as those engaged in transportation activities (loading and unloading) are obligated to clean the territory surrounding the workplace in a width of 2-5 m.

CHAPTER VI

TARIFFS

Article 31

Tariff setting

- Municipalities and communes set tariffs for public disposal of waste. Cleaning tariffs are set in consideration of the technology, cost, number of containers and other technical conditions.

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Article 32

Tax payment

- Payment of cleaning tax is obligatorily and instantaneously paid by any physical or legal entity involved in the public disposal of waste in accordance with definitions contained in article 24 of this law. The payment of the annual cleaning tax is divided into monthly installments.

Article 33

Financing

- Expenditures for public disposal of waste and other relative expenses are covered by tax revenue from delivery of cleaning services and partly from state budget allocations in proportions to be decided by the government.

Article 34

Tax collection

- Collection of cleaning tax is effectuated by persons authorized by the municipality or the commune.

CHAPTER VII

SANCTIONS

Article 35

- Infringement of the provisions of this law as stipulated in Article 2, are punishable by fines in amounts of up to 5000 leks.

Article 36

Infringement of the provisions of this laws as stipulated in articles 3, 9, 10, and 21, in the process of the public disposal of waste by physical and legal entities, national or foreign, is punished by fine up to 100.000 leks.

In repeated infringements, the licensing authority will take steps to withdraw the license.

Article 37

Infringement of provisions of this law as stipulated by articles 7, 11, 14, 15, 23, 24 and 27: damage, change of destination of containers, boxes, cans for waste collection; improper discard of waste or refuse; abusive discard of voluminous and hazardous waste; parking vehicles in front of or close to civic amenity sites; littering of public and private territories; discard of waste defined in article 5 in public spaces; failure to clean space around shops or ambulatory selling points, are punishable by fines ranging from 1000 up to 5000 leks.

Fines are administered by sanitation inspectors nominated by the municipality or the commune.

CHAPTER VIII

COMPLAINTS

Article 38

Complaint

Complaints against the punishment decision may be instituted with the Mayor of the municipality or the commune within 10 days from the date of communication.

CHAPTER IX

CLOSING PROVISIONS

Article 39

The Ministry of Construction and Tourism in conjunction with the Ministry of Health and Environment Protection and the State Secretary for Local Government are hereby charged to draft by-laws and regulations concerning public disposal of waste.

Article 40

This law enters into force 15 days following its publication in the Official Journal.

**Chairman of the presidium
Pjetër Arbnori**

**PRESIDENT OF THE REPUBLIC
Sali Berisha**

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 9010 dated 13. 02. 2003**

ON ENVIRONMENTAL TREATMENT OF SOLID WASTE

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this law is to ensure the protection of the environment and human health from pollution and damage resulting from solid waste through institution of their environmental treatment at every stage: creation, collection, separation, protection, transportation, recycling, processing and elimination leading to waste reduction and the reduction of their hazardous and dangerous impact.

Article 2

Definitions

For the purposes of this law:

1. "waste elimination" means closing processes in the chain of waste treatment ending with the incineration of the remainders.
2. "remainder" means the remaining part of waste after treatment of no further use.
3. "Agricultural and stockbreeding waste" means waste generated by farming activity such as vegetation waste and waste resulting from stockbreeding activity.
4. "Solid waste" is a substance, an object or part of it, for which the holder has no further use and desires to get rid of. Substances, objects or parts of them qualify as waste when as the material resulting or energy created thereof cannot be involved any further in the production process.
5. "Industrial waste" means waste resulting from industrial, craftsmanship and

service activities.

6. "Hospital waste" means waste resulting from hospital or health services, and health research institutions including risk entailing and non-risk entailing materials.

7. "Construction waste" means waste such as stones, soil, concrete, tiles, etc. resulting from construction, rehabilitation, re-construction and renovation activity as well as from the demolition of buildings and other structures.

8. "Voluminous waste" means waste of large proportions of equipment and machines, the collection, transportation and disposal of which requires special methods and techniques.

9. "Urban waste" means household waste, waste from administrative, social and public facilities. This term also describes waste resulting from commercial, recreational and similar activity the amount and composition of which enables treatment as part of urban waste.

10. "Waste treatment" means the change of properties or composition of waste by transforming it into a finished product or into primary or secondary material for finished products.

11. "Producer of waste" means the physical and legal entity in possession of a waste creating activity.

12. "Waste recycling" means the renewal or renovation of waste properties so that it may be used as primary or secondary material.

13. "holder of waste" means the physical or legal entity:

a) whose activity creates such waste;

b) who collects, temporarily preserves, transports and disposes solid waste to designated places;

c) who treats and eliminates solid waste.

Holders of waste are recognized and identified as subjects entitled to rights and duties at every stage of the process of waste treatment from creation to elimination.

Article 3

Object

1. The requirements of this law apply to:

a) urban waste;

b) industrial waste;

c) hospital waste;

d) construction waste;

e) waste in the sewage system, irrigation facilities and water reservoirs;

f) agricultural and stockbreeding waste;

g) voluminous waste.

2. This law does not apply to hazardous, radioactive, nuclear and explosive waste, the management of which is subject to special laws.

3. The Council of Ministers, upon proposal from the Environment Minister, approves "the Albanian catalogue of waste classification", in accordance to the "European Waste Catalogue"

Article 4

Implementation

The provisions of this law are binding to all physical and legal entities, public or private, national or foreign:

- a) whose undertaking creates waste;
- b) who represent holders of waste, engaging in and licensed for the collection, depositing, transportation, recycling, processing and elimination of waste;
- c) state bodies, civic organizations and citizens.

Article 5

Duties of state bodies

1. The Ministry of Environment, in conjunction with the regional agencies and the Environmental Inspectorate are responsible for setting up a system of environmental management of waste and monitoring of its implementation at all stages and levels.

2. State bodies, central or local, in conjunction with the Environmental Ministry have the following duties:

- a) to design national and local plans for environmental waste management.
- b) to design methodologies for the environmental treatment of waste in accordance with the kind and nature of waste;
- c) to make available and ensure efficient use of financial resources;
- d) to continuously monitor and control waste generating activities; to control subject engaged in the transportation, recycling, processing and elimination of waste in the area of their jurisdiction.

Article 6

Waste Taxes

- Physical and legal entities, foreign or legal, whose undertaking creates waste, are obligated to pay taxes for creating waste and discharging it in the environment. The kind and amount of tax to be paid, manner of payment, collection authority, criteria of expenditure of the tax revenue, are subject to regulation by law.

CHAPTER II

PREVENTION OF POLLUTION FROM SOLID WASTE

Article 7

Purpose of waste management

Waste management should aim at:

- a) reducing the amount of waste resulting from production activity;

- b) increasing the weight of degradable, recyclable and treatable waste in overall waste creation;
- c) shortening the cycle of management towards reducing exposure time in environment;
- d) sorting out and treating waste separately in every stage of management avoiding mixture with hazardous and solid waste. First stage treatment should not interfere with further processing.
- e) reducing transportation distances; ensuring elimination at the closest waste elimination plant.
- f) a safe incineration of remains resulting after final waste processing.

Article 8

Prohibitions

In the territory of the republic of Albania, it is prohibited:

- a) to discard or discharge in the land or in water bodies waste that may cause the downgrading of land and water properties and entail harmful consequences on the human health and environment;
- b) to process and eliminate waste in zones other than those designated by relevant local authorities;
- c) to import waste and waste residue for purposes of preservation, depositing or elimination;
- d) to collect, transport, preserve, recycle, process and eliminate waste except by physical or legal entities duly licensed to carry out such activity;
- e) to process, deposit and eliminate waste by means of techniques and technologies inappropriate for such use and uncertified by the Environmental and other relevant ministers;
- f) to incinerate in open air, including incineration by itself of waste and waste remainder resulting from final treatment of waste.

Article 9

Obligations of waste creating subjects

- 1. Physical and legal entities engaging in waste creating activities are under the obligation:
 - a) to establish lines and plants for the recycling and processing of waste in accordance with the type of technology they employ and the nature and amount of waste they create;
 - b) to collect and treat waste in a manner that subsequent processes of environmental waste management are properly handled;
 - c) to separate waste at the source of its creation and collect it in separate boxes;
- 2. To fulfill these obligations, the waste creating physical or legal entity must design programs of technical, technological and organizational steps which are subject to review by the Environmental Inspectorate, by the licensing authority and by the local government authorities.
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Article 10

Obligations of waste holders

1. Waste holders must ensure:
 - a) fulfillment of the requirements of Law No.8094 dated 21. 03. 1996 "Concerning public disposal of waste," this present law and the by laws enacted to ensure their implementation.
 - b) preservation of waste in suitable conditions according to amount, origin, properties, etc;
 - c) separation of hazardous waste from other waste, safe preservation of waste for which there is no manner of processing and elimination;
 - d) the keeping of records of waste according to their classification, registering information on amount, composition, the periodicity of collection and transportation, information on preservation and disposal of waste to designated places;
 - e) the separate collection of hazardous waste and its temporary preservation in special containers, its packaging, labeling and transportation in accordance with international rules and the standards adopted in the Republic of Albania.
2. Transference of waste from one holder to another is subject to regulation by contracts.
3. Waste holders are responsible for indemnifying and rehabilitating at their own expense the damage they cause to human health and environment.
4. Expenses for collection, transportation, preservation, processing and elimination of waste are borne by waste holders.

CHAPTER III

TREATMENT OF WASTE ACCORDING TO TYPE

Article 11

Processing and elimination of urban waste

- 1. Processing and elimination of urban waste must be carried out according to methods ranked below:
 - a) separation of waste according to established classification;
 - b) recycling and re-use;
 - c) composting;
 - d) burying;
 - e) incineration in specially designed establishments.
- 2. The Minister of Environment and the Minister of Health are under the obligation to formulate prototype rules for each of the above methods. Local government authorities are responsible for formulating rules on a case by case basis based on the prototypes approved.

Article 12

Processing and elimination of construction waste

1. Processing and elimination of construction waste is achieved through re-use and burial.
2. The Minister of Environment and the Minister of Territorial Regulation and Tourism are authorized to approve the rules for construction waste management from creation, transportation to elimination.

Article 13

Processing and elimination of industrial waste

1. Processing and elimination of industrial waste is done in specially designed plants and technologies for each type of industrial waste.
2. The Minister of Environment and the Minister of Industry and Energy approve the rules for industrial waste management as well as criteria and regulation for the installation and operation of processing plants.

Article 14

Processing and elimination of mining waste

1. Processing and elimination of waste resulting from drilling, exploration and exploitation of mineral ores, must be done without interfering with the research, extraction and properties of such ores and without causing damage to the surface and under surface waters, to the landscape and biodiversity.
2. The Minister of Environment and the Minister of Energy have the authority to approve the regulation for management of mining waste from its creation, transportation to elimination.

Article 15

Processing and elimination of army waste

1. Waste created by army divisions, military installations and military enterprises are processed and eliminated by these very subjects in accordance with requirements set in the military regulations.
2. The Ministry of Defense is responsible for ensuring the implementation of regulation governing waste management and elimination in the army.

Article 16

Processing and elimination of agricultural and stockbreeding waste

1. Processing and elimination of agricultural and stockbreeding waste is the responsibility of the farms and ranches producing such waste. It can be achieved through composting, recycling and special technologies.

- 2. The Minister of the Environment and the Minister of Agriculture and Food approve the regulations for agricultural and stockbreeding waste management. These regulations are obligatory for the farmers and ranchers. The responsibility for enforcing implementation is vested with the Inspectorates of the Ministry for Agriculture and Food and the local government authorities.

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Article 17

Processing and elimination of voluminous waste

1. Processing and elimination of voluminous waste is done by specialized and duly licensed physical and legal subjects. The Ministry of Transports and Telecommunications is the licensing authority for undertakings with national coverage. The licensing of local undertakings is the responsibility of local governments.

2. The Minister of Environment and the Minister of Transports and Telecommunications approve the regulations for the processing and elimination of voluminous waste.

3. Sites for deposition and elimination of voluminous waste are designated by local authorities in accordance with criteria stipulated by Article 21 of this law.

Article 18

Processing and elimination of hospital waste

1. Processing and elimination of hospital waste is carried out through incineration in specially designed establishments.

2. The Minister of Health and the Minister of Environment approve the regulations for processing and elimination of hospital waste, as well as criteria and rules for the installation and operations of incineration establishments.

Article 19

Cross border waste

1. Urban waste created during cross border transportation of passengers (air, water and road) are collected at the crossing point and treated as urban waste.

2. The Minister of Environment, the Minister of Health and the Minister of Transports and Telecommunications approve rules for waste management at cross border points.

Article 20

Waste Burial

1. Waste burial is the last stage in the management of waste subject to this law, as well as of remainders resulting from their treatment.

2. The following may not be buried:

- a) Liquid waste;

- b) Explosive and oxide waste;
- c) Inflammable waste;
- d) Hospital waste, infectious waste and needle waste;
- e) Used tyres.

Article 21

Waste establishments

The designation of sites to install waste processing and elimination plants is subject to the appraisal of environmental impact based on the following criteria:

- a) distance from dwelling places, national roads and zones of high traffic of humans and animals;
- b) location in geological formations that do not allow eventful infiltrations;
- c) distance from water and undersurface water sources, water basins, wetlands, lagoons, marshlands, forests, pastures, ecologically vulnerable zones, protected tourist zones and zones of cultural heritage;
- d) distance from areas vulnerable to flooding,
- e) space to allow internal movement of vehicles and machines employed to transport and process waste.

Article 22

Rehabilitation of existing waste disposal sites

1. Upon entrance into force of this law, the existing landfills will be subjected to special management to ensure:

- a) Coverage with earth and ramming of the ground;
- b) Opening up of separate channels for rain, ground waters and for waste extract collection into isolated basins;
- c) Protection from fire;
- d) Prohibition of entrance of unauthorized persons;
- d) Coverage with earth and plant growing in sections of the site no longer used as a landfill.

2. Upon entrance into force of this law the existing industrial dumps will undergo rehabilitation and maintenance measures in accordance with provisions contained in this law concerning industrial waste management.

3. The Minister of Environment and the Minister of Industry and Energy approve regulation for the rehabilitation of dumps according to specificity of waste contained.

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• **CHAPTER IV**

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• **COMMITTEE FOR SOLID WASTE MANAGEMENT**

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• **Article 23**

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• **Committee for solid waste management**

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• 1. To co-ordinate the duties of the ministries with respect to environmental waste management, the Committee for Solid Waste Management is hereby established at deputy minister level. The Council of Ministers, upon proposal of the Minister of Environment, approves the composition, structure and operation of this Committee.

• 2. Every end of year, the Committee submits to the Council of Ministers the annual report on the condition and management of waste at national level.

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• **Article 24**

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• **National Program**

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• To ensure implementation of the requirements of this law, the Council of Ministers approves the National Program of Solid Waste Management proposed by the Committee for Solid Waste Management.

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• **CHAPTER V**

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• **ENVIRONMENTAL LICENSE**

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• **Article 25**

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• **Environmental license**

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• 1. Physical and legal entities that undertake the collection, transportation, processing and elimination of waste, will be issued the relevant environmental license and will be exempt from license obtaining fees.

• 2. When the above mentioned activities cover the entire country's territory, the license is granted by the Environmental Minister. For local activity the license is granted by the regional environmental agencies in conjunction with the local authorities.

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- **CHAPTER VI**
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- **IMPORTATION, EXPORTATION AND TRANSITING OF WASTE**
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- **Article 26**
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- **Import license**
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- It is prohibited to import into the Republic of Albania waste for purposes of conservation, depositing or elimination.
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- **Article 27**
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- **Waste exportation**
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- 1. Physical or legal entities that desire to engage in waste exportation are obligated to obtain waste export licenses. The Environmental Minister defines the rules for license application, review and approval rules as well as the list of supporting documentation.
- 2. Waste exportation becomes lawful subject to approval by the authority of the importing country and of the countries on whose territories waste will be transited.
- 3. In the event the importing country or the countries through which waste will be transited refuse to accept the exported waste, the exporter is obligated to guarantee the safe elimination of waste at his own expense.
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- **Article 28**
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- **Waste transiting**
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- 1. Transiting of waste in the territory of the Republic of Albania is subject to permits from the Environmental Minister in accordance with the rules and regulations approved by the Minister of Environment and the Minister of Transport and Telecommunications.
- 2. Waste transiting is not lawful without the approval of the responsible authorities of the importing country, the exporting country and the countries on whose territories waste is transited.
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- **Article 29**
-
- **Violation of waste disposal regulation**
-

- 1. In the event of violation of regulations regarding import, export and transiting of waste, the customs authorities and border police are entitled to freeze waste movement and notify the Ministry of Environment and the Ministry of Public Order.
- 2. The Ministry of Environment is the national authority and coordinator of all international agreements on waste management to which the republic of Albania is a party.

- **CHAPTER VII**

- **MONITORING OF WASTE MANAGEMENT**

- **Article 30**

- **Obligation to monitor**

- 1. Waste monitoring is part of the National Environmental Monitoring Program and is carried out in accordance with requirements established therein. Waste monitoring includes all stages of the management process as provided by this law. Each type of waste and its management is monitored separately.
- 2. Physical and legal entities with waste creating activities which form object to this law, and the physical and legal entities licensed for the collection, transportation, processing and elimination of waste are under the obligation to organize their own monitoring at their own expense and publish the monitoring data every three months.
- 3. The Environmental Minister is the authority to approve waste monitoring regulation which is binding to every subject mentioned in point 2 of this article.

- **CHAPTER VIII**

- **CONTROL**

- **Article 31**

1. The activity of waste holders is subject to control by the Environmental Inspectorate, the licensing authority, the State Sanitation Inspectorate and the Municipal Inspectorate.

2. The Municipal Inspectorate and the State Sanitation Inspectorate exercise control over the implementation of the rules and requirements governing the creation, collection, preservation, transportation, processing and elimination of urban waste, construction waste and voluminous waste.

3. The Environmental Inspectorate exercises control over the implementation of rules and requirements governing the treatment and management of waste and the conditions contained in the environmental license on:

- a) creation, collection, preservation, movement and processing of waste other than the ones mentioned in point 2 of this law.
- b) operation of plants and installations for waste processing and waste

management;

- c) transportation and movement of waste inside the technological establishments of waste management;
- d) enforcement of monitoring on the part of waste holders;
- e) book keeping on each kind of waste separately;
- f) implementation of own programs of safety, technological and organizational precautions.

CHAPTER IX

SANCTIONS

Article 32

1. In circumstances of violations of this law qualifying as criminal offences, the Environmental Inspectorate is authorized to bring legal charges against the violator.

2. The following violations of the provisions of this law when not a criminal offence, represent administrative infringements upon the environment:

- a) engaging in activities without an environmental license in violation of the provisions of article 25 of this law;
- b) violation of requirements and conditions contained in the environmental license with regard to waste management;
- c) disregard for safety regulations when operating plants and installations;
- d) discarding, discharging or dumping waste outside designated places;
- e) processing and elimination of waste in places other than the sites designated by relevant authority;
- f) abandonment of installations, landfills and plants for waste processing and elimination;
- g) processing and elimination of waste with improper and uncertified techniques and technologies and the incineration of waste in open air or letting waste incinerate by itself;
- h) importation of waste and waste residue in violation of the requirements of article 26 of this law;
- i) failure to reconstitute the environment to its previous condition;
- j) failure to monitor any of the stages of waste management;
- k) failure to furnish timely data and notification on environmental conditions and environment pollution in any of the stages of waste management and failure to publish such data alongside with information on measures for protection of the population.

Article 33

Fine administering

- 1. Administrative infringements described in Article 32 above, are fined as follows:
 - a) For letters "a", "b" and "c" from 300 000 up to 500 000 leks;
 - b) For letters "d", "e", "f" "g" and "h" from 500 000 up to 1 000 000 leks;

- c) For letters “i”, “j” and “k” from 100 000 up to 300 000 leks.
- 2. In addition to the fine, the Environmental Inspectorate may decide to temporarily or permanently close the activity depending on the scale of pollution and damage.

Article 34

Appeal

1. The decision of the Environmental Inspectorate may be appealed with the Minister of Environment within 10 days from the day of communication. The Minister of Environment must respond to the appeal within 30 days.

2. The decision of the Environment Minister, or his failure to respond within 30 days, may be appealed within another 30 days from the date of communication at the regional court of law.

Article 35

By laws

1. The Council of Ministers is hereby charged to produce by laws to make effective Point 3 of Article 3; point 1 of article 23; and article 24 of this law.

2. The Minister of Environment and relevant ministers are charged to produce by laws to make effective article 11 point 2; article 12, point 2; article 13, point 2; article 14, point 2; article 6, point 2; article 17, point 2; article 18, point 2; article 19, point 2; article 22, point 3; article 27, point 3 and article 29, point1 of this law.

Article 36

Entrance into force

This law enters into force following 15 days of its publication in the Official Journal.

CHAIR PERSON
Servet Pëllumbi

DECISION
No. 26 dated 31.01.1994

ON
HAZARDOUS WASTE AND GARBAGE

- Upon proposal from the Ministry of Health and Environmental Protection,
 - **The Council of Ministers**

HAS DECIDED AS FOLLOWS:

1 – To prohibit the importation into the Republic of Albania of hazardous waste, in crude or processed condition, and garbage for collection purposes.

2 – For purposes of this decision:

- a)** “Hazardous waste” means toxic, corrosive, irritating, explosive, inflammable, cancerous, and radioactive substances with the potential to change into or create another substance that may have the power to accelerate burning and corrupt the natural quality of water, land and air, to harm human beings and all other beings in their natural environment.
- b)** “Garbage” means garbage from economic and social activity as well as physically consumed produce that does not constitute hazardous waste.
- c)** “Producers” means the physical and legal entities whose activity produces or discharges hazardous waste and garbage.
- d)** “Urban garbage” means the non hazardous waste resulting from home and social activity.
- e)** “Discharge” means the discharge or disposal of garbage or hazardous waste in the environment.
- f)** “Modern production technologies” means equipment, machines, efficient methods and practices and technologies used for purposes of harm prevention and reduction to the environment.

3 – The importation of residue to be processed by modern production technologies may be allowed for purposes of generating useful materials and substances, provided that their transportation, deposition and processing in the territory of Albania does not negatively impact human health and surrounding environment.

Annex 1 attached to this Decision contains waste that is lawful for importation in Albania. Amendments to Annex 1 are subject to proposals from the Committee for Environment Protection and Conservation and endorsement by the Council of Ministers of the Republic of Albania.

4 – The physical and legal entities with production activities in the Republic of Albania are under the obligation to submit accounts of primary materials utilized in production and accounts of discharges in the environment.

5 – The physical or legal entity is obligated to collect in a special depositing place within the confines of his undertaking, the garbage and hazardous waste resulting from his production activity in such a manner as to exclude all incidence of danger. The stock of waste kept within the confines of the undertaking cannot be greater than one year's waste turnout.

6 – Discharges from production activities will not be mixed with urban garbage. The Council of Ministers will define such time by which the existing economic activities will be required to discontinue discharging hazardous waste into sewage.

7 – The production physical or legal entity is obligated to eliminate hazardous waste resulting from its activity in a manner consistent with standard requirements for protection of the environment.

The physical or legal entity may transfer its hazardous waste to another physical or legal entity properly licensed for hazardous waste management. In such circumstance, prior to effectuating the transfer, the production legal or physical entity is obligated to notify in writing the Committee for Protection and Conservation of the Environment. The notification should contain information about the receiving party, quantities, composition, destination, manner of transportation of waste and relevant safety measures.

8 – Hazardous wastes described in Annex 2 attached to this decision are prohibited to enter the territory of the Republic of Albania. Amendments to Annex 2 are subject to proposals from the Committee for the Protection and Conservation of the Environment and endorsement by the Council of Ministers.

9 – In circumstances of a direct threat that may result in pollution of the environment with hazardous waste, the Committee for the Protection and Conservation of the Environment has the power to terminate the polluting activity.

When the environment suffers pollution from explosion discharges or any other phenomenon with consequences of equal harm, the production physical or legal entity discontinues operations and takes immediate steps to eliminate harm. The polluter gives immediate notice to the Committee for Protection and Conservation of the Environment of the accident, the measures taken to eliminate consequences and the efficacy of the cleaning operations. The need to take additional measures to eliminate damage to the environment is deliberated on a case by case basis.

Costs related to the elimination of consequences of pollution are covered by the physical or legal entity having caused the pollution.

10 – Waste importation by physical and legal entities is lawful only when properly licensed.

Waste importation licenses are issued by the Committee for the Protection and Conservation of the Environment. The validity of such licenses is for one year periods. Upon expiration of the one year validity, requests for new licenses may be submitted.

The importation license mandatorily contains the importer's declaration, made on his own personal liability, specifying the name of the waste, quantities to be imported, composition, destination, type of activity utilizing the waste and standards for protection of the environment from such utilization.

11 – The physical or legal entity importing waste is obligated to guarantee, as stipulations in relevant contracts must provide, the packaging, loading, transportation and unloading of waste categories allowed to enter the Republic of Albania.

At the same time, the importing legal or physical entity is obligated to obtain from country of origin authorities, a statement on the type and composition of the waste, certificates to the effect that such waste does not carry poisonous threats for the environment, as well as the importation permit of customs authorities of the source country.

12 – The physical or legal entity importing waste is obligated to have a transportation contract supported by every legal paperwork needed for international transportation, as well as every documentation described in point 11 above. Transportation paperwork should be readily available for checking throughout the duration of transportation to the point of destination.

Customs authorities of the Republic of Albania will allow entrance to shipments of waste only following submission by the importing physical or legal entity of importation license issued by the Committee for Protection and Conservation of the Environment and every other paperwork envisaged in point 11 above.

Failure to submit any of the required piece of paperwork and to comply with transportation regulations will result in denial by customs authorities of entrance in the territory of the Republic of Albania.

13 – The authority to accept the wastes described in Annex 1 is vested with authorities of the land crossing points of "Qafa e Thanës", "Hani i Hotit", "Kakavijë" and the coast crossing point of "Porti Durrës".

Customs control is the responsibility of the customs staff specializing in such merchandise.

14 – Hazardous waste may not be exported from the Republic of Albania if the exporting physical or legal entity does not obtain the necessary documentation issued by the authority of the importing country in accordance with the laws and regulations of such country.

License to export hazardous waste is issued by the Committee for the Protection and Conservation of the Environment following submission by the requesting physical or legal entity of the relevant documentation released by the authority of the importing

country.

Returning to the source country exported hazardous waste obligates the exporting physical or legal entity to eliminate such waste at its own expense. The exporting physical or legal entity is obligated to cover costs incurred as a result of faulty transportation.

15 – In the event of violations of effective legal provisions discovered during inspection of production, import, export and transport activities, expenses incurred by such inspection and measures taken to normalize the situation are borne by the polluting physical or legal entity.

16 – To carry out the duties charged by this Decision, the Inspectors for Protection and Conservation of the Environment interact with customs authorities in accordance with instructions released by the Minister of Health and Environmental Protection and the Minister of Finances.

This decision takes effect immediately.

CHAIRMAN OF THE COUNCIL OF MINISTERS
Aleksandër Meksi

A N N E X 1

- **LIST OF WASTES PERMISSABLE FOR IMPORTATION IN THE
REPUBLIC OF ALBANIA**

- 1 – Steel waste,
- 2 – Foundry waste,
- 3 – Copper waste,
- 4 – Bronze waste,
- 5 – Brass waste,
- 6 – Glass waste,
- 7 – Paper and carton waste,
- 8 – Cotton and wool filament waste,
- 9 –Waste of the cotton and wool works.

DECISION

NO. 776 dated 8. 12. 1998

ON OBLIGATORY COLLECTION AND DEPOSIT OF ABANDONED VEHICLES

- Based on Law No. 7664, dated 21.01.1993 “On protection of the Environment”, upon proposal from the Deputy Prime Minister & Minister for Governmental Coordination and the National Environment Agency,

- **The Council of Ministers**

HAS DECIDED:

1 – The sites for collection and deposit of abandoned vehicles are designated by the Region Councils and endorsed by the National Environment Agency based on requests received from physical and legal undertakings.

2 – The owners of out-of service vehicles are obligated to deposit such vehicles in the sites designated according to point 1 of this decision under the supervision of the road police of the Ministry of Public Order.

3 – The collection and depositing of abandoned vehicles and those to be put out of service will be the business of properly licensed physical and legal entities. Licenses will be issued by the Ministry of Public Works and Transport as per criteria to be established for this specific purpose. The relevant criteria shall be elaborated and established jointly by the Ministry of Public Works and Transport, the Ministry of Public Economy & Privatization, the Ministry of Public Order and the National Environment Agency.

4 – The licensed undertaking will accept vehicles only upon submission of proof that the vehicle has been written off and its license plate and accompanying documentation have been turned in to the authorities.

5 – The licensed undertakings are responsible for covering the costs of collection and deposit of abandoned vehicles and those to be put out of service.

6 – Persons who abandon their vehicles in places other than the sites designated by the Council of the Region and the National Environment Agency will be subject to punishment in accordance with Law No. 7664, dated 21. 01.1993 “On Protection of the Environment”.

7 – The Ministry of Public Works and Transport, the Ministry of Public Order, the National Environment Agency and the Region Councils are responsible for drafting regulation to the effect of making this decision implementable.

- This decision enters into force immediately.
-

**PRIMEMINISTER
Pandeli Majko**

L A W

No. 8102, dated 28.3.1996

• ON REGULATORY FRAMEWORK OF THE SECTOR OF WATER SUPPLY AND WASTE WATER MANAGEMENT

In reliance with Article 16 of Law No. 7491, dated 29.4.1991 "On the main constitutional provisions", on the proposal of the Council of Ministers,

The People's Assembly of the Republic of Albania

D E C I D E D:

CHAPTER I

GENERAL [PROVISIONS]

Article 1

Purpose of this law

The purpose of this law is the establishment of a regulatory framework and the establishment of an Independent Regulatory Entity of water supply and waste water management. In this law are determined functions, competencies, procedures and standards under which this Regulatory Entity will operate.

An important objective of this law is guaranteeing and protection of state interests on one side and the establishment of a transparent legal and regulatory environment that will promote private investments in this sector on the other side.

Article 2

Definitions

1 – Law is the law on regulatory framework of the sector of water supply and waste water management (water supply and sewage systems).

2 – Regulatory Entity is the institution of regulating the sector of water supply and waste water management.

3 – Commission shall mean the National Regulatory Commission that leads the Regulatory Entity.

4 – Ministry is the Ministry of Construction and Tourism.

5 – Water reserves are all superficial and subterranean water resources found within the borders of the Republic of Albania.

6 – Waste water is the water used for hydro-sanitary and industrial purposes, collection, treatment and disposal of which is ordered for the health and comfort of the public.

7 – Sector of water supply has to do with all activities that collect, treat and distribute water sources for public purposes.

8 – Production of water has to do with all natural sources of water within the territory of the Republic of Albania, including subterranean water holding layers (aquifers) and

all other subterranean and superficial sources.

9 – Collection of water has to do with all those activities that through structures and mechanisms such as: barricades, wells, water depots and reservoirs, canals, water supply systems, tubes, irrigation canals and sewage canals collect, channel, change direction or extract water for public benefit.

10 – Distribution of water has to do with all activities through which the water is pumped, transported and distributed from one place to another for public benefit.

11 – Treatment of water has to do with all methods and means, chemical, mechanical or electrical that are used for cleaning or change of state of water for public benefit.

Article 3

Application of the Law

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- This law shall be applied in all private and state activities in the sector of water supply and sewage systems including but not limited to the rights of natural and juridical persons as well as to central and local organs.
-

CHAPTER II

ESTABLISHMENT OF REGULATORY NETWORK

Article 4

Composition of Entity

1 – After this law is effective the Council of Ministers shall designate an independent regulatory commission that will be named the National Regulatory Commission of the Sector of Water Supply and Waste Water Management ([hereinafter] “The Commission”) which shall have competencies and functions determined in this law.

2 – The entity is a juridical person bearing all the rights and duties in accordance with legislation in force.

3 – The commission shall be composed of five members appointed by the Council of Ministers among persons selected by the selection team.

The [short]-list includes:

a) Two members who should be qualified professionals with university degree and with at least 10 years of experience as construction engineer, hydrologist, urbanologist, health care, epidemiologist, microbiologist and other similar disciplines with a four (4) year mandate and one (1) year from the date of commission establishment.

b) Two members should be qualified professionals with university degree and at least 10 years of experience in economy, business, merchandise, banking system, accounting, judiciary, public administration or other similar disciplines with a mandate of three (3) years and two (2) years respectively from the date of commission establishment.

c) One (1) member who will be the chairman of the commission. The chairman should be a distinguished person with at least 15 years of experience in one or

more of the disciplines described in the above paragraphs (a) and (b). He/she will be appointed for a mandate of 5 years from the date of the establishment of the commission.

d) With termination of the mandate of the first members of the commission as set forth in paragraphs (a), (b), (c) above, the future members shall be appointed for a mandate of four (4) years. In case of death or resignation of a member prior to termination of the mandate the substitute person shall remain until the end of the unconsumed mandate.

e) None of the members has the right to serve in the commission for more than 2 full [regular] mandates.

f) Any member, prior to appointment shall notify the Council of Ministers and prior to commence the new appointment shall resign from any post, employment or consultancy. He/she shall sell or liquidate any financial inter that might have in any company exercising commercial activity that falls under the jurisdiction of the Regulatory Entity.

4 – The Selection team:

a) shall convene as many times as is necessary, but in any case no later than 3 months prior to the termination of mandate of a commission member;

b) It shall be composed of three members from whom one will be appointed by the Parliament, one by the Council of Ministers and one by the Ministry. The Selection Team shall identify and assess adequate candidates to be members of the commission who should satisfy minimum qualities set forth in paragraph 7 of this Article. The Selection Team shall act promptly within two months from its establishment, shall identify and assess the best candidates and with majority vote will appoint the best candidates to perform functions, duties and competencies of a commission member, as determined in this law. During the selection of the candidates, the Selection Commission shall pay attention to abilities, qualities and experience of former commission members in order to reach a balance of qualities and abilities determined in paragraph 7 of this Article.

• **5 –** The Selection Team shall immediately notify the Council of Ministers about the list of selected candidates for commission members. Within 30 days from this notice the Council of Ministers shall make the necessary appointments for member of commission out of the list submitted by the Selection Team.

6 – Designated members of the Commission during their entire mandate shall work in conformity with the highest standards of public service avoiding scrupulously all conflicts of interest, factual or in appearance and will act having as main goal the protection of public interest.

7 – An individual can not be a member of the commission if:

a) Is a member of People's Assembly or has another post, elected or appointed in the central or local government;

b) Has close family or in-law connection with those members of the Council of Ministers whose position may create a conflict of interest for the member of the commission;

c) Has been condemned for fraud, corruption, burglary or other non-political crimes;

d) Owns financial interest in a corporation or company that is under the regulatory framework of the Entity;

e) Has been expelled from the opportunity to hold public/state posts by laws or other provisions in power.

Article 5

Dismissal of Commission Members

-
- **1** – The Council of Ministers may dismiss from duty any member of the Commission who:
 - a)** Will manifest problems of mental disability or his physical condition impede him in performance of the duty as member [of Commission];
 - b)** Is condemned for fraud, corruption, burglary or other crimes committed during his mandate;
 - c)** Becomes or want to become an employ of state administration or a member of People’s Assembly or any other position elected or appointed with exception of membership in professional or political associations and in position belonging to them;
 - d)** Without any reasonable cause has refused to perform his duty or does not perform it or is incapable to act for a period of six (6) or more months;
 - e)** Is included in any of the provisions of paragraph 7 of Article 4 of this law.
- 2** – In the case when a member is dismissed from duty as set forth in paragraph 1 of this Article, the successor shall be appointed by the Council of Ministers among a list of candidates prepared and submitted by the Selection Team as determined in paragraph 4/b of Article 4.
- 3** – Each member who is been dismissed legally from duty has not the right to be re-elected in the Commission.

Article 6

Procedures of Regulatory Entity

- 1** – The seat of Regulatory Entity shall be in Tirana. Despite of that, the Regulatory Entity may hold working sessions, consultations and rulings in any place of the Republic of Albania.
- 2** – The Regulatory Entity shall issue its own rules and procedures to guarantee the best execution of its duties in accordance with this law. Rules, procedures, standards orders, proceedings and other official acts of the Regulatory Entity shall be published or be open to the public. All final orders of Regulatory Entity shall be issued in writing and shall include an explanation of the action taken by the Regulatory Entity.
- 3** – The Regulatory Entity may investigate facts, conditions, practices or issues that might be necessary to: 1) Determine whether a person has breached or is breaching this law or rules based on this law; 2) To help in the application of provisions of this law or rules based in this law.

Article 7

Role of Chairman of the Commission

- 1** – The Chairman is the main executive director of the Regulatory Entity.
- 2** – One of the members will be vice-chairman, fulfill duties and exercise competencies of the chairman in the absence of the latter. The first vice-chairman

shall be on of the members that will be appointed by the chairman and shall serve for a mandate of one (1) year. After that, vice-chairman shall be each member with a rotary scheme each year.

Article 8

Compensation and Conditions of Compensation

The members of the Commission shall be compensated with a salary determined with decision of the Council of Ministers. The compensation can not be deduced during the mandate of a member but can be raised time after time by order of the Council of Ministers when deemed necessary.

Article 9

Organization Structure of Regulatory Entity

1 – The organization structure of the Regulatory Entity shall be determined by the Council of Ministers. The Commission has full authority to select, appoint, promote, and determine duties and salaries of employees that constitute the professional staff for exercising the functions of Regulatory Entity.

2 – The Commission determines rules of employment of its professional staff in compliance with legislation in force as well as determines the organization of this professional staff.

Article 10

Financing of Regulatory Entity

1 – Operations of Regulatory Entity shall be financed:

a) An initial fund from the Government in determined quantity by order of Council of Ministers shall be appropriated with appointment of the Chairman of Commission according to paragraph 4/c of Article 4 of this law;

b) Defined tariffs by Regulatory Entity for processing of various applications and requests in accordance with this law and other tariffs for licenses issued by the Commission.

2 – Funds of Regulatory Entity shall be administered through accounts opened in Albanian banks and approved by the Government of Albania.

Article 11

Budget and Financial Accounts of Regulatory Entity

1 – No later than three (3) months prior to commencement of each fiscal year, the Regulatory Entity shall draft a forecast of operational expenditures to be submitted to the Council of Ministers.

2 – The Regulatory Entity shall keep complete and accurate accounts of factual expensed in conformity with Albanian legislation on accounting.

3 – All the surplus revenues over expenses of Regulatory Entity shall enter into the

state budget.

CHAPTER III

REGULATION OF THE WATER SUPPLY SECTOR

Article 12

General Competencies and Duties of the Government related to water supply and waste water management

The Government shall have the competence to issue ordinances on the policy in the water supply sector.

Article 13

General Duties of Regulatory Entity

1 – In the execution of functions and competencies in accordance with law, the Regulatory Entity shall act in such manner that:

- a)** To promote the efficiency and security of the licensee and efficiency of water use;
- b)** Make possible that the licensee funds the authorized activities by its license;
- c)** Make possible that all the reasonable requests of water supply within limits of economical profitability shall be fulfilled;
- d)** To guarantee that the licensees act in conformity with conditions of their license and protect consumers' interests related to: (i) prices, tariffs and other conditions of service; (ii) quality, efficiency, continuity and the warranty of the service;
- e)** Where possible and efficient to promote competition;
- f)** To achieve transparency in its activity;
- g)** To find a right equilibrium among consumers' interests, the Government, the public, investors and participants in the sector of water supply.

Article 14

General Competencies of the Commission

1 – To fulfill its mandate the Commission shall have the following competencies:

- a)** To issue licenses for commercial companies which are engaged in delivery of water supply service in the benefit of the population;
- b)** To approve prices or tariffs and deadlines and conditions of delivered service by the licensees or when appropriate by unlicensed entities that provide water for public consumption;
- c)** To define procedures and standards of investments and selling of assets from licensees in the sector of water supply and sewage;
- d)** To set and guarantee application of work standards for licensees;
- e)** To encourage uniform standards and rules for the entire sector;

- f)** To prepare reports on the state of the sector for the Government and collect relevant information from licensees;
- g)** To set applicable tariffs for licenses;
- h)** To place administrative and monetary [financial] sanctions;
- i)** To issues rules in order to facilitate the execution of competencies and functions determined by this law;
- j)** To perform any other function deriving as a consequence of the above functions.

Article 15

- 1** – No natural or juridical person except of those licensed may perform the activity of collection, distribution, disposal and treatment of water for public benefit.
- 2** – When there exists disagreement of inconformity of opinion, on the fact that if a person is performing or not functions mentioned in paragraph 1 of this Article, the case shall be pass to the commission for review and its order is final.

Article 16

Conditions of License Receipt

- 1** – Any natural or juridical person may apply and be considered capable of license provided that the Commission rules that he satisfies the following conditions:
 - a)** (i) Technical and professional abilities; (ii) Necessary financial means to fulfill functions and to meet the license conditions for which you applying;
 - b)** Sufficient experience in the sector of water supply and sewage to undertake obligations owing to license;
 - c)** Personal qualities such as credibility and been serious;
 - d)** Having a permanent seat in the Republic of Albania and a representative who will be responsible to communicate with the Commission and with other state organs for issues pertaining to licensed activities.
- 2** – The Commission may require data and certifications that support the candidate request for license and the Commission may reject license if conditions submitted by the applier are contrary to paragraphs a, b, c and d of this Article.

Article 17

Issue of License by the Commission

- 1** – The Commission after application submitted in the form determined by it and after payment of a certain tariff by the applier shall issue the license, which authorizes a qualified person to:
 - a)** Collect and treat water in its plants;
 - b)** To deliver water for public consumption;
 - c)** To displace and process waste waters.
- 2** – Categories of licenses and procedures of application for license shall be determined by a separate order of the Council of Ministers.
- 3** – The Commission has the right to modify or to make amendments in licenses always giving an opportunity to licensee to express its opinions for those

amendments.

Article 18

Amendments and License Revocation

1 – The Commission has the right to make amendments or revoke an issued license in case of “material failure” of the licensee in order to be in conformity with license conditions or of any other reasonable cause.

2 – The Commission shall determine procedures owing to amendments and revocation of licenses and these procedures should include in time notice of the licensee and provision of an opportunity to him to reply prior to the Commission action.

Article 19

Limitations, Licenses and Licensees

1 – No licensee has the right, without written approval by the Commission, to buy or appropriate in another form the license of another licensee who operates in the activity of water treatment and delivery.

2 – The licensee has no right to transfer his license or entrepreneurship by selling, mortgage, lease, change or any other form without advance approval of the Commission in writing. This approval shall not be refused or delayed without reason by the Commission.

3 – The license holder may, with exception of the cases when is explicitly prohibited in the conditions of the license, enter into agreements for selling and buying of water with:

a) The holder of a delivery license which allows this holder to supply with water other delivery licensees;

b) Any other person upon approval by the Commission.

4 – Any agreement dealing with transactions of the type described in paragraphs 1 and 2 of this Article is invalid without the approval of the Commission.

Article 20

Annual Accounts of the Licensee

Any licensee, except in cases when been excluded by this obligation in the conditions of the license, shall prepare and submit to the Commission, prior or on the specified date in the license, accounting sheets of his activity and of any separate unit in such form and with such level of details as defined in the license. The condition of license shall be the auditing and publication of these accounts.

CHAPTER IV

TARIFAT E UJIT

Article 21

Standards and Tariffs

1 – The Regulatory Entity through the complete framework of approved rules one (1) year after entry into force of this law shall determine procedures and standards using which the Commission will determine, approve, modify or reject prices and tariffs, deadlines and conditions of service for all sales of water or performed services by the licensee in accordance with this law.

2 – Among other standards that Regulatory Entity may apply according to paragraph 1 of this Article are prices for treatment and delivery of water:

- a)** Shall protect consumers from monopolistic prices;
- b)** Shall give an opportunity to the licensee to recuperate reasonable costs of performance of an effective service including opportunity to make profit out of his investment that is sufficient for capital improvements and new constructions;
- c)** Shall encourage efficiency in internal operations achieving profit increase of the licensee through gross revenues increase and reduction of non-technical loss or lessening of service costs provided that the licensee shall fulfill all requirements of his license related to execution and quality of service and other applicable contracted requirements;
- d)** Shall encourage economical efficiency within the sector, giving accurate signals of prices in relation to surplus or deficit offer in the market;
- e)** Shall present clearly and openly subsidiaries given by the Government;
- f)** Shall display changes in the cost and in other aspects between classes of clients and types of service, dependant on subsidiaries that will be applied;
- g)** Shall give an opportunity to licensees to honor laws for protection of environment.

Article 22

Procedures of Establishment of Tariffs

The Regulatory Entity shall determine a methodology for establishment of tariffs in reliance with provisions of this law. The public shall be informed and be given the opportunity to comment on the manner of tariffs establishment by the Regulatory Entity. No tariff or part of it shall be modified more than one time within a fiscal year.

CHAPTER V

TË PËRGJITHSHME

Article 23

Guarantee of Application of Law

- 1** – In those cases when the Regulatory Entity thinks that a licensee is in contradiction with conditions of his license or provisions of this law, the Commission shall issue an order to guarantee application of such conditions.
- 2** – If Commission decides to issue an order it should notify the licensee:
- a)** To declare that is preparing the issuance of an order;
 - b)** To declare the condition or the relevant request through which the order aims at guaranteeing the rule of law, act or action that in the opinion of the Commission constitutes breach of declared condition and other facts that justified the issuance of the order;
 - c)** To specify the period of time (which shall be no less than five (5) days from the date of notice) within which the licensee may hold objections of the proposed order.
- 3** – After to the licensee has been given the opportunity to present the problem and protect himself against accusations made to him, the Commission, after review of the licensee explanations and objections (if any), in conformity with deadlines given in paragraph 2/c of this Article, issues an order (which might be modified based on licensee explanations and objections) in any time upon elapse of the period mentioned in paragraph 2/c of this Article, if:
- a)** The Commission has strong reasons to believe that the licensee of which the order is issued has opposed and breached a certain condition or requirement;
 - b)** The issuance of the order is useful to avoid a potential breach of a condition or requirement by the licensee.
- 4** – After issuance of the order, the Commission:
- a)** Shall give a copy to licensee to which the order is issued;
 - b)** Shall publish the order in such form that it deems necessary to appeal attention of persons potentially affected by the order;
 - c)** Shall commence administrative actions based on the order.

Article 24

Validity and Effect of the Order

If the licensee for whom the order is issued shall doubt its validity pretending that issuance of the order and deriving sanctions according to Article 23 is not a competence of the Commission or the Commission has not provided sufficient reasons to justify its order and the licensee may appeal in the competent court.

Article 25

Standards and Technical Conditions

1 – The Regulatory Entity shall encourage using all manners that deems necessary the creation of work standards and technical conditions for the entire sector which shall be applied equally throughout Albania. In these standards and rules shall be included:

- a) Criteria of security guarantee and cost effectiveness of the system;
- b) Practices and standards of construction;
- c) Practices and procedures for the use or system;
- d) Maintenance schedule;
- e) Standardization and equipment specifications;
- f) Health standards.

CHAPTER VI

MANAGEMENT AND PROCEDURES

Article 26

Regulatory Framework

1 – Prepared regulations by the Regulatory Entity should be published and have compelling power of application. The regulatory framework may be supplemented time after time as the Commission deems adequate.

2 – Each year the Commission starting after the first year of establishment shall deposit to the Government a detailed report of progress made by the Commission in finalization of the regulatory framework and in other duties assigned by this law.

Article 27

Investigations

The Regulatory Entity shall have the right to investigate any fact, condition, practice or issue which it deems necessary to determine if a person [subject] has infringed any of the provisions of this law or to assist in a better application of such provisions and of the regulatory framework.

Article 28

By-Laws

All orders, decisions and rules of the Entity:

- 1 – Must be in writing.
- 2 – Should determine:
 - a) The members of the Commission (including the chairman), who voted for that order, rule or decision;
 - b) Vote of each member;
- 3 – To show in case of an order [issuance] or decision taken by a special committee

delegated by the Commission, the member or employee participating in the committee;

4 – To have an explanation in writing for the reasons of establishment of this special committee.

Article 29

Procedures

1 – Within one year from the entry in force of this law, the Regulatory Entity shall have enacted procedure rules that the Commission will apply in execution of the functions provided for in this law. These rules shall require in minimum:

a) Public notice about (i) the objective of the Commission to initiate investigations or to issue rules and (ii) filing of applications, complaints, and other requests submitted to the Commission;

b) Opportunity for public comments including comments from the Government.

2 – As many times as the Chairman deems necessary and based on his directions the Commission shall organize public hearings.

Article 30

Complaints

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• Any interested person may file a written complaint to the Commission for a licensee about whom thinks that has infringed provisions of this law or of any order, rule, license or guidelines issued in accordance with this law. The Commission shall notify immediately the licensee through a notice in writing about the complaint and shall give to him an opportunity to reply in writing.

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Article 31

Collection of Reports and Information

1 – The Entity should present to the Government and the People's Assembly the following:

a) Immediately after ending of each fiscal year, but no later than the last day of January the below paperwork:

(i) An annual report where on year work of the Entity and forecast for the developments of the coming year should be described;

(ii) A sector report on the state of water supply and sewage sector in Albania, including but not limited to 1) Ownership, use and control of water supply systems; 2) Actual capacity of treatment and delivery as well as forecast need for water in the future; 3) Cost of the service of water supply; 4) Relation of these issues with the living standard in Albania; 5) Recommendations for necessary actions to be taken by the Government.

b) As many times as asked for by the Government or the People's Assembly:

(i) Any application form, roll, accounts, statistics or any other information related to any issue been under the control of the Commission;

- (ii) Reports on this matter;
- (iii) Copies of any kind of document archived by the Commission.

2 – On basis on the regulatory framework created by the Commission, any licensee according to this law is obliged to present to the Commission whatever report, financial roll and information that the Commission deems absolutely necessary for the guaranteed, safe and efficient operation of the national system of water supply as well as for effective functioning of the Regulatory Entity.

Article 32

The filing documentation of the Entity shall be open subject of inspection by the public during a certain period within the official hours. These files shall include relevant documentation which shall be archived and indexed according to the guidelines, procedures and standards of the Entity. All this process shall be subject of whatever procedure for keeping of secrets that the Commission may determine.

Article 33

Relation with other laws

1 – Any legal provision contrary to this law is repealed.

2 – This law constitutes the only source of authority on basis of which shall be determined tariffs and prices of water supply sector in the Republic of Albania.

Article 34

This law is effective 15 days after publication in the Official Journal.

Promulgated with the decree No. 1467, dated 18.04.1996, of the President of the Republic of Albania, Sali Berisha

REPUBLIC OF ALBANIA

L A W
No. 8905, dated 6 June 2002

• **ON PROTECTION OF MARINE ENVIRONMENT FROM
POLLUTION AND DAMAGE**

• Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the the Council of Ministers,

• **THE ASSEMBLY OF THE REPUBLIC OF ALBANIA**

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

PURPOSE

The purpose of this law is the protection of the marine environment of the Republic of Albania from pollution and damage, through prevention and deterrance of such harm caused by human activity in the sea and in the coastal zone as may corrupt the quality of water, may damage sea and coastal resources, endanger the fauna and flora, threaten human health and generally obstruct normal life in this environment.

Article 2

Definitions

For the purposes of this law:

1. "Marine environment" is the sea space of the Republic of Albania together with the fauna and flora, sea wealth, resources of the sea bed and sea subsoil including the coastal line, beaches, ports, harbors and land territories, the laggons and river deltas and lake stream running into the sea.

2. "Resources of the sea and coast" mean every mineral resource, biological variety, archeological and paleontological findings of the marine environment.

3. "Pollution" is the introduction by humans, directly or indirectly, of substances or energy in the marine environment that is harmful to the sea and coastal resources, corrupting to the quality of water, hazardous to human health and obstructive to sea faring and fishing.

3.1 "Large scale pollution" means complex and extensive pollution, the elemination of which requires comprehensive measures and cleaning operations.

3.2 "Small scale pollution" means pollution of limited extent, the elemination of which can be handled with local means and resources.

4. "Dumping into the sea" means the dumping of substances and garbage from ships, sea platforms and installations, and from the coast.

5. "Sea sinking" means the advertant sinking into the sea of the ships, platforms, installations and every manner of cargo and equipment.

The sinking of materials foreseen in the international law and conventions which the Republic of Albanis is a party to is not considered sea sinking.

6. "Hazardous substances" means the substances the production, transportation, conservation, use or discahrge of which in the marine ennvirment, by their very properties, is harmful to human health, corrupting to the qualities of the marine environment, the flora, fauna and quality of life in general.

7. "Waste" means all kind of waste deriving from human activity, except for the substances listed in the annexes attached to this law.

8. "Polluted waters" means:

- a) Sewage waters;
- b) Liquid waste from any source;
- c) Hospital liquid waste;
- d) Every other waste dumped in sewage.

9. "Human activity" means:

- a) Sailing and transportation by ship or any other vessel;
- b) Exploitation of resources of the sea and seabed;
- c) Economic, trading and service activities on the coast;
- d) Maintenance, repair, and any other related operations involving ships, sea platforms and installation located on the sea and coast;
- d) Scientific research of marine resources, including in the sea bed and subsoil;
- dh) Geological, seismological, oeonographic studies, sample drawing and drilling.

10. "Platform" and "Pontine" means structures deployed on the sea for study, research or utility purposes.

11. "Installations" means equipment deployed in the sea such as pipes, cables, lines, etc., to facilitate the carrying out of activities.

12. "Sea burning" means the free thermo-destruction of waste and any burning substance in the waters of the marine environment.

Article 3

Protection

- 1. The marine environment constitutes an integral part of the territory of the Republic of Albania. The protection of the marine environemnt is subject to all the environmental laws and bylaws of the Republic of Albania and the international conventions, protocols, agreements which the Republic of Albania is a party to.

- 2. The cleanliness of the marine environment, its protection from pollution and damage is a duty of central and local governmental structures, civic organisations and citizens.

- 3. Especially obligated to protect the marine environment and to implement the provisions of this law are:

- a) legal and physical entities, public or private, national or foreign, that utilise the marine environment or carry out their activities in this environment;

- b) every deployment on the sea coast;
- c) every vessel deployed or sailing the sea;
- d) aeronautical craft flying over the marine environment.
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CHAPTER II

ADMINISTRATION AND CONTROL OVER UTILISATION OF THE MARINE ENVIRONMENT

Article 4

Administration

1. The marine environment of the Republic of Albania is inalienable state property.
2. The administration of the marine environment is the responsibility of governmental bodies entrusted by law. No authority other than those recognised by law may authorise the utilization or exploitation of the marine environment.

Article 5

Utilisation and exploitation

1. The sea environment may be utilised and exploited for economic, trading, scientific, social, portual, tourist and military activities.
2. Utilisation and exploitation is the attribute of governmental structures, physical and legal entities, national or foreign, provided that the terms and conditions stipulated by law are fully observed.

Article 6

Forbidden activities

1. The following activities are forbidden in the sea environment:
 - a) the dumping of hazardous poisonous and explosive substances and waste;
 - b) the dumping of substances and solid matter defined in Annex I attached to this Law;
 - c) the discharge of hydrocarbons and polluted waters;
 - d) the discharge of solid substances and material of any kind and nature, with the exception of fishing vessels and equipment and the materials and resources needed for the construction of ports, piers and other structures, in accordance with blue prints approved by the Ministry of the Environment and conditions set by this Ministry.
 - e) the dumping of waste and all manner of substance from the ships, platforms, installations and the coast;

- f) the transportation of hazardous substance and waste;
- g) the sinking of ships, cargoes and merchandise of all type and manner;
- h) the sinking and abandonment of any installation that used to serve for various activities;
- i) the construction and operation of equipment shedding ionian radiation;
- j) the burning of substances and materials of any kind;
- k) the entrance into ports with unclean vessels of any kind, make and loading capacity.

2. Waste defined in Annex II attached to this Law may be dumped into the sea only upon authorisation of the Ministry of Environment.

Article 7

Control authority

Control of sea environment and sea activity is exercised directly by the Inspectorate of Protection of the Environment, by portual authorities, by licensing authorities and other structures as defined by law.

Article 8

Object of Control

- 1. Control by the Environment Inspectorate is permanent and continuous.
- Control is exercised over the condition and qualities of the marine environment, with regard to natural and human elements in such environment, for purposes of monitoring and recording change.
- 2. The Inspectorate exercises control over the impact produced by the various activities in the marine environment and enforces the implementation of the environmental law and the terms and conditions stipulated in the environmental permit.
- 3. For purposes of carrying out its duties, the Inspectorate interacts with portual authorities, the Fishing Inspectorate, the State Police and the Coast Guard of the Republic of Albania.

CHAPTER III

COLLECTION AND DISPOSAL OF WASTE

Article 9

Waste management regulation

- 1. The collection and disposal of waste created in the marine environment by economic and social activities and by anchored or sailing ships is subject to the provisions of this law and the by-laws ensuring its implementation.
- 2. Regulation governing the management of waste in the marine environment is designed jointly by the Minister of Environment, the Minister of Transports & Telecommunications and the Minister of Territorial Regulation and Tourism.

Article 10

Collection

- Sea platforms, ships of gross tonnage above 400 BRT, and any activity taking place in the marine environment, are obligated:
 - a) to carry waste collection containers in accordance with the type and proportions of the installation and activity;
 - b) to use filters that separate water from used hydrocarbons;
 - c) to record in a dairy book the operations dedicated to collection and disposal of waste;
 - d) to create internal monitoring systems and publicize the monitoring data.

Article 11

Waste disposal undertaking

1. Physical and legal cleaning entities are licensed to dispose of waste and used hydrocarbons discharged from the activities taking place in the marine environment.
2. The physical or legal entities administering marine waste are obligated to obtain an environmental license.
3. Licencing is subject to employment of the best available cleaning technologies.

Article 12

Turning in waste

- 1. Physical or legal entities operating activities in the marine environment and ships about to enter the port, turn in waste and used hydrocarbons to the licensed cleaning undertaking.

- 2. Before asking permission to enter the ports of the Republic of Albania, the captain of the ship is obligated to submit to port authorities a declaration on the hygiene of garbage containers.
- 3. Port authorities check the vessel to verify the truthfulness of the captain's declaration and the containers' condition.
- 4.

CHAPTER IV

POLLUTION MANAGEMENT

Article 13

Notification of pollution

- 1. Persons detecting pollution in the marine environment are obligated to give proper notification to the port authority or the closest governmental authority.
- 2. Ship captains, platform operators or persons of equal rank in any marine environment activity are obligated to notify port authorities immediately upon detecting pollution caused by hydrocarbons or hazardous substances.
- 3. Notification should include:
 - a) Name and other personal data of the notifier;
 - b) Coordinates of pollution;
 - c) Happening and detection time;
 - d) Description of pollution;
 - e) Source and cause of pollution;
 - f) Type and amount of pollutant;
 - g) Condition of the weather and the sea
- 4. The Port Authority upon verification of the truthfulness of notification, informs the Ministry of Transports and Telecommunications, the Ministry of Environment and the local government in the territory of which the pollution has taken place.
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Article 14

Pollution elimination

- 1. The physical or legal entities causing pollution to the marine environment are obligated to clean up the polluted zone and return it to its previous condition. They are obligated to indemnify damages, as well.
- 2. In the first instance, the obligation to take steps to eliminate the pollution they may have caused falls upon the captain of the ship, the operator of the platform and persons of equal rank in other activities taking place in the marine environment.

Article 15

Cleaning operations

In the event of large scale pollutions, a cleaning operation is mounted in accordance with the requirements of Law No. 8756 dated 26 March 2001 "On civil emergencies".

Article 16

Pollution caused by the military

- 1. In circumstances of marine environment pollution by military ships or installations, the Inspectorate of Environment notifies the Ministry of Defense which is obligated to launch measures for cleaning the polluted zone.
- 2. When pollution is caused by foreign military ships which sail, anchor or otherwise participate in military exercises in the marine environment, the diplomatic channels submit due notice to responsible state with requirements for cleaning pollution and indemnifying damages.

Article 17

Wartime pollution

The pollution and damage of the marine environment by ships, aircraft and other foreign military craft involved in war operations, constitute issues of primordial importance in post war negotiations with the warring state having caused the pollution. Requests for restitution of the marine environment to its previous condition and indemnification of damages shall be submitted during such negotiations.

CHAPTER V

SANCTIONS

Article 18

Forbidden activities

- 1. The Inspectorate for Protection of the Environment is entitled to institute charges against subjects involved in activities forbidden by Article 6 of this Law if and when such activities qualify as criminal offences.
- 2. In cases when violations qualify as administrative infringements, the Environmental Inspectorate authorises the immediate termination of the activity and the confiscation of the craft and equipment causing the pollution. Small scale pollution as defined by Article 2, subpoint 3.2 is fined with 10 thousand to 100 thousand leks; large scale pollution as defined by Article 2, subpoint 3.1 is fined with 500 thousand to 1 million leks; sea dumping from the coast is fined with 100 thousand to 500 thousand; hazardous waste dumping as defined by Article 6 is fined with 500 thousand to 1 million leks; polluted waters discharge as defined by Article 2 point 8 is fined with 100 thousand to 500 thousand leks.

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Article 19

Other forbidden activities

1. For the purposes of this law, the following activities, when not a criminal offence, qualify as administrative breaches and are punished respectively:

a) with fines of 100 thousand to 1 million leks and the suspension of activity for up to three months, within which time limit the undertaking should obtain an environmental license, in case of activities operated without said license;

• b) with fines of 100 thousand up to 1 million leks, depending on the type and scale of pollution; the obligation to reconstitute the zone to its previous condition; and with suspension of the activity for as long as it takes to eliminate pollution when the case is one of pollution and damage to the marine environment.

c) suspension by the Environmental Inspectorate for one month, within which time the undertaking must take steps to fulfill the requirements, in cases of non-compliance with the requirements of Article 10 of this Law, notwithstanding the possession of the environmental license.

d) with fines of 100 thousand up to 1 million leks, depending on the type and scale of pollution, in cases when the captain of the ship, the operator of the platform or persons of equal rank in other activities, fail to provide due notice of pollution;

2. The Environmental Inspectorate is empowered to administer and execute fines, to suspend or terminate activities, in the manner provided by this article.

3. The Inspectorate for Protection of the Environment may institute charges if and when the violations qualify as criminal offences.

Article 20

By-Laws

• The Council of Ministers and relevant ministries are hereby charged with drafting by-laws for purposes of implementation of this law.

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Article 21

• This Law enters into force 15 days following its publishing in the Official Gazette.

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CHAIRMAN
Servet Pëllumbi

Annex I

SUBSTANCES AND WASTE FORBIDDEN TO BE DUMPED INTO THE SEA

1. Mixtures of organic–halogen components and mixtures that may form similar substances in the marine environment, except for non-toxic substances and those that transform immediately, once into the sea, into biologically harmless substances, provided that the latter substances do not corrupt the taste of sea life used for human consumption.

2. Mixtures of each of the above substances and mixtures that may form such substances in the sea environment, except for non-toxic substances or substances that transform immediately once in the marine environment into harmless substances, provided that the latter do not corrupt the taste of sea life used for human consumption.

3. Mercury and mercury mixtures.

4. Cadmium and cadmium mixtures.

5. Solid plastic materials that materially hamper fishing or sailing, damage beaches or obstruct other lawful utilisation of the sea.

6. Raw petroleum and hydrocarbons deriving from petroleum and any other mixtures containing the above that is loaded for dumping into the sea.

7. Radioactive waste of the high, medium and low calibre.

8. Acid and alkaline mixtures with concentrations that may seriously damage the quality of sea water.

9. Materials of any aggregate condition produced for biological and chemical war purposes, except for those that do not corrupt the taste of sea life and do not threaten human life.

Annex II

The following waste may be dumped into the sea only upon authorisation of the Ministry of Environment:

1.1. Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimonies and respective compounds.

1.2. Cyanides and fluorites.

1.3. Pesticides and their by products similar to those not included in Annex I.

1.4. Organic-synthetic chemicals, except for those mentioned in Annex I, which may produce harmful consequences for sea life or may corrupt the taste of sea life used for human consumption.

2.1. Acid and alkaline mixtures.

2.2. Acid and alkaline mixtures not contained in Annex I.

3. Barrels, metal waste and other heavy waste that may sink at the bottom of the sea and may create serious obstacles to fishing and sailing.

4. Compounds that, despite their non-toxic nature may become harmful due to the size of dumping, may have the potential to considerably reduce the opportunities of exploiting the sea for entertainment, or may endanger human or sea life, or hamper sailing.

5. Radioactive waste or other radioactive substances not included in Annex I.



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- **REPUBLIC OF ALBANIA**
- **THE ASSEMBLY**
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- **L A W**
- **No. 9115 dated 24. 07. 2003**

**CONCERNING THE
ENVIRONMENTAL TREATMENT OF POLLUTED WATERS**

Based on articles 78 and 83, point 1 of the Constitution, upon proposal
from the Council of Ministers

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL STIPULATIONS

Article 1

Purpose

The purpose of this Law is to protect the environment and human health from the negative impact of polluted waters by setting rules for environmental treatment of such waters and defining binding obligations upon subjects who discharge polluted waters in the environment.

Article 2

Object

The object of this law are the following:

- a) polluted urban waters,
- b) polluted industrial waters, according to specific industries;
- c) waters resulting from irrigation of the land;
- d) polluted waters of any kind

Article 3

Definitions

For purposes of this law:

1. "polluted urban water" means used water discharged from households and certain industrial activities. Such waters contain both dissolved and float matter.

2. "polluted household waters" means used water of any kind containing organic, degradable substances, mineral substances, dissolved or float, etc., discharged from plumbing installations of all kinds.

3. "polluted industrial waters" means used waters discharged from commercial and industrial activities.

4. "receiving environment" means sites into which used waters are discharged.

5. "agglomerate-intensive urban zone" means a zone into which the concentration of the population and economic activity necessitates the collection and systematization of discharged urban liquid waste into one single site or the channeling of such waters into a treatment establishment.

6. "collector system" means a system of pipes, in one part or multipart, which collects and systemizes the discharged polluted urban and industrial waters.

7. "unit for population" is the average pollution for person per day containing 90 gr/day of float substance, 60 gr/day organic matter, 15 gr/day ammonium nitrate and 4gr/day phosphorus.

8. "primary treatment" means treatment of used waters through the physical process of primary decantation which removes 60 per cent of float substance and 20 per cent of NBO₅.

9. "secondary treatment" means the treatment of polluted waters through biological processes, bacteria layers, aired basins, stimulated sedimentation coupled in particular cases with soluble action (decantation/filtration) to bring about denitration and de-phosphoration.

10. "appropriate treatment" means the treatment of polluted urban waters through a given process as a result of which the liquid discharges in the receiving waters will not corrupt the quality of receiving water bodies as required by law.

11. "sludge" is the solid and semi solid waste resulting from processes of treatment of polluted waters.

12. "eutrophication" is the enrichment of water ecosystems with nutritious substances, containing primarily nitrate and phosphorus, especially such eco systems in which biological processes bring about a vigorous growth of algae and high forms of plant life generating changes in the quality of water.

13. "estuary" means the transitory zone of water bodies at river deltas.

14. "coastal waters" means the waters outside the line of low waters, or waters outside estuary boundaries.

15. "biological need for oxygen NBO₅" means the amount of oxygen consumed over 5 days by aerobic bacteria in the presence of air. It represents biodegradable organic pollution.

16. "sensitive zones" means zones forming part of naturally sweet water lakes; sweet water bodies destined to be utilized as sources of drinkable water; delta, estuaries and costal waters that have been defined as eutrophic or are identified as potentially eutrophic.

17. "less sensitive zones" means zones forming part of: open bays, deltas and coastal waters of satisfactory water movement and no risk of becoming subject to eutrophication or depletion of oxygen, or that are considered less prone to becoming eutrophicated as a consequence of discharge of polluted waters.

18. "monitoring" is the collection, assessment and generalization of environmental data through continuous or periodic observation of a group of environmental indicators, both qualitative and quantitative, characterizing the environmental elements and their change under the influence of human or natural factors.

Article 4

Duties of state structures

1. The Ministry of Environment, regional agencies and the Environmental Inspectorate, in conjunction with the legal authorities charged with water reserves management, assist the environmental treatment of polluted waters and oversee every stage of the treatment process.

2. State structures, both central and local, each on its own line of power, work closely with the Ministry of Environment to:

a) designate techniques, technologies and best possible methods for the environmental treatment of polluted and used waters in accordance with their nature and kind;

b) design plans for the environmental treatment of polluted waters in a manner integral with the management plans for respective water basins;

c) create a contemporary legal framework for the environmental treatment of polluted and used waters;

d) improve the responsible oversight structures;

e) allocate and efficiently use the earmarked financial resources;

f) continuously control the activities causing pollution of waters, as well as subjects engaged in water treatment and cleaning.

CHAPTER II

PREVENTION OF POLLUTION AND REDUCTION OF POLLUTED WATERS

Article 5

Purpose of the environmental treatment of polluted waters

The environmental treatment of polluted waters aims at:

a) reducing production of polluted waters by economic and social activities; reducing the scale of pollution in such waters;

b) promoting the use of best possible techniques and methods based on environmental standards; endorsing by-laws and regulations setting such standards;

c) instituting technical and technological safeguards binding upon subjects of this law;

d) shortening the period of exposure of polluted waters to the environment;

e) early environmental treatment so that subsequent treatment of polluted waters is not prevented;

f) reducing to the greatest possible degree the movement of polluted waters; treating such waters closest to the source and at the closest possible cleaning plant;

g) prevention of environmental pollution caused by polluted waters and containing the harm where pollution there is;

h) ensuring indemnification of pollution damage and the rehabilitation of the environment from damage caused by physical and legal entities who discharge pollutants over and above prescribed norms.

Article 6

Obligations of physical and legal entities who discharge polluted waters

1. Physical and legal entities, the activity of which discharges polluted waters, are obligated to take measures to:

a) continuously reduce the amount of used waters they discharge in the receiving environment;

b) reduce the degree of pollution in discharged waters, especially such pollution as caused by hazardous substances and waste;

c) manage and treat polluted waters by:

i) constructing and operating a system of internal pipes;

ii) constructing and operating treatment plants in accordance with specific requirements of the respective industry;

iii) constructing and operating a network of pipes to dispose polluted urban waters and industrial discharge into the collector;

iv) promoting the re-use of treated water;

v) treating sludge and solid waste resulting from treatment plants in accordance with requirements and conditions contained in the environmental license;

vi) implementing the legal norms for liquid discharge and using contemporary methods and technologies for treatment of polluted waters.

2. To comply with these obligations, the physical and legal entities whose activities discharge polluted waters must design a program of technical, technological and organizational measures. This program is subject to control by the Environmental Inspectorate, the licensing authority and the local government structures.

Article 7

Obligations of subjects engaged in treatment of polluted waters

1. Physical and legal entities, public or private, national or foreign, that undertake the treatment and cleaning of polluted waters, must ensure:

a) the implementation of technical, methodological and organizational requirements for treating and cleaning polluted waters;

b) implementation of standards and conditions defined in the environmental license;

c) the discharge of treated waters in the receiving environment only if

such waters comply with established norms;

d) the training of staff operating plants and installations for treatment and cleaning of polluted waters;

e) the institution and administration of documentation recording the actions and processes carried out relative to treatment and cleaning of polluted waters;

f) book keeping according to the division and classification of polluted waters with regard to quantities, content and cleaning of these waters;

g) treatment of sludge and solid waste resulting from treatment of waters in accordance with the requirements of solid waste management;

h) facilitation of inspector's control;

i) contract agreements with physical and legal entities, public or private, national or foreign, the activity of which produces polluted waters, which contracts define in detail the obligations of sides.

2. Subjects treating polluted waters are responsible for damage caused to human health and natural environment. They are obligated to indemnify the pollution damage and reinstate the environment to its former condition at their own expense. Rules and procedures for damage appraisal and rehabilitation of environment are defined by special ordinances of the Environmental Minister.

CHAPTER III

TREATMENT OF POLLUTED WATERS ACCORDING TO TYPE

Article 8

Treatment of polluted industrial waters

1. Any subject whose activity produces polluted industrial waters is under the obligation to treat these waters in accordance with the specificities of the type of industry.

2. Treatment of polluted industrial waters is a process that involves:

a) preliminary treatment from the activity generating such waters;

b) treatment from physical and legal entities undertaking the cleaning of such waters by installing and operating special treatment plants;

c) prohibition of re-use of treated industrial waters;

d) prohibition of use of sludge remaining after cleaning processes;

e) final depositing of solid waste in specially designated sites.

3. At the end of treatment, as per type of industry, used waters when within allowed norms of purification, may be discharged in running water bodies.

4. Lawful discharges of any production unit or industrial object (project) are envisaged since the design stage and contained in the Environmental Impact Assessment submitted by the proposing subject.

Article 9

Liquid discharges in the industrial zone

1. In industrial zones, special plants are established for the treatment of liquid discharge, in accordance with capacities and particularities of industries operating in the zone (plants of chemical precipitation to treat waste from toxic metal, plants for biological treatment to treat organic waste).

2. Sludge and floats must be minimized; should there be traces of toxic metals they must be eliminated with appropriate methods.

Article 10

Liquid discharges from any process

Liquid discharges resulting from filtrations of deposits of solid waste, from agricultural activities, or any other activity, must not exceed the established norms for liquid discharge as regards any and all types of processes.

Article 11

Environmental treatment of polluted urban waters

1. Urban discharges are subject to preliminary environmental treatment which involves:

a) the construction of necessary infrastructure for movement of polluted waters from the households to the urban pipe system;

b) construction and operation of pipes for liquid discharges in urban and rural areas in accordance with criteria for protection of the environment. The Council of Ministers establishes environmental criteria for construction and operation of pipe systems upon proposal from the Minister of Environment, the Minister of Tourism and Territorial Regulation and the Minister of Health;

c) establishment of other systems to guarantee protection of the environment, in cases of impossibility to construct pipe systems,

d) separate treatment of such waters from other liquid discharges;

e) construction and operation of plants for treatment of such water prior to their discharge into waters bodies;

f) degree of treatment which must correlate to the particularities of the receiving environment where treated urban waters is finally discharged.

2. Requirements of point 1 of this Law are binding in the case of both intensive and non-intensive urban zones.

3. Existing tourist zones and zones with expected tourism development must be equipped with collector systems for liquid urban waste (pipes).

4. Established boundary norms apply for liquid urban waste.

Article 12

Treatment of polluted urban waters

Liquid urban waste is subjected to strict treatment. In addition to primary and secondary treatment, in special cases, it undergoes specific purifying systems.

Article 13

Treatment of polluted urban waters in less sensitive zones

1. Liquid urban discharge in less sensitive areas is subject to primary treatment provided it poses no threat to the receiving environment.

2. If the Environmental Inspectorate finds that liquid urban discharges are threatening the receiving environment, secondary treatment is made obligatory.

Article 14

Identification and designation of zones

1. Identification of sensitive and less sensitive zones takes place no less than once every four years.

2. Designation of sensitive and less sensitive zones is subject to special decision by the Council of Ministers, upon proposal from the Environmental Minister and the Minister of Tourism and Territorial Regulation.

Article 15

Discharges in mountainous zones

Liquid urban discharge in mountainous zones, due to low temperatures which make biological treatment difficult, is subject to physical and chemical treatment provided that negative impacts on the environment are not increased.

Article 16

Permissible norms of liquid discharges

1. Permissible norms of liquid discharges include:

- a) permissible norms for industrial discharges;
- b) permissible norms of discharges from industrial zones;
- c) permissible norms of discharges from any process;
- d) permissible norms of urban discharges.

2. Norms of liquid discharges are endorsed by special decision of the Council of Ministers upon proposal from the Minister of the Environment and the concerned Ministers.

Article 17

Rehabilitation of the receiving environment

In cases when the Environmental Inspectorate finds that permissible norms for discharging liquid waste in the receiving environment have been exceeded, the Inspectorate has the authority to warrant discontinuation of

discharges until the polluted environment has been reinstated and evidence supplied that the norms will hereafter be honored.

CHAPTER IV

ENVIRONMENTAL LICENSE

Article 18

Conditions of the environmental license

1. The environmental license for physical or legal entities whose activity results in polluted waters defines:

- a) special conditions for implementation of liquid discharge norms in accordance with the type of the activity;
- b) requirements for construction and operation of an internal system of pipes;
- c) requirements for primary treatment of polluted waters;
- d) measures for prevention of pollution to the environment by such activities;
- e) information on the collector where treated waters may be discharged and the regime for such discharge;
- f) book keeping;
- g) the obligation to monitor and publish the result of discharge monitoring.

2. Physical and legal entities undertaking the treatment and cleaning of polluted waters should obtain an environmental license which defines:

- a) requirements, terms and conditions for construction sites of plants and installations for water purification operations;
- b) the type of plant or plants to be used;
- c) methods, techniques and technologies to be used by such plants and manner of operation;
- d) established norms of liquid discharge following prior treatment of waters;
- e) information about receiving environment and regimen of the discharge;
- f) requirements for environmental treatment of sludge resulting from treatment of polluted waters as dictated by nature, content and amount of sludge;
- g) book keeping rules;
- h) obligation to monitor and publish monitoring data.

Article 19

Exemption from tariff

Physical or legal entities in the business of treating polluted waters are exempt from service tariffs applicable to subjects of environmental licenses.

CHAPTER V

MONITORING

Article 20

1. Physical or legal entities whose activities discharge polluted waters and those who have undertaken the treatment of liquid urban, household, industrial discharge, as well as discharge from any process, are under the obligation to institute and carry out the monitoring of these activities at their own expense.

2. For purposes of monitoring, the physical and legal entities hire and train adequate staff or contract specializing institutes engaged in the implementation of the National Environment Monitoring Program.

3. Monitoring is mandatory for every stage of treatment of liquid discharge including discharge in the receiving environment.

4. Monitoring of own activity must be carried out in accordance with the requirements of the National Monitoring Program as well as in accordance with the individual monitoring program which the physical and legal entity must submit as part of the application for the environmental license.

5. Individual programs should include:

a) specific information on modern methods used in accordance with the properties of discharged liquids;

b) periodicity of measurements and points of sample extraction in accordance with the capacity of the treating plant and the particularities of the receiving environment.

CHAPTER VI

CONTROL

Article 21

1. The Environmental Inspectorate, the licensing authority, the sanitary inspectorate and the Municipal Inspectorate control the implementation of liquid discharge norms.

2. Environmental Inspectorate controls the implementation of requirements and conditions for environmental treatment of polluted waters enshrined in the environmental license.

CHAPTER VII

SANCTIONS

Article 22

Prohibited actions

The following actions are prohibited in the territory of the Republic of Albania:

- a) discharge on the ground or in water bodies of waters polluted beyond limits established for liquid discharges;
- b) treatment and purification of polluted waters outside sites designated for this purpose;
- c) treatment and purification of polluted waters by unlicensed physical and legal entities;
- d) treatment and purification of polluted waters with inappropriate techniques and technologies not endorsed by legal acts;
- e) mixture with water bodies of liquid discharge from deposited solid waste or from landfills;
- f) use of polluted waters for any purpose or activity.

Article 23

Administrative infringements

1. In cases when violation of the requirements of this law constitutes a penal offense as qualified in the Criminal Code Chapter "Criminal offenses against the environment" the Environmental Inspectorate institutes legal charges.

2. When not a criminal offence, the breaches of the requirements of this law, qualify as administrative infringements, in such cases as described below:

- a) carrying out activities which produce polluted waters without proper licensing; unlicensed activity of treatment and purification of polluted;
- b) failure to comply with the requirements and conditions set in the environmental license for the environmental management of polluted and used waters;
- c) failure to conduct primary treatment of liquid discharge from activities producing polluted waters;
- d) uncontrollable discharges of polluted waters, in cases of lack of internal pipes inside the territory of the activity; in case of non existing pipe systems from the activity to the collector; or in cases such systems are out of service;
- e) failure to install and operate plants for treating liquid discharge inside the activity or in the activities that have undertaken the treatment and purification of polluted waters;
- f) violation of rules and requirements for the operation of plants and installations from treatment and purification of polluted waters:
- g) non-compliance with book keeping rules for liquid discharge;
- h) non-compliance with monitoring obligations;
- i) failure to publish information; withholding monitoring data;
- j) failure to inform the population with regard to polluted waters risk and potential threat to human health, as well as safety measures to be taken to ensure protection from discharges beyond and above permissible norms.

Article 24

Fines for administrative infringements and other sanctions

1. In cases of administrative infringements described in article 23 of this Law, the Environmental Inspectorate administers fines as follows:

- a) for letters "g, "h, "i" and "j" from 100 000 up to 300 000 leks;
- b) for letters "a", "b", "c" and "f" from 300 000 up to 500 000 leks;
- c) for letters "d" and "e" from 500 000 up to 1 000 000 leks.

2. Besides fining, the Environmental Inspectorate may decide the temporary or permanent closure of the activity depending on degree of pollution and damage caused.

3. Review of administrative infringement is subject to law no. 7697 dated 7. 04. 1993 "Concerning administrative infringement", together with amendments.

Article 25

Appeal

1. The decision of the Environmental Inspectorate may be appealed at the Minister of Environment within 10 days from its date of communication. The Minister must respond to the appeal within 15 days from the date of submission.

2. Decision of the Environmental Minister, or if the Minister does not respond within the 15 days, complaint against punishment may be pressed at the local court of justice within 30 days from the notification date.

Article 26

Enactment of by-laws

1. The Council of Ministers is hereby charged to enact by laws to the effect of the implementation of article 11, point 1, letter "b", article 14, point 2 and article 16 point 2 of this law within 3 months of approval by the Parliament.

2. The Environmental Minister is hereby charged to enact by-laws to implement point 2 of article 7 of this law within three months of approval by Parliament.

Article 27

This law enters into force 15 days following its publication in the Official Gazette.

CHAIRMAN
Servet Pëllumbi

CHAPTER FOUR:

OTHER

RELATED

LEGISLATION

L A W
Nr.8405, date 17.9.1998

ON
URBAN PLANNING

In accordance with Article 16 of Law No.7491, dated 29.4.1991 "On the main constitutional provisions", on the proposal of the Council of Ministers,

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I

DEFINITIONS

Article 1

Within the meaning of this law:

"Regional urban planning study" is the complex urban planning study and includes the territory of one or more municipalities and districts;

"Master plan" is the urban planning study with a certain subject and includes all the country territory or separate parts of it;

"Environmental study" is the study conducted to determine the ecological conditions or state of a given environment;

"General adjustment plan" is the complex urban planning study of a limited territory and includes the territory of a city together with the suburban area (outskirts) of the perspective extension of a village, an urban area, a recreational area, an industrial area etc;

"Partial urban planning study" is the detailed urban planning study based on the forecast of the general adjustment plan and includes areas of part of its territory where adjustment interventions are forecasted;

"Construction site blueprint" is the graphical material that is extracted from the partial urban planning study and is attached to the decision of approval of the construction site and its urban conditions;

"Construction bordering line" is the geographical border of the territorial extension of constructions;

"The border of the suburban area or the suburban line" is the geographical border of the territorial extension of the town outskirts for a multi-annual period;

"Construction line" is the permitted border for the construction of volume with the surround area referring to;

"Site" is a piece of land that is located within the bordering line of the construction determined through the urban planning study approved to build on it;

"Public property territory" is the piece of land inside and outside the bordering line of

the construction and approved for public use;
"Private property land" is any piece of land inside and outside the bordering construction line in private property;
"Draft project" is the development phase of a construction project sufficient to use in the deliberation of the approval of the construction site;
"Technical project" is the development phase of construction project sufficient to use in the construction permit issuance;
"Implementation project" is the development phase of construction project sufficient to use in the implementation of the object construction;
"Urbanization" is the process of occupation of a piece of land to construct, from the simple adjustment elements to the definite construction;
"Protected area" is the area of special natural values and ecologically sensitive;
"The green area" is the piece of land destined for greening, from the grass to the high greening [trees and bushes];
"Urban planning conditions" are the technical conditions and requirements compulsory to be applied that define the space development of a construction (extension in length, width, volume, form, etc).
The Urban planning Regulation determines the content and the preparation methodology of the above definitions.

CHAPTER II

GENERAL PROVISIONS

Article 2

Urban planning, within the meaning of this law expresses and defines the general rules of construction placement and architecture in the entire territory of the Republic of Albania.

In determination of these rules shall be taken into consideration the economic and social development, present or future of the country, at the national and local level, the protection of the country, the protection of the environment, preservation and display of the urban planning, architectural and archeological values as well as the protection of legal interests concerning the private property.

Article 3

The local government organs shall be the management of the territory under their jurisdiction, in compliance with the competences provided for by law. Aiming at the life conditions improvement, territory is managed on legal basis, to ensure the environment protection, to preserve the equilibrium in the development of urban and rural areas and at the present conditions improvement, the local government organs shall harmonize their decisions mutually, honoring the local autonomy.

Article 4

All construction in the territory of the Republic of Albania shall be done based on regional and environmental urban planning studies, master plans, general adjustment

plans, partial urban planning studies in the draft project phase and on technical and implementation projects. The project of all the types of superficial and subterranean constructions and of engineering infrastructure in the entire territory of the country shall be based on norms, technical conditions, laws, and by-laws in force.

Article 5

The regional urban planning and environmental study, master plan, general adjustment plan, partial urban planning study, construction bordering line and suburban line are technical documents that condition and determine all the technical and legal relations in the field of urban planning. The Council of Ministers approves the Urban planning Regulation, which determines the content and manner of formulation of these documents.

Article 6

Outside the urbanized territories shall be permitted to construct only in cases when determined in the regional studies and master plans approved by the competent organ. The regional studies and master plans shall be formulated excluding from construction agricultural lands of the first, second, third and fourth category, determined by a technical report of the directory of agriculture and food in the district, as well as the protected natural areas.

CHAPTER III

COMPETENCES OF THE STATE ORGANS IN THE FIELD OF URBAN PLANNING

Article 7

The highest state organ for approval of the urban planning studies is the Council of Territory Adjustment of the Republic of Albania (CTARA).

Article 8

CTARA is a decision organ and functions close to the Council of Ministers. The Chairperson of the CTARA is the Prime Minister. The Council of Ministers shall determine the composition, number of members and their compensation amount by decision.

Article 9

CTARA approves the following decisions:

- Terms of Reference for studies approval of which is under its competence;
- Regional urban planning studies;
- Master plans of areas with a surface more than 10 hectares;
- Regional and partial urban planning studies of development of the tourism areas;

- Master plans of development of the tourism areas;
- General adjustment plans, constructions bordering lines and the suburban border of cities that are administrative centers of a district and of other towns with a population of over 10 000 inhabitants;
- Urban planning studies of the towns centers with a population of over 50 000 inhabitants;
- Partial urban planning studies within towns with surface of larger than 15 hectares;
- Studies of city parks, national parks and national reserves of preservation of biodiversity and of protected natural areas;
- Regional studies on port, airport and strategic areas.
- Draft Projects of the general studies of road, rail, energy, water supply, sewage, telephone, gas and petroleum supply infrastructure inside town and in areas outside those; – Construction sites and the projects of objects within those with a surface of over 0.5 hectares proposed to be constructed outside bordering lines of towns, villages and residential areas according to the definition in the regional studies and master plans. The relevant District Council asks for the opinion of the Ministry of Agriculture and Food on sites with surface over 0.5 hectares outside the bordering lines.
- Construction permits for important objects in the centers of the towns, urban planning studies of which are approved by it [the CTARA].
- Urban planning studies, construction sites and permits in the tourism areas, which are in the disposal of the Committee for Tourism Development.

Article 10

CTARA on its own or on request of local councils, prefectures, in cases when notices legal violations in decision-making of districts and municipalities CTAs and when the government programs implementation is impeded, reviews and take decisions repealing decisions taken by the municipalities and districts CTAs.

Article 11

The technical secretariat of CTARA functions in the relevant ministry and follows up the activity of territory planning in the Directory of Territory Planning. The Council of Ministers shall determine with separate provisions the duties of the technical secretariat.

Article 12

The relevant ministry that follows up the activity of territory planning through the Directory of Territory Planning shall co-ordinate the work between the CTARA state organs and those of local government in the field of territory planning. This directory has the right to conduct controls in the local government organs dealing with territory planning as well as to study and prepare drafts of laws and by-laws.

Article 13

Institute of Studies and Urban Planning is the state organ at a national level that designs studies and urban construction plans defined in the Urban Planning

Regulation. This institute is subordinate of the Ministry of Public Works and Transport.

Article 14

The specialized organs on urban planning in the local government are:

- The Council of Territory Adjustment in the District Council, in the Municipality of Tirana and in other municipalities, which are of the first category towns (CTA).
- The urban planning section in the District Council and in municipalities that are towns of the first category (the urban planning directory in the Municipality of Tirana) and the technical secretariat of the CTA;
- The urban planning office in municipality;
- The urban planning office in the commune.

Establishment and functioning of the CTA is done respectively on the proposal of the District Council, of the Municipal Council of Tirana or of towns of the first category and the ministry, covering the activity in the relevant approves it. The members of the CTA shall be compensated for their work.

Article 15

Within the meaning of this law, towns of the first category are Shkodra, Durrësi, Elbasani, Fieri, Vlora, Korça, Saranda, Gjirokastra, Berati, Pogradeci, Lezha, Lushnja and Kavaja.

Article 16

The CTA function as a decision-making organ in the District Council, Municipality of Tirana and municipalities that are towns of the first category. The Chairperson of the CTA is respectively the Chairperson of the District Council and the Mayor. The CTA is composed of 15 members who are experts with experience in the relevant field.

Article 17

The members of the CTA of municipality of the first category towns are: Mayor; Chief of urban planning office; Chief of urban property registration office; Director of the Construction Police or an officer proposed by him; Chief of legal office; Chief of public infrastructure; inspector of the regional environmental agency; greening expert, three urban planners or architects designated by the Municipal Council; two urban planners or architects and a construction engineer and a construction expert proposed by the prefecture.

Article 18

Member of the district CTA are: The Chairperson of the District Council; Chief of urban planning office, Chief of agricultural property registration office; Director of agriculture and food of the district; Director of the Construction Police or an officer proposed by him; Chief of legal office; Chief of public infrastructure office; Director of roads sector or an officer proposed by him; inspector of the regional environmental agency; inspector of fire protection; two urban planners or architects and a construction expert or construction engineer proposed by the District Council; two

urban planners or architects proposed by the prefecture.

Article 19

The CTA of Municipality of Tirana is composed of 21 members. Members of CTA of the Municipality of Tirana are: Mayor of Municipality of Tirana; Director of Urban planning Directory of municipality; Director of legal office in municipality, Director of the Directory of Territory Planning in municipality; Director of the Directory of Territory Planning in the Ministry of Public Works and Transport; Director of General Directory of Water Supply and Sewer; Director of the Regional Directory of Roads Maintenance of Tirana; Director of the Institute of Studies and Urban planning Design; Director of the Construction Police; Chairperson of the Regional Environmental Agency of Tirana; Director of the Greening Enterprise of Tirana; three urban planners or architects proposed by the municipal Council and one construction expert proposed by the Prefecture of Tirana.

Article 20

The CTA in the district or municipality shall approve and propose changes with regard to the following:

- Terms of Reference for the design of any kind of urban planning study on the territory under its jurisdiction;
- Platform [the format] for development of competitions of urban planning studies;
- Regional plan, master plans and the general adjustment plan of town comprising the district and partial urban planning studies of any size in conformity with the development programs;
- Bordering line of construction and the border of suburban area;
- General and partial urban planning studies of communes;
- General adjustment plans of communes;
- General adjustment plans of villages;
- Construction sites with their destinations together with urban planning conditions based on the approved urban planning studies;
- Implementation project of objects constructed in a construction site of any size;
- Construction sites and permits;
- The CTA of the district and municipality shall approve the consideration as illegal of the already approved increased object volume and sanctions on it.

The materials that the CTA of the district, Tirana Municipality and municipalities of the first category towns reviews, on the basis of studies and the opposition, are prepared by the technical secretariat of the CTA, the function of which is executed respectively the urban planning section in the District Council, Tirana Municipality and in those first category municipalities. The materials that are forwarded, due to lack of competence, to the CTARA must be submitted no later than 30 days after their approval by the district of municipality CTA.

Article 21

The district and municipality CTA convenes once a month and on request of its Chairperson or of 1/3 of its members convenes in an extraordinary meeting. The meeting is official when 2/3 of its members are present. The Decision of the CTA is

taken with majority vote and is signed by the CTA Chairperson. All members of the CTA, present in the meeting shall be obliged to sign the minutes of the meeting after reading it. In the meeting of the CTA participate without the right of vote representatives of the interested local government. In case when the District Council or Municipal Council have objections and do not agree with decisions taken by the CTA, they have the right of veto only once. In cases when the CTA does not change the decision, it remains effective.

Article 22

The urban planning section in the District Council, in municipalities of the first category towns and the Directory of Urban planning in the Municipality of Tirana has the following competencies:

- Prepares materials of studies in the field of territorial planning and development under its jurisdiction and submits for review in the CTA;
- Designs urban planning studies or orders them in conformity with the law from state or private design institutions licensed in the field of urban planning studies, upon opinion of the CTA, in implementation and elaboration of the regional urban planning studies, master plans, general adjustment plans and partial approved studies.
- Manages the work for formulation of the Terms of Reference of the regional plan, general adjustment plan, of territorial development master plans, partial urban planning studies, etc;
- Prepares the technical documentation and submits for approval in the District of Municipal Council;
- Submits to the CTA applications for construction sites. In cases when those are public property submits to the CTA, upon the District Council, the Municipal Council and the Communal Council has determined and distributed ownership of the sites;
- Submits applications for construction permit, applications for object demolition and tree cutting;
- Prepares the decisions of the CTA and the necessary technical documentation together with urban planning conditions approved by CTA and delivers to the applicant no later than 30 days after CTA decides, upon the applicant's obligations pay off towards the state according to the law.
- Designs urban planning studies for communes and adjustment plans for villages;
- Controls, in conformity with approved permits, the use according to destination of relevant constructions;
- Keeps the property registration and urban statistics, makes periodical update of the city blueprint and archives it at the end of each year;
- Delivers every 6 months to the Ministry of Public Works and Transport statistical information about the territory planning sector;
- Determines, upon construction permit approval and in compliance with the law, valuation of the site public property on which construction will take place;
- Keeps the control acts of the following phases of works implementation: to picket the object, completion of foundations and building framework as well as archives the object technical documentation and other documentation of the object;
- Proposes norms of special urban planning conditions and submits for review to CTA;
- Prepares upon approval of CTA the material on relevant changes, in cases when new conditions for change occur in the approved studies by other higher state

organs;

- Keeps frequent contacts with the technical secretariat of the CTARA and with urban planning offices in municipality and commune;
- Gives its opinion in writing about any material that submits to CTA.
- Get information about licenses in the field of design and implementation and makes proposals to the competent organs to lift licenses in cases when misused.

Article 23

Designation and dismissal of the Chief of urban planning section in the District Council and in municipalities of first category towns shall be done respectively on the proposal of the District Council, Municipal Council of first category towns and is approved by the relevant minister. The relevant minister in special and justified cases decides their dismissal.

The minister shall designate and dismiss the Director of the Directory of Urban Planning in the Municipality of Tirana.

Article 24

The urban planning section in the District Council, Directory of Urban planning in Tirana Municipality and urban planning office in municipalities of first category towns must have the following structure:

- Chief of the section (Director of Urban planning in Tirana Municipality);
- Technical secretariat of the CTA;
- Sector of design study urban planning;
- Sector of urban property registration;
- Sector of legal urban planning;
- Sector of engineering infrastructure and environmental impact assessment.

The District Council and the Municipal Council, shall determine the number of employees of urban planning section respectively but no less than seven urban planners, architects, infrastructure engineers and topographic engineers in districts and first category towns and no less than five urban planners, architects, environment engineers, infrastructure engineers and topographic engineers or similar experts in other districts.

The Municipal Council shall determine the number of employees of the Directory of Urban planning in Tirana Municipality, but no less than 35 urban planners, architects, environment engineers, construction engineers, infrastructure engineers, topographic engineers, environmentalists or similar experts.

Article 25

In the Directory of Urban planning in Tirana Municipality, urban planning sections in the District Councils and urban planning offices in municipalities of the first category towns shall be established the technical council, composition of which is approved by the Tirana Municipal Council, District Council or Municipal Council of first category towns. Composition, functioning, rights and duties of the technical council shall be determined by normative acts.

Article 26

The urban planning office in the municipality has the following rights:

- Manages the work for formulation of Terms of Reference of urban planning development design of the town and the necessary technical documentation for design of the adjustment plan and submits for approval to CTA and to the Municipal Council.
- After approval from the Municipal Council and from the relevant organs of design Terms of Reference, shall order the design of town adjustment plan to the specialized organs in reliance with laws in force.
- Designs and orders partial urban planning studies from specialized design organs, private or state, licensed in the field of urban planning, in reliance with legal provisions in force and in application and elaboration of town general adjustment plan, upon primarily receipt of CTA opinion.
- Reviews applications for construction permit of any object and the enclosed documentation and only where there is a general adjustment plan or partial urban planning study approved, after gives its opinion, submits for review to the CTA. It delivers the paperwork to the technical secretary of CTA. The number of employees of the urban planning office shall be determined by the Municipal Council, which shall be urban planners, architects, environment engineers, infrastructure engineers and topographic engineers, but in any case no less than five experts for municipalities' center of the district and no less than three experts for other municipalities. The Chief of urban planning office in the municipality must be an urban planner, an architect or an environmental engineer for municipalities of first category and may be either a construction or an environmental engineer for municipalities of other categories.

Article 27

The urban planning office in the commune has the following rights and duties:

- Manages the work for application of urban planning development program approved within the territory of the commune;
- Reviews applications for construction site and permit and the relevant documentation only where exists an approved general adjustment plan and partial urban planning study together with its opinion [remarks] and submits for approval to the Communal Council;
- Submits for approval to the district CTA the applications for construction permit, construction sites, for objects demolition and trees cutting.

Article 28

In cases when Chiefs or officers of urban planning sections and offices notice violations of this law, within to two days notify the relevant construction Police organs. Failure to fulfill this obligation by the responsible persons, when does not constitute criminal violation, constitute serious breach of the work discipline. The responsible persons shall be obliged to pay off the occurred damage, because of committed breaches, when juridical, natural persons, private or state require this action. In such cases, discrepancies shall be resolved in the court.

CHAPTER IV

MANAGEMENT OF LAND WITHOUT CONSTRUCTIONS

Article 29

- Management of land for construction shall be done through regional plans, master plans, general adjustment plans, and partial urban planning studies. The Regulation of Urban planning determines their content.

Article 30

Within the meaning of this law, the land private property and the land, public property has the same value for urbanization. The manner of their use for construction purposes shall be defined in the regional urban planning studies, master plans, general adjustment plans and partial urban planning studies.

Article 31

In application of all types of urban planning studies, according to their implementation phases in compliance with this law and other legal acts, shall be executed the expropriation in full conformity with private immovable property valuation and with relevant expropriation procedures.

Article 32

Owners of the lands within the constructions bordering lines in towns, villages and residential areas have the right that through licensed organs and persons to perform studies on their estate territories upon receipt from urban planning organs the criteria and urban planning conditions defined in the studies in force. These studies are not compulsory for use by state organs, but they can be presented as options of technical solutions for discussion in the CTA under the jurisdiction of which is the land, together with the studies that the local government has the right to design on the same territories.

Article 33

Shall be prohibited the extensive urbanization of areas with natural values, of agriculture lands and private property forestlands. The owners of agriculture lands outside the construction bordering lines of towns, villages and residential areas have the right to request the urbanization of their estates only based on determinations in the regional studies, master plans and suburban areas studies, approved by the competent organ.

Article 34

The landfill of all kinds of waste including those of technological and construction

origin, dependant of the size of the landfill and of the processing technology shall be approved by the CTA under the jurisdiction of which is the area of landfill location. This determination must be done in the level of the regional study or of master plans. In any case, the documentation shall be reviewed and approved additionally by the regional environmental agency and the state sanitary inspectorate.

Article 35

The District Council, the Municipal Council and the Communal Council must update with legal documentation territories of public property under their jurisdiction. Only after these actions are completed based on urban planning studies, they have the right of review and proposal construction permits for these territories in compliance with the law according to their relevant competencies.

Article 36

Regional plans, master plans, general adjustment plans and partial urban planning studies design by organs designated by this law, shall be filed within 15 days from the date of their completion in the technical secretariat of CTA of the district or first category municipalities and for a 30 days time limit shall be available to the interested persons. The public media release the notice. The interested individuals concerning this documentation shall present their remarks to the urban planning section at the local level. Within the 30 days time limit, the design organ in co-operation with relevant office or section in the district, in the first category municipalities and Tirana Municipality includes the remarks and the final documentation is submitted to the closest meeting of the relevant CTA.

Article 37

Regional plans and master plans shall be prepared for periods of over 20 years, whilst general adjustment plans and partial urban planning studies shall be prepared for certain periods of 10 to 15 years including priorities of the 5 year first phase. They can be modified on proposal of local government organs justifying the modification and approving these modifications by organs competent for their approval. During the time, that modification of any kind of urban planning study is prepared and until it's final approval shall be effective the previous study.

Article 38

Submission of applicant in writing for approval of the construction site and its urban conditions, as well as of any urban planning study shall be compulsory to any natural or juridical person, local or foreign, which will construct a superficial or subterranean structure. The application for construction site shall be done based on Form No.1 that is attached to this law. The Urban planning Regulation provides the technical definitions of the documentation and its graphical form.

Article 39

Application for construction permit of any kind shall be submitted to the urban

planning section of the District Council, to the urban planning office of the municipality or to the urban planning office of the commune, dependant of the location of site. Urban planning offices after review of documentation and when it is found in conformity with legal requirements forward to the urban planning section of the District Council or urban planning office in municipalities of the first category and to Tirana Municipality, to follow procedures of submission and review of the relevant CTA.

For any construction site, the application must be based on the approved urban planning study of the therein mentioned area, in the contrary documentation is turned back for study completion, if possible by the state organ or the interested individual, which may design the urban planning study in the licensed organs in conformity with the urban planning development strategy of the district of area. The relevant urban planning offices provide clarification to the interested individual. The interested individual may design studies on his own expenses honoring the requirements of the law.

Article 40

Destination of the main construction sites and their urban planning conditions shall be determined in the approved general adjustment plans or partial urban planning studies.

Only its proprietor shall do the application for approval of the functional destination and of the urban planning conditions of the site, private property.

For a construction site, public property several applications may be submitted, The District Council, the Municipal Council and the Communal Council review applications in the form of competing tenders choosing the one that meets best the financial, economical, social, urban planning, architectural, functional, environmental and other conditions, which have the same importance in the evaluation of tenders.

Article 41

Local government organs when interested for constructions in a certain area that is public property, on objects of public and social importance shall announce competitions. Review and selection of tenders shall be conducted in compliance with the law.

Article 42

District Council, municipal or communal Council, in compliance with requirements of this law, shall be obliged to make available to the National Entity of Households, the construction sites for construction of households for persons that don't have a house [homeless] in territories public property according to its request for a 2 years time limit.

Article 43

For site public property, the district, municipality or commune urban planning offices publish the approved study and applications for construction sites in public property territories as per their location. Publication is made no less than 20 days prior to the

date scheduled for their review in the District, Municipal or Communal Council. According to the competence the District, Municipal and Communal Council shall review applications, enclosed documentation, comments of urban planning office and decides on majority vote granting the site to the best tender [offer]. Decision of these councils shall be announced and signed by the Chairperson of the District Council and the Mayor of municipality or commune. The decision of the CTA for granting of the construction site on public property and urban planning conditions, based on which the project for construction permit will be designed, after selection done by the District, Municipal and Communal Council, shall be conducted according to Form No. 2 attached to this law. Reply about the construction site application either for the site private property or the one public property shall be issued respectively from the urban planning section of the District Council, from the urban planning office of the municipality and commune where the application has been submitted.

Article 44

From the date of application submission for approval of the site with its final functional destination as well as the urban planning conditions to the decision announcement must not pass more than two months. In case that the application does not agree with the decision of CTA may file a complaint of application re-review to the District and Municipal Council. The re-review of the application and the CTA decision is final

Article 45

Any natural and juridical person, local or foreign that will construct in the territory of the Republic of Albania must provide a construction permit. This is the single legal document, based on which construction shall be permitted. The construction permit shall be granted to the licensed constructor juridical person. Either in the case where the land is private property or in the case where is public property, the constructor juridical person must submit the contract entered with the land proprietor or with the person to whom construction site has been granted by the CTA. The application for construction permit shall be done according to Forms 3 and 3/1 of this law. In the Urban planning Regulation shall be determined the technical requirements of documents and their graphical form

Article 46

From the date of approval of function destination and urban planning conditions of the construction site until the application submission for construction permit on sites public property with surface up to 0.1 hectares must not pass more than 3 months and on sites of surface over 0.1 hectares must not pass more than 6 months. In case of violation of these deadlines for public property sites, the urban planning office or section notifies the Council of Municipality, Commune or District according to the site location, which decides for extension of the deadline or another distribution of the site. In cases of private property territories the time limit of the CTA decision for approval of function destination of the construction site and its urban planning conditions, regardless of the surface is 6 months. In case of expiration of this deadline, the application shall be submitted again. When deadlines for the decision of

construction site are not met, for either private property territory or public property one, the decision of CTA becomes invalid.

Article 47

Shall be prohibited the transferal in any form of the construction permit.

Article 48

The construction permit is requested for the following works:

- New constructions of any kind, on and underground, additions, various plants, roads, bridges, ports, airports, motor-ways, railways, infrastructure works, water supply, sewer, telecommunication, energy, gas, petroleum, steam supply systems, construction materials quarries;
- Construction on existing foundations;
- Modifications of objects affecting its façade with architectural elements as well as when executed interventions in construction and durability of the existing object;
- New opening and closure of windows [in the existing walls], new entrance in the first floors of the existing buildings, modifications in object volume increase in the form of lateral additions or construction of additional floor;
- Elaboration of façade decorations, plastering, painting, etc;
- Temporary and permanent fences;
- Fences and temporary establishments for the period of construction work implementation;
- Construction of kiosks, exhibitions, fairs, tribunes, advertisement boards, etc;
- Trees cutting;
- Building demolitions;

Article 49

The Directory of Urban planning in Tirana Municipality and urban planning sections in first category districts and towns shall review applications for construction permit on the following:

- Temporary fence for construction sites approved with a 6 months period;
- New entrance in the encircling wall, temporary and permanent yard encircling;
- New doors and entrances that do not influence the architecture and construction;
- Permit for change of destination of existing objects;
- Permit to place advertisement boards;
- Permit to demolish buildings.

These applications shall be reviewed by the relevant technical councils according to the procedure determined in Article 22 and shall be approved by the Mayor or the Chairperson of the District Council of first category. The permit of tree cutting is competence of the CTA.

The technical secretariat informs the CTA regarding the approved permits for these cases. When a member of the CTA has remarks on these permits, they shall be discussed in the CTA meeting and the CTA has the right of annulment of these permits.

Article 50

The CTA shall approve and reject the issuance of construction permit on majority vote. Decision for approval of construction permit is issued with the signature of the CTA Chairperson. This decision is accompanied with the relevant blueprint signed by the CTA Chairperson and the Secretary.

The CTA has not the right to approve the construction permit in case when:

- The submitted design has changed the construction site destination;
- The submitted design has changed the measurements of construction site.

From the date of application submission until the approval or rejection date of it, no more than 45 days must be passed.

In the technical secretariat of CTA shall be filed all the submitted technical documentation that includes documents according to the law and the complete technical design as well as basic construction calculations and the cost estimation. The documentation must be the original in the Albanian language

Article 51

Natural and juridical person, prior of receipt of construction permit must pay 1% of the investment value according to the object cost estimation sheet. This fund will be deposited for financing of urban planning studies of the local government.

Additionally, natural and juridical person prior of construction permit receipt must pay for the use of existing water supply, sewage, energy, telephony, roads, etc network as below follows:

- 5% of the investment value according to the cost estimation when the object is constructed inside the towns bordering lines;
- 2% of the investment values according to the cost estimation when the object is constructed outside the towns bordering lines.

Control of payments with the final cost estimation of the object to be constructed and the infrastructure project shall be done by the technical secretariat of CTA in co-operation with the finance section.

Payment shall be done immediately in the finance section of the district or town council of the first category (or Tirana Municipality) with authorization of CTA technical secretariat. This fund will be used for reconstruction of the infrastructure networks of local government units. The permit document shall be issued upon filing of the payment receipt in the object file.

Article 52

The validity period of the construction permit shall be determined in the decision of the CTA and CTARA. When the object to be constructed needs a longer duration than the one approved, an application is submitted together with the justification of the extension of permit time limit. In this case, natural and juridical person does not make additional payments.

Article 53

The construction permit shall be issued to its applicant according to Form No. 4 attached to this law. In cases when the site surface is over 0.5 hectares, the construction permit shall be filled in by the CTA technical secretariat, upon approval of the permit by CTARA.

For important objects that are constructed in the center of the towns, urban planning studies, which have been approved by CTARA, the construction permit is approved by the CTARA. The permit Form shall be filled in by the CTA technical secretariat of the relevant district or town. For objects that are procured with state funds, the construction permit is issued to the organ that approves the funding, prior to contracting the object construction.

Article 54

In the construction permit shall be determined the obligation of acceptance of the construction control by the urban planning directory in Tirana Municipality, by the urban planning section in the district and in towns of first category, by the urban planning office in municipality or commune, which must notify in writing the CTA technical secretariat for each control.

The control is conducted for the following:

- Picketing of the object;
- Completion of foundations;
- Completion the framework for the entire object;
- Completion of the construction site adjustment according to the design.

Any control act shall be filed in the object file. Shall constitute administrative contravenes and punish with a penalty all cases when is proved that the surface and volume of the object is enlarged breaching the conditions of the project approved in the construction permit. The organs of the Construction Police shall determine the amount of the penalty of this administrative contravene.

In cases when the CTA or the Construction Police decides the demolition of the volume that is constructed additional to the approved design, the contravener shall cover the demolition expenses.

Article 55

Sale of the site state or public property shall be done in compliance with the Law No. 7980, dated 27.7.1995 "On the sale of sites". In cases of constructions in public property, at the moment of construction permit receipt, the natural and juridical person shall pay 50% of the site value and when the first floor framework completes, the remaining amount shall be paid.

Article 56

In the establishment of the construction site, the natural and juridical person that implements the works shall be obliged to expose in the visible place a bill board with data on the type of object, name of the implementing company, director of works, chief of works implementation, name of the juridical or natural person that is designer of the project and the deadline of works completion.

Article 57

In the construction permit the border of the temporary fence, height and type of encircling in order not to impede the view for the road circulation and aesthetical view and in no case shall be permitted that the encircling occupies the sidewalk. Prior to

construction work receipt, the applicant shall declare in writing that will keep roads, sidewalk and the environment around the object clean during the construction and on completion of the works will recover it to the previous state, in particular the damaged roads and sidewalks as well as the subterranean wiring. When actions executed in contrary to the construction permit conditions, which cause damage to environment, the CTA has the right to suspend the works and to require fulfillment of all the obligations according to the declaration, as well as payment of expenses in an equal amount of the works to be executed until the recovery of the surrounding environment in the previous state.

In cases when the permit possessor suspends works, the construction permit time limit expires and when due to interruption of works, the phase of object construction causes disturbances for functions and surrounding environment state, the possessor of the permit shall be fined. In cases when works do not continue again, the District Council, Municipal or Communal Council shall recommend to the CTA, beside the lift of construction permit, other solutions to recover the normal functions and state of that area.

Article 58

Permit for construction of temporary objects shall be granted only in cases of natural misfortunes or in similar case with those. Temporary constructions shall be constructed with dismountable materials without using concrete structures, concrete blocks, wall, and concrete panels. Permit for construction of these temporary objects shall be granted for a period of one year.

Article 59

Objects that constitute potential risk of bruise to life and health of people and to third parties property, that are not repaired by the owner within the maximal limit of their physical durability, determined on basis of technical reports of experts, shall be demolished by the owner in the time limit determined by the CTA. After expiration of this time limit, they shall be demolished by the organs of Construction Police based on the request of the CTA. The object proprietor shall pay expenses of demolitions. The order signed by the CTA Chairperson for payment of these expenses is an executive title.

Article 60

Urban planning Directory of Tirana Municipality, urban planning offices of its units, urban planning offices of other municipalities, urban planning sections of district councils and urban planning offices of communes shall control the destination of use of constructions in conformity with the one approved.

Any modification of the constructions destinations in general, transferal of private buildings from ownership of a proprietor to another proprietor, and when this transferal is done through destination change, shall be done upon permit receipt by the abovementioned offices.

Article 61

In the regional studies, master plans, general adjustment plans and partial urban planning -studies, in co-operation with the National Environmental Agency and the General Directory of Forests and Pastures shall be made the classification of green territories to be protected, preserved and increased. This classification, upon approval, shall impede any type of modification, damage or reduction of green spaces through granting of construction sites, modification of their destination, which cause damage in the protection and increasing of these areas.

Article 62

CTAs of districts, of first category towns, of Tirana Municipality and the CTARA have no right to approve any permanent or temporary construction, outside the territory determined in the approved studies, in public property territories such as:

- Territories of social and cultural objects;
- Green territories;
- Sports territories;
- Sites and spaces between existing blocks of buildings;
- Roads, public squares, and parking, determined and interpreted in the Urban planning Regulation.

Constructions that may be done are only those determined in the urban planning study in full conformity with the approved function.

In cases of properties returned from commission of return and compensation of properties to former proprietors, when these properties are located in such territories, the CTAs of all levels do not have the right to modify the determined destination in the approved study. In these cases, proprietors of lands have the right of compensation according to laws in power.

Article 63

Application to cut or uproot trees shall be done according to Form No. 6 attached to this law. The CTA, under jurisdiction of which is located the area where trees will be cut or uprooted, shall review the application. In case when the CTA decides to approve this application, it issues the construction permit, which is issued only after receipt of payment for any cutting or other damage. The payment is done in the enterprise subordinate of municipality, commune or district that manages green territories. Juridical and natural person, prior of issuance of tree cutting permit, shall be obliged to plant trees triple the trees to be cut, in an area determined by the greening or forest enterprise.

Permit of tree cutting is valid only for a period of 3 months.

CHAPTER V

CONSTRUCTIONS IN TOURISM AREAS

Article 64

Tourism coastal, lacustrine and continental areas are approved by separate provisions. They have the geographical border of their extension approved by

relevant organs. Law shall determine criteria of constructions within those borders.

Article 65

Development of constructions in tourism areas shall be determined in regional and master plans of tourism development.

Article 66

Development of constructions in tourism areas shall be done preserving maximally the nature and their functions. These constructions shall develop as a rule in territories that damage greenery the least. Shall be impeded the development of a tourism structure without an approved study of engineering structure.

Article 67

Aiming at protection of tourism areas:

- Shall be prohibited extraction of earth materials within the border of the tourism area such as earth, gravel, sand, stones, wood, etc.
- Shall be prohibited extraction materials from riverbeds, in coastal and lakeshore areas;
- Shall be prohibited works of drying, reclamation, creation of dumps and other reclamation works, except of cases approved by the CTARA, the National Water Council and the National Environmental Agency in reliance of provision of environment impact.

These conditions are valid even to coastal protection works executed by the Ministry of Defense.

Article 68

Towns, villages and other residential areas within the border of tourism, coastal, lacustrine and continental areas shall be developed based on their adjustment plans. Cohabitation with natural ecological systems shall be resolved based on regional studies and master plans.

Article 69

Establishment and enlargement of commercial coastal, tourism and fishing ports as well as industrial, commercial and tourism areas shall be done on basis of master plans of tourism areas development.

Article 70

Construction sites for tourism coastal, lacustrine, and continental objects shall be approved in conformity with approved urban planning studies by the CTARA. Studies and construction sites approved for these areas, shall be available to the Committee for Tourism Development to select offers of investment.

CTARA shall approve permits for constructions in tourism coastal, lacustrine and continental areas. Procedure of completion and submission of the documentation is

done in the section of urban planning of the relevant district upon prior receipt of decision of Committee of Tourism and the National Environmental Agency.

CHAPTER VI

MANAGEMENT OF AREAS AND TERRITORIES OF PECULIAR CULTURAL, ENVIRONMENTAL, ARCHEOLOGICAL, MUSEUM AND STRATEGICAL VALUES

Article 71

In design of regional studies, master plans of territorial development, adjustment plans and partial studies, territories of peculiar environmental, historical, cultural, archeological, museum, military and strategic values shall be marked, described and protected in compliance with separate provisions.

Article 72

In design of regional studies, master plans of territorial development, adjustment plans and partial studies, shall be determined territories of environmental values, ecological systems, national parks, flora and fauna reservations, according to classification and criteria for their preservation, protection and development, provided for with separate provisions.

Article 73

Sites, existing construction objects and complexes of archeological, museum and historical values must be honored in the urban planning studies ensuring their protection according to requirements of specialized institutions. Shall be prohibited any type of construction in a distance of 200 meters from the border of archeological sites under protection. Constructions in museum cities, their protected sites and near separate monuments as well as sites around them shall be done in accordance with definitions of this law getting prior opinion of the relevant institutions.

Article 74

Preservation, protection and development of structures, architectural and urban planning object of special values are reflected in the urban planning studies and approved by CTARA.

CHAPTER VII

ILLEGAL CONSTRUCTION AND ARBITRARY OCCUPATION OF THE SITE

Article 75

Arbitrary occupation of the site for any type of construction, besides punishment with

a fine, shall be accompanied by the obligation of immediate demolition of the object and return of the site in the previous state at the contravener expenses. Impose of the penalty, demolition of the object and return of the site in the previous state shall be applied based on the order issued by the Chairperson of Construction Police of the district. The Construction Police shall execute the order with assistance of specialized organs and subjects.

Article 76

Construction done without construction permit is illegal. Shall be prohibited their registration in the registers of immovable properties. For the purpose of implementation of urban planning plans, no indemnification or expropriation of illegal construction shall be made, either by state organs or by private subjects that implement urban planning studies approved by competent organs.

Article 77

For illegal construction completed until the time of entry into force of this law, the relevant CTA decides the following:

- When completed constructions impede implementation of approved studies of any level that are effective, the CTA decides their demolition according to implantation phases of the studies;
- When those constitute risk to environment or occupy public territories, they shall immediately demolish.

For construction completed without permit by owner in their land, when urban planning conditions are met, the CTA shall decide their legalization with the condition of compulsory payment of a fine equal to 10% of the completed investment value, whilst for residential houses 4% of this amount. Evaluation experts of immovable properties shall determine this investment value on request of urban planning section or office. The urban planning office or section shall approve compensation of experts' payable by the contravener.

Article 78

Constructions that are executed without construction permit in the approved site are illegal constructions. Urban planning section of municipality or district, urban planning directory of Tirana Municipality, the Municipal Police and other interested persons, when notice such constructions, shall notify immediately the Construction Police Branch in the district about the illegal construction. The Construction Police Branch, upon receipt of notice from the above organs or on its own initiative shall decide immediately the suspension of the illegal construction and impose the amount of the fine according to Article 81 of this law.

Article 79

The CTA of the district or of Tirana Municipality shall decide on the illegal construction suspended according to Article 78, in its next meeting. The CTA grants the construction permit when construction meets requirements of this law, in the contrary shall decide to demolish the illegal construction. These

decisions are final and the demolition of the construction shall be executed within five days from the issuance of the order of Mayor of municipality or district for demolition of the illegal construction in application of CTA decision.

Article 80

In cases when contraveners impede the application of procedures of Articles 75 and 79, actions from which have resulted or may result consequences for the public order, the Construction Police organs may call the assistance of public order police. In cases when contradiction from the side of contraveners constitutes criminal violation, immediately shall be denounced to the prosecutor for criminal proceeding.

CHAPTER VIII

SANCTIONS

Article 81

Besides obligations contained in these provisions, breach and execution of illegal actions that constitute administrative contravene in the field of urban planning shall be punished with a penalty as follows:

- For [violation of] Articles 34, 56, 57, and 58 with 50 000 ALL;
- For Articles 60, 61, and 63 with 200 000 ALL;
- For Articles 66, 67, 73, 75, 77, and 78 with 500 000 ALL.

The Chairperson of the Construction Police Branch shall impose the penalties.

Article 82

Against the decisions of the Chairperson of the Construction Police Branch, an appeal may be filed within five days from the date of notice to the Director of the Construction Police, which must reply within ten days. Against the decision of the latter, an appeal may be filed to the district court where contravene has been committed, within five days from the date of notice.

Article 83

Appeal to the court of against decisions of the CTAs, organs of Construction Police and those of penalties impose does not suspend their execution. In case of, based on the final decision of the court, acceptance of accusation or appeal, the damaged person has the right to request from the organ that issued the decision, compensation for the caused damage.

Article 84

The contravener shall pay penalties, compensations and demolition expenses, determined in this law within 5 days from the day of notice of the Construction Police decision or from the day when the court decision is final. After expiration of this time limit, shall be paid a penalty fee for lateness for 2% daily for a month. After expiration

of this limit (one month), organs of Construction Police shall require its execution to the court according to laws in force. Penalties, compensations and expenses shall be payable to the finance office of the local government organ.

Article 85

The attached forms no.1, 2, 3, 3/1, 4, 5, 6, 7, 8 and 9 are integral part of this law.

Article 86

Law 7693, dated 6.4.1993 "On Urban Planning" and any other provision that is contrary to the provisions of this law are repealed.

Article 87

This law is effective 15 days after publication in the Official Journal.

Promulgated with the Decree No. 2222, dated 28.9.1998 of the President of the Republic of Albania, Rexhep Meidani

LAW
No. 8453, dated 4 February 1999

**ON AMMENDMENTS TO THE LAW No. 8405 DATED 17.09.1998 "ON
URBAN PLANNING" BASED ON DECISION No.2 DATED 25.01.1999
OF THE CONSTITUTIONAL COURT**

Based on Decision No.2, dated 25.01.1999 of the Constitutional Court, whereby the Constitutional Court abrogated as anti constitutional the last paragraph of Article 14; and the first and third paragraphs of Article 23 of Law No. 8405, dated 17.09.1998 "On urban planning", pursuant to articles 78 and 83 point 1 of the Constitution, upon proposal from a group of deputies,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

To make the following amendments to Law No. 8405 dated 7.09.1998 "On urban planning":

Article 1

Article 14, first paragraph be reformulated as follows:

"Specializing structures in urban planning at/with the Local Government level are:"

The following formulation be added as the last paragraph of Article 14:

"Committees of Territory Regulation (CTR) are constituted in the manner provided by this Law. Every political subject submits the names of its representatives to the Mayor. The first meeting of the CTR is called within 10 days from the date on which more than 2/3 of the representatives of political subjects are submitted as foreseen by this Law. Members of the CTR are entitled to remuneration for their work. The amount of remuneration is subject to regulation by specific by-law.

Article 2

The following wording becomes the first paragraph of Article 23:

- "Nomination and discharge of chief-of-parties at the urban planning sections of the Regional Councils, the municipal councils of first category towns; and of the Director of the Urban Planning Directorate at the Municipality of Tirana is effected in accordance with Law No. 7572, dated 10. 06. 1992 "On organization and operation of Local Governments".

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Article 3

This law enters into force 15 days following its publication in the Official Gazette.

Proclaimed by Decree No. 2313 dated 11. 02. 1999 of the President of the

Republic of Albania, Rexhep Meidani

**L AW
No. 8501, dated 16. 06. 1999**

**ON SOME AMMENDMENTS TO LAW NO. 8405, DATED 17. 09.1998
"ON URBAN PLANNING"**

Based on articles 78 dhe 83, point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

To make the following additions and changes to Law No. 8405, dated 17. 09. 1998 "On urban planning"

Article 1

The following paragraph is added to Article 6:

"In case of extraordinary circumstances, the approval of construction studies on first, second, third and fourth category arable land and in protected natural zones is the competence of the Committee of Territorial Regulation of the Republic of Albania".

Article 2

Article 51 is reworded:

"Prior to obtaining the construction license, the respective physical or legal entity is obligated to make a payment of 1 per cent of the total amount of the bill of quantities. This payment shall be deposited in a fund to be used by the local government for city planning studies.

Also, the physical or legal entity is obligated to pay prior to receiving the construction license 1 per cent of the total amount of the bill of quantities for the exploitation of the existing engineering network of the water supply system, pipes, electricity grid, telephone lines, road network, etc. The amount is part of a fund to be used by local governments for the rehabilitation of such infrastructure networks.

Payment is effected immediately at the finance section at the Council of the Region, or the finance section at the first category municipality, upon submission of written authorisation by the technical secretariat of the Committee of Territorial Regulation of the Republic of Albania. Construction license is issued only after proof of payment is included in the construction file."

Article 3

Paragraph 1 of Article 77 changes as follows:

"As regards illegal constructions completed as of the entrance into force of this law, the following procedure will be adopted:"

The following paragraph is added at the end of this article:
"Legalization of these constructions, in addition to above requirements should also comply with the legal obligations contained in article 51".

Article 4

This law enters into force 15 days following its publishing in the Official Gazette.

Proclaimed by decree no. 2399, dated 29.06.1999 of the President of the Republic of Albania, Rexhep Meidani

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 8991 dated 23. 01. 2003**

- **CONCERNING SOME ADDITIONS AND CHANGES TO THE LAW No. 8405, DATED 17. 09. 1998 “ON URBAN PLANNING”, CHANGED WITH DECISION No. 2 DATED 25. 01. 1999 OF THE CONSTITUTIONAL COURT AND WITH LAWS No. 8453 DATED 4. 02. 1999, No. 8501 DATED 16. 06. 1999 AND No. 8682 DATED 7. 11. 2000**

- - Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

- To make the following additions and changes to Law No. 8405 dated 17.09.1988 “On urban planning”, changed with Decision No. 2, dated 25.1.1999 of the Constitutional Court and with laws No. 8453, dated 4. 02. 1999, No. 8501, dated 16.06.1999 and No. 8682 dated 7.11.2000.

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Article 1

- The following additions are made to Article 1:
 - One paragraph is added after paragraph 3:

“Strategic plan” is a progressing participatory process that, through a mid term plan, ensures the interplay of all factors towards the attainment of strategic goals set by the ultimate decision-makers at the local government level. The strategic plan combines physical, financial and institutional aspects. The thrust of strategic plans is the management of the dwelling center as one whole, or at least of its main components: housing, land, infrastructure, generation of financial resources and general administration of these components towards their integration”.
 - After paragraph five the following paragraph is added:

“Action plan” is a continuous participatory process that produces a relatively short-term plan to ensure the necessary cohesion for the effective utilization of valuable material and financial resources to attain specific goals in specific areas.”
 - Paragraph eight is changed as follows:

“Suburban zone” is the zone stretching outside the boundary line of the towns. Boundaries of such zones should be set to preserve and prepare the ground for the long term development of the town.”

Article 2

Article 14 is changed as follows:

The specializing urban planning units at local government level are:

- The Council of Territorial Regulation, at the region, municipality and commune Councils (CTR).
- The urban planning unit (director, section or bureau) at the region, municipality or commune.”
-

Article 3

At article 15, after the word “Lushnja” the words “Kukës, Peshkopi, Laç” are added.

Article 4

In article 17, after paragraph one, the following paragraph is added:

“Membership of the CTR at the municipality and commune level is made up as follows:

- Mayor of the municipality/commune;
- Chief of party of the urban planning unit at the municipality/commune;
- Chief of party of the legal bureau at the municipality/commune;
- Chief of party of the public infrastructure affairs at the municipality/commune;
- Two representatives from the municipality/commune council;
- Two specialists (urban planners/architects/construction engineers) nominated by the Mayor of the municipality/commune;
- Two specialists (urban planners/architects/construction engineers) nominated by the municipality/commune council.
- Communes that cannot set a CTR according to the membership criteria described above may delegate such competences to the Region’s CTR.

Article 5

Article 18 is changed as follows:

Membership of the Region’s CTR is made up as follows:

- Chairman of the region’s council;
- Director of the urban planning directorate at the Region (secretary to the CTR);
- Director of the cadastre at the region;
- Mayor of the central municipality of the region and one specialist (urban planner/architect/construction engineer) proposed by the central municipality of the region:
- Chief of party of public services at the Region:
- Chief of party of the atelier of the culture monuments in the Region’s jurisdiction;
- The representative of the regional environmental agency;

- The representative of the road section;
- One specialist nominated by the Ministry of Tourism and Territorial Regulation;
- Three representatives from the Region's Council;
- The representative of the municipality/commune, which has jurisdiction over, the construction permit to be reviewed;
- One specialist (urban planner/architect/construction engineer) nominated by chairperson of the Region;
- Two specialists (urban planner/architect/construction engineer) nominated by the Region's Council;
- One specialist (urban planner/architect/construction engineer) nominated by the prefecture."
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Article 6

Article 20 is changed as follows:

1. The Region's CTR has the power to review and endorse:
 - a) Urban planning studies concerning the territory of more than one municipality/commune within the territories over which it has jurisdiction, the endorsement of which is the competence of the CTR of the Region.
 - b) The platforms for holding contests for urban planning studies concerning territories under its jurisdiction;
 - c) The strategic plan, the regional plan, master plans drafted in accordance with development programs;
 - d) The boundary lines of construction and the suburban areas of the cities;
 - e) The boundary line of constructions in the villages;
 - f) Urban planning studies, construction grounds and permits outside the boundary lines of the villages, pursuant to guidelines of the master plans.
2. CTR at the municipality or commune level has the competence to review and endorse:
 - a) Design tasks relating to territories under the municipality's/commune's jurisdiction;
 - b) The platform for holding contests on urban planning studies falling under its jurisdiction;
 - c) The general regulating plan of the city or village, action plans and urban planning regulations in accordance with regional development programs;
 - d) The boundary line for constructions and the borderline of the city's suburban area;
 - e) Regulating plans for the villages and partial urban-planning studies of villages;
 - f) Partial urban planning studies pursuant to the approved master plans;

- g) Construction grounds, construction permits and the blue print of construction works, in accordance with the approved urban planning studies.

- Article 70 of Law no. 8405 dated 17. 09. 1998 “On urban planning” amended, applies in the case of tourism zones. The materials to be reviewed by the Region’s CTR, the CTR of the municipality/commune in connection with the urban planning studies and the relevant evaluations are prepared by the technical secretarial office, the functions of which are carried out by the urban planning unit of the Region, municipality/commune respectively.

- Materials to be taken through the Council of Territorial Regulation of the Republic of Albania must be submitted to its technical secretarial office not later than 60 days following its endorsement by the CTR of the Region/municipality/commune.”

- **Article 7**

- The following additions are made to article 21:
 - At the fourth sentence, after the words: “of the concerned local government” the words “and representatives of the designing units” are added.
 - The following paragraph is added:
 - “In cases when the representative of the prefecture challenges the CTR decision on legal grounds, the prefect is empowered to demand the re-consideration of the construction permit by the local CTR.”.

- **Article 8**

- Article 22 is changed as followed:
 - The urban planning unit at the Region has these competences:
 1. In conjunction with the respective municipalities and communes, prepares the reference materials for urban planning and territorial development studies to be submitted to the CTR meeting.
 2. In cooperation with the local governments under the Region’s jurisdiction, coordinates the actions towards the production of the regional plan, the general regulating plan, the master plans for territorial development, partial urban planning studies and submits these to the CTR meeting.
 3. In conjunction with the local governments in the Region’s jurisdiction, designs, in accordance with the design tasks, as provided by point 2 of this Article, the developmental master plans, the general regulating plans, the partial urban planning studies. In accordance with the law, following the CTR endorsement, it may also contract these tasks out to designing institutions, governmental or private, duly licensed in the field of urban planning studies, pursuant to regional strategic plans and approved regional policies.
 4. Appraises and submits to the CTR the urban panning studies, the grounds and construction permits outside the boundary-line of the villages as envisaged by the respective master plans;

5. In accordance with the law, proposes urban planning regulations for territories under the Region's jurisdiction, and submit these to the CTR;
6. In cases of newly created circumstances, prepares the proposal on the relevant changes in the approved studies, which it then submit to the CTR for review;
7. Liaises regularly with the technical secretariat of the CTR of the Republic of Albania and the urban planning units at the municipalities and communes under its jurisdiction;
8. Assists and coordinates the urban planning units at the municipalities and the communes on technical issues relating to the implementation of this law;
9. Drafts the CTR decisions, the technical documentation together with the urban planning conditions approved by the CTR in accordance with Article 6 of this Law. Following approval, 2 original exemplaries of the documentation are handed to the requesting side or the concerned municipality/commune not later than 30 days following the taking of the decision by the CTR;
10. Checks whether the permits granted by the municipalities and the communes are in line with the studies endorsed by the respective CTR and notifies the respective elected council in case of infringements on these studies;
11. Prepares reports on permits granted by the Region's CTR for the following stages of implementation of works: picketing of the building; building the foundations and finishing the carcass of the building; It also files the technical documentation of the building and other relevant documentation as it may be necessary.
12. Following the collation act, if no infringes to the decision are found, drafts the permit for utilization of the building.
13. Keeps the urban cadastre and statistics and in conjunction with the respective bureau of registration of immovable property, updates plans of the cities, villages and communes at the end of every year.
14. Updates the Ministry of Territorial Regulation and Tourism every six months with the latest statistical data in the field of territorial planning;
15. Notifies within 5 days the Construction Police on measures taken to redress violations of technical conditions of design and/or technical conditions of implementation or failure to ensure safety precautions in construction works.

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Article 9

After article 22, article 22/1, is added reading as follows:

The urban planning unit at the Municipality of Tirana, in first category municipalities, in the rest of the municipalities and the communes has he following competences:

1. Prepares the reference materials for urban planning and territorial development studies in the area of its jurisdiction that it submits to the CTR for review and deliberation.
2. Leads action towards the production of the general regulating plan, the master plans for territorial development, action plans and partial urban planning studies; Prepares the technical documentation and presents it to the Council of the municipality or the commune and to the CTR.

3. In accordance with the law, designs on its own or contracts out (subject to prior approval by the CTR) to design institutions, governmental or private, licensed in the field of urban planning studies, the tasks of preparing the general regulating plan, action plans, urban planning regulations for cities/communes, master plans, partial studies, which it then submits to the CTR for deliberation.
4. Liaises regularly with the technical secretariat of the CTR of the Republic of Albania.
5. Acts in tandem with the urban planning unit of the Region.
6. Upon proposal from the council of the municipality/commune and subject to endorsement by the chair of the CTR, prepares urban planning studies on construction grounds and territories owned by the government.
7. Reviews requests, and accompanying documentation, for construction grounds and construction permits pursuant to the general regulating plan and the endorsed partial urban-planning study and submits these to the technical committee and the CTR.
8. Reviews requests for demolitions felling of trees and submits these to the CTR for deliberation.
9. Drafts CTR decisions, technical documentation together with urban planning conditions in accordance with approved studies. Following approval by the chair of the CTR, the documentation is returned to the requesting side not later than 30 days following the taking of decision, provided that the applicant has cleared his payment obligations according to legal provisions.
10. Prepares review reports for permits granted by the Region's CTR for the following stages in the implementation of works: picketing of the building, building the foundations, and finishing the carcass of the building; Also, files the technical documentation of the building and other relevant documentation as it may be necessary. Following the collation act, if no infringements are found, drafts utilization permit and submits the relevant documentation to the CTR for review and deliberation.
11. Keeps the urban cadastre and statistics and in conjunction with the respective bureau of registration of immovable property, updates the planimetry of the city/commune, which is archived every end of year.
12. Updates the Ministry of Territorial Regulation and Tourism every six months with the latest statistical data in the field of territorial planning;
13. Notifies within 5 days the Construction Police on measures taken to redress violations of technical conditions of design and/or technical conditions of implementation or infringements on the safety precautions in construction works. If during inspection visits, infringements to the conditions of the construction permit are found, notifies the CTR at the next meeting, which is obligated to review and address these infringements.
14. Upon proposal from the CTR, in case of newly created circumstances, prepares the material on the respective changes.

Article 10

- Article 24 is changed as follows:

- The urban planning unit (directorate, section or bureau), at the Region, the Municipality of Tirana and at first category municipalities should comply with the typical structure comprised as follows:

- The technical secretariat of the CTR;
- The study and research urban planning staff;
- The urban cadastre;
- The legal urban planning staff;
- The engineering and environmental impact evaluation staff and resources;
- Technical inspection of projects.

The Region's Council and the Municipality Council designate the number of urban planning staff respectively. The staff must be comprised of urban planners, architects, infrastructure engineers, topographic engineers, lawyers and environmentalists.

- The urban planning unit (directorate, section, bureau) at the municipalities and communes must comply with the typical structure as follows:

- Technical secretariat;
- Urban cadastre;
- Study urban planning;
- Engineering and environmental impact evaluation staff and resources;
- Legal urban planning and project inspection staff."

Article 11

Article 25 is changed as follows:

- After the first sentence the following sentence is added:
 - "The technical committee reviews and comments on the technical and legal aspects of the documentation to be submitted to the CTR."
- After the first paragraph, the following paragraph is added:

"Members of the technical committee are remunerated for the contribution they make. The amount of remuneration is set by the competent councils of the local government."

Article 12

The first paragraph of article 39 is changed as follows:

- - The words "at the urban planning unit at the Region's Council" are withdrawn.
- The second sentence is changed as follows:

"The urban planning offices, in accordance with their pertinence, after having reviewed the technical and legal documentation if it complies with the legal requirements and criteria, take it though the procedures of submission and review at the respective CTR."

Article 13

With the exception of articles changed above, in the rest of the articles of this law the following names are changed respectively:

- “Organs of the local power” is replaced by “organs of local governance”
- “District Council” is replaced by “Region’s council”
- “Chair of the District Council” is replaced by “Chair of the Region’s Council”
- “CTR at the district” is replaced by “CTR at the Region”

Article 14

- Articles 23, 26 and 27 are withdrawn.

Article 15

This law enters into force 15 days after its publication in the Official Journal.

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CHAIRMAN
Servet Pëllumbi

**REPUBLIC OF ALBANIA
ASSEMBLY**

**L AW
No.8652, dated 31.7.2000**

ON ORGANIZATION AND FUNCTIONING OF LOCAL GOVERNMENTS

In reliance with Articles 13, 81, 83 paragraph 1 and 108-115 of the Constitution of the Republic of Albania and on the proposal of the Council of Ministers,

THE ASSEMBLY OF REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object of the Law

This Law regulates the organization and functioning of local government units in the Republic of Albania, as well as sets forth their functions, competencies, rights and duties and those of their respective bodies.

Article 2

Definitions

Within the meaning of this law:

1. "Function" is the field of responsibility of a certain level of government.
2. "Delegated functions" are functions of central government or other central government institutions that by law or by an agreement are assigned to a local government unit for performance in a manner and to a degree which is determined by the central government or other central government institutions.
3. "Joint [shared] functions" are functions for which the local government unit has its share of responsibility, distinguished from the share of responsibility granted to central government, and the functions are accompanied proportionally with competencies, which are exercised autonomously.
4. "Exclusive functions" are functions given by law to the local government unit, for

the realization of which it is responsible and has the authority to make decisions and use means for their realization, within the norms, criteria and standards generally accepted by law owing full administrative, service, investment and regulatory authority over these functions.

5. "Competency" means authority given by law to a certain organ to carry out a certain function.

6. "Own Authority" means exclusive authority given by law to local government units to carry out their functions.

7. "Administrative authority" is the competence to manage structures and personnel (setting up, improvement and merging of structures as well as appointment, dismissal, transfer, training, the setting of wages, compensation) in compliance with the legislation in force.

8. "Delegated authority" means an authority of the central government that is by law or agreement assigned to a unit of local government.

9. "Investment authority" means authority to plan, distribute and perform an investment.

10. "Regulatory authority" means authority to establish regulations and rules (issuance of licenses, opening / closing hours of local services, and imposing penalties or in general to grant rights and establish obligations) in compliance with the standards and legislation in force.

11. "Service authority" means the authority to plan, deliver and realize the maintenance of objects and perform auxiliary services.

12. "Central Government" means the Council of Ministers, Ministries and other Central state agencies.

13. "Reorganization" means a change in the administrative-territorial division.

14. "Subject of Joint Competencies" means a committee, entity, institution, enterprise, board created by two or more units of local government or between one or two more units of local government and central government to a service or satisfy an obligation which is common to them.

15. "Subsidiary" is the principle of performance of functions and exercise of competencies by the level of government [governance] which is closest to the citizens.

Article 3

Mission of Local Governments

The purpose of local government in the Republic of Albania is to promote the welfare of the people and guarantee good governance, at the level closest to the residents through:

a) Recognition of the existence of different identities and values of the communities in

Albania,

b) Respect and enforcement of the fundamental rights of citizens provided for in the Constitution and other laws in those communities,

c) Opportunity to make choices between different kinds of local public facilities and services for the benefit of the community,

ç) Efficient and effective exercise of the functions, competencies and realization of duties of various bodies of local government,

- d) Delivery of appropriate services,
- dh) Promotion of effective participation of local residents in local government.

Article 4

Fundamental Principles of the functioning of local government units

1. The organs of local government units exercise their authority on the basis of the principle of local autonomy.
2. The relationship between local government unit's levels and Central Government and between the local government units themselves will be based on the principle of subsidiarity and collaboration for solving mutual problems.
3. In their activity organs local government units act in compliance with the Constitution and laws enacted in the spirit of the Constitution.
4. Organs of local government units are juridical persons.
5. Any commune, municipality and region is a governing organ with persistence.

CHAPTER II

LOCAL GOVERNMENT UNITS

Article 5

Designation of Communes, Municipalities and Regions and Subdivisions

1. Communes and municipalities comprise the basic level of local government.
2. A commune is an administrative-territorial and a community of residents' unity usually in a rural area but in special cases in urban areas. The territory, name and the center of each commune shall be determined by law. Sub-divisions of communes are villages and in special cases cities. The sub-divisions of communes are defined by the Commune Council.
3. A municipality is an administrative-territorial and a community of residents' unity usually in an urban area and in special cases in rural areas. The territory and name of each municipality shall be determined by law. Sub-divisions of municipality in urban areas are called quarters. Upon the decision of the Municipality Council, a quarter can not have less than 15,000 residents. When a municipality has under its jurisdiction rural areas the subdivisions are the villages. A village can not have less than 200 inhabitants. A city is a residential center, which will be developed according to an approved future urban plan. City is an urban area that has been called so by law.
4. Regions comprise the second level of local government.
5. A region is an administrative-territorial unity that is comprised of several communes and municipalities that have geographical, traditional, economic and social ties and joint interests. The boundaries of each region should comply with the boundaries of communes and municipalities under its jurisdiction. The center of the region is located in one of the municipalities under its jurisdiction. The territory, name and center of each region shall be determined by law.
6. Subdivisions of the regions are the districts. The boundaries of the districts, their

name and center of district shall be determined by law.

7. Chapter VIII of this Law determines the organization of subdivisions for communes, municipalities and regions.

Article 6

Organs of Local Government Units

1. In each commune, municipality and region shall be established the representative and executive organs of local government.

2. The representative organ of the commune and municipality shall be the Communal Council and the Municipal Council, respectively. The executive organ of the commune and municipality shall be the Mayor of commune and municipality.

3. The representative organ of region shall be the Regional Council. The executive functions of the region shall be performed by the Chairman and Board of the Regional Council.

4. The representative and executive organs in communes and municipalities shall be elected through general, direct election and secret voting in the manner set forth in the Election Code of the Republic of Albania.

5. The representative organ of region is established with representatives of elected organs of communes and municipalities comprising the region as per the method provided for in the Constitution and Chapter IX of this Law.

6. The Chairman and Board of the Regional Council shall be elected by the members of its Regional Council, in the manner set forth in Chapter IX of this Law.

CHAPTER III

RIGHTS OF LOCAL GOVERNMENTS

Article 7

Exercise of authority in the interest of the local community

1. Organs of local government units may undertake initiatives in the interest of the local community to any matter which is not prohibited by law or which is not exclusively granted by law to any other government organ.

2. Local government units shall exercise their competencies by issuing decrees, ordinances and orders.

Article 8

Rights of Local Government Units

1. Local government units shall enjoy the following rights:

I. Right of governance

a) Take any necessary measures for carrying out their functions and exercise their competencies.

b) Based on the Constitution, laws and by-laws enacted on basis and application of

the laws, to carry out their functions and to exercise competencies, they can issue directives, orders and ordinances, which are obligatory for all subjects within their jurisdiction.

c) Local governments shall establish administrative structures to carry out their functions and exercise their competencies, in compliance with the laws in force.

ç) They shall establish economic units and other institutions under their authority.

d) Each local government shall establish committees, boards, and commissions as it deems necessary for exercising specific functions.

dh) Each local government shall create any administrative-territorial sub-division within its jurisdiction to perform its governing functions more efficiently, in the manner set forth in this Law.

II. Right of Property

a) Local governments shall exercise property rights. They acquire, sell and give into use their movable or immovable property, as well as exercise other rights as set forth in the law.

b) The right of property acquisition of local government units through expropriation in the public interest shall be provided for by a separate Law.

c) The property rights are exercised by the respective council, which can not delegate the exercise of this right to anyone else.

III. Right to fiscal autonomy

a) Local government units shall collect revenues and make expenditures related to the fulfillment of their functions.

b) Local government units have the right to set taxes and fees and the level of the latter in compliance with the legislation in force and the interest of the community.

c) Local governments have the right to draft, adopt and execute their budget.

IV. The right of economic activity

a) For the purpose of fulfilling public functions in the interest of the community they represent local government units shall exercise economic activity, provided that this activity does not contradict the fundamental directions of economic policies of the State. b) The major part of revenues profiting from economic activities of local governments shall be used to support the fulfillment of public functions.

c) The economic activity of the local government units is regulated in compliance with legislation in force.

V. Right of collaboration

a) To carry out specific functions on behalf and in the benefit of respective communities, two or more units of local government may exercise jointly any competence given to them by law, through implementation of mutual agreements or contracts, delegation of specific competencies and responsibilities to one another, or contracting a third party.

b) Local governments shall collaborate with similar units of local government in other countries and shall be represented in international organizations of local governments, in compliance with legislation in force.

c) Local government units have the right to be organized in associations in conformity with respective legislation for associations.

VI. The right as a juridical person

Local governments are juridical persons and may exercise all the rights set forth in the Civil Code of the Republic of Albania and in the legislation in force:

a) The right to enter into contracts;

b) The right to establish other juridical persons;

- c) The right to bring a civil accusation;
- ç) The right to keep accounts;
- d) Other rights to carry out functions, on the basis and application of laws and by-laws.

VII. Other rights

- a) Local government units shall grant honorary titles and moral and material stimulus,
- b) Each local government units shall determine the denominations of territories, objects and institutions under its jurisdiction in accordance with the criteria set forth by law.

2. Local government units shall have their own seal and symbols.

3. The above mentioned rights are exercised by the local government organs, as set forth in this Law.

CHAPTER IV

FUNCTIONS AND COMPETENCIES OF THE COMMUNE, MUNICIPALITY AND REGION

Article 9

Types of Functions

Communes, municipalities and regions exercise “exclusive functions,” “joint [shared] functions” and “delegated functions.”

Article 10

Exclusive Functions of Communes and Municipalities

1. The commune and municipality have full administrative, service, investment and regulatory competencies for their exclusive functions set forth in this Article. They exercise these functions in accordance with the schedule set forth in Chapter XI of this Law.

2. The Communes and municipalities exercise their functions in compliance with the regional and national policies. The central government may issue specific national standards and norms in relation to exclusive functions for the purpose of achieving national interests, provided that the national standards and norms does not limit local governments’ discretion in areas of local interest. In those cases where a local government does not have enough resources to meet the national standards and norms, the central government shall provide the necessary support to enable the local government to achieve the national standard.

3. The communes and municipalities shall exercise the following exclusive functions:

I. In the field of infrastructure and public services:

- a) Water supply;
- b) Management of sewage and drainage system and [flood] protection canals in the residential areas;
- c) Construction, rehabilitation and maintenance of local roads, sidewalks and squares;
- ç) Public lighting;

- d) Public transport;
 - dh) Administration of cemeteries and funeral services;
 - e) City/village decoration;
 - ë) Administration of parks, greeneries and public spaces;
 - f) Waste management [collection, disposal, treatment];
 - g) Urban planning, land management and housing according to the manner set forth in the law.
- II. Social, cultural and recreational services:
- a) Preserving and promoting the local cultural and historic values, organization of activities and management of relevant institutions;
 - b) Organization of sports, recreational and amusement activities and management of relevant institutions;
 - c) Social services and administration of institutions such as day care, elderly homes, orphanages, etc.
- III. Local economic development:
- a) Formulation of local economic development programmes;
 - b) The setting [regulation] and functioning of public market places and trade network;
 - c) Small business development as well as the running of promotional activities, as fairs and advertisement in public places;
 - ç) Performance of services in support of the local economic development, as information, necessary structures and infrastructure;
 - d) Veterinary service;
 - dh) The protection and development of forests, pastures and natural resources of local character.
- IV. Public order and security:
- a) The protection of public order to prevent administrative violations and enforcement of the commune or municipality acts;
 - b) Civil security.

Article 11

Joint [shared] Functions

1. Communes and municipalities may undertake any of the following shared functions separately or jointly with central government, in compliance with the schedule set forth in chapter XI of this Law.
2. In cases when the central government requires a local government to perform any shared function or meet a national standard in the performance of a shared function the central government shall provide sufficient financial support.
3. Communes and municipalities shall execute the following shared functions:
 - a) Pre-school and pre-university education;
 - b) Primary health care and public health protection;
 - c) Social welfare and poverty alleviation and ensuring of the functioning of relevant institutions;
 - ç) Public order and civil security;
 - d) Environment protection;
 - dh) Other shared functions according to the manner provided by law.
4. Competencies of communes and municipalities for any functions set forth in this Article are regulated in any case by law. The relations between the local government

units and central institutions for functions set forth in this Law are regulated by law or by-laws.

Article 12

Functions and delegated competencies

1. The delegated functions and competencies are mandatory and non-mandatory.
2. The mandatory functions and competencies are those determined by law.
3. The central government institutions, when allowed by law, may authorize the commune, municipality or region to perform certain functions under their [central government institution] jurisdiction determining the procedures of performance and control of execution of these functions.
4. The central government institution may authorize the commune, municipality and region to exercise one single competency for a certain function.
5. To the commune, municipality or region may be delegated functions and other non-mandatory competencies on the basis of an agreement between the respective unit of local government and central institution responsible by law for provision of that function or competence.
6. In any case, the central government guarantees necessary financial support to the local government units to exercise delegated functions and competencies.
7. Commune, municipality or region, at their own initiative, may commit their own financial resources to the exercise of delegated functions and competencies in order to achieve a higher level of service in the interest of the community.

Article 13

Functions of the region

1. The own functions of the region are developing and implementing regional policies and harmonization of which with the national policies at the regional level, as well as any other exclusive function given by law.
2. The region shall exercise all functions delegated to it by one or more communes or municipalities within its territory, according to an agreement between the parties.
3. The region shall carry out and exercise competencies delegated to it by the central government, according to the principles stipulated in article 12 of this Law.

Article 14

Inter-communal cooperation for execution of functions

1. Any unit of local government may exercise the right of inter-communal cooperation in accordance with article 8 of this Law and by any of the following means:
 - a) Agreement for executing jointly one or more functions;
 - b) Contracting another local government unit for exercising one or more functions, or
 - c) Contracting a third party by more than one local government for exercising of one or more functions.
2. Any agreement shall:
 - a) Describe the purpose and functions to be exercised;

- b) Provide for the method by which the objective shall be achieved;
 - c) Describe the level and period of delegation of powers;
 - ç) Set forth the method and level of contribution and of sharing of revenues and other profits from the activity.
3. Two or more units of local government or units of local government and an organ of the central government may enter into a joint agreement to create a juridical person apart from the parties to whom they grant authority and specified competencies. Within the meaning of this law, this juridical person is named subject [authority] of joint competencies. For each party the respective contribution shall be defined in financial aid, services aid, equipment and qualified personnel aid, or any other assets necessary for achieving the objective.
4. After its establishment, the joint competencies subject, responsible for administration of the agreement, within thirty (30) days from the date of its establishment and the signing of the agreement shall officially notify the Prefect.
5. The official notice should contain:
- a) The name of local government units partnering in the agreement;
 - b) The date on which the agreement become effective;
 - c) The purpose of the agreement and the function that shall be executed;
 - ç) The decisions of the councils of local government units included in the related agreement;
 - d) The contributions of the parties.
6. After the official notification of the Prefect, the agreement shall become effective and the subject of the joints competencies assumes executive powers.

CHAPTER V

FINANCE OF UNITS OF LOCAL GOVERNMENT

Article 15

Principles of financing of units of local government

1. National fiscal policy shall guarantee the functioning of local government units and shall base on the principle of diversity of sources of revenue.
2. The local government units are financed with the revenues generated from local taxes, fees and other income, funds transferred from the central government and funds directly derived from shared national taxes.
3. Units of local government shall be guaranteed by law sufficient authority to generate revenues independently.
4. The central government shall grant to local government units funds that are sufficient to meet all the standards and requirements it decides for the provision of delegated functions and competencies.
5. Each local government shall adopt, carry out and administer its own budget each year that does not include a deficit and in compliance with the Law No. 8379, dated 29.7.1998 "On the drafting and execution of the State Budget of the Republic of Albania."

Article 16

Own revenues of the commune and municipality

1. Communes and municipalities shall generate revenues from:
 - a. Local taxes and levies on the movable and immovable property, as well as on the transactions conducted on them.
 - b. Local taxes and levies on the economic activity of small businesses and on hotel service, restaurants, bars and other services;
 - c. Local taxes and levies on the personal income generated from donations; inheritances, testaments, and from local lotteries;
 - ç. Other taxes and levies given by law
2. The local taxes and levies base as well as the minimum and/or maximum range rate shall be decided by separate law. Commune and municipality have the right to apply or not a determined local tax or levy. In case they decide to apply the local tax or levy, they decide the tax rate, as well as the manner for collection and administration within the limits and criteria set forth in the respective law.
3. Commune and municipality generate revenues from local fees for:
 - a. Public services offered by them;
 - b. The right to use local public property;
 - c. The issuance of licenses, permits, authorizations and issuance of other documentation, at the discretion of local government.
4. Commune and municipality set the level of the local fees, determine the manner of collection of local tariffs and their administration in compliance with policies and general principles defined in the normative acts of central government.
5. Commune and municipality shall borrow funds for public purposes in a manner that is consistent with the conditions established by law.
6. Commune and municipality shall generate revenues from their economic activities, rents and sale of property and from donations, interest income, penalties, aids or donations.

Article 17

Revenues from national sources

1. Commune and municipality shall be financed from these national sources:
 - a. Shared taxes, consisting of a portion of certain central government taxes, such as the personal income tax and the company profit tax. The annual revenues generated from these taxes shall be distributed to communes and municipalities not less than three times a year. The part of the tax and levy which goes to their favor, as well as their collection and administration are determined by law for each shared tax or levy.
 - b. Unconditional transfers from the State Budget given in accordance with criteria determined by law, based on exclusive and joint functions and competencies of communes and municipalities, as well as for the purpose of achieving equalization of resources among different local government units in proportion with their ability to generate necessary revenues.
 - c. Conditional transfers from the central government.
2. The central government in cooperation with communes and municipalities, during the period of drafting the draft budget shall conduct analysis on abundance and stability of such resources for the purpose of achieving objectives determined in this Law.

Article 18

Sources of revenues of the region

1. The region shall generate revenues from its local sources and from the share of national revenues.
2. Revenues from its own local sources include:
 - a. Unconditional transfers, including fees of membership from the budgets of communes and municipalities, defined in the charter and in the annual budget of the region, for the performance of own and joint functions;
 - b. Conditional transfers for the performance of the functions and competencies, delegated by constituent municipalities and communes;
 - c. Regional taxes and levies determined in conformity with the law;
 - ç. Fees for public services provided by the region as well as from other resources defined in Article 16 of this Law.
3. The criteria and norms for generation and administration of revenues from regional sources are similar to the criteria and norms described in this Law for communes and municipalities.
4. The revenues of region from share of national sources shall be generated and administered according to the manner stipulated in Article 17 of this Law.

Article 19

Budget of Local Government Units

1. Budget of any unit of local government shall include all revenues and all expenditures occurred together with repayments of debt.
2. Conditional transfers, which are recorded in the local government unit budget, shall be used solely for the purpose for which the funds have been allocated, in the amount and according to the rules set by the central government.
3. Each local government unit shall have full authority [in deciding] for purposes and manners of using its own budget funds which are not conditional transfers. Part of these funds that have not been used during a fiscal year can be carried over to the next year.
4. The budget adoption and the close of past year budget shall be made according to the deadlines determined in the Law no. 8379, dated 29.7.1998 "On the drafting and execution of the Budget of the Republic of Albania".
5. The local government unit budget is adopted by the respective council. The budget adoption and the annual close of accounts shall be made according to the deadlines determined in the Law no. 8379, dated 29.7.1998 "On the drafting and execution of the Budget of the Republic of Albania".
6. The purpose of the local government budget is:
 - a. Effective use of the revenues to perform functions and exercise competencies;
 - b. Presentation of the exact financial situation of each unit of local government;
 - c. To provide necessary information that enables citizens to participate in decision-making regarding the functions and competencies exercised by the respective unit of local government.
7. Each local government budget shall include:
 - a. All revenues and expenditures slips with indicators as below:

- i) Detailed revenues according to the classifications of Articles 16, 17 18 of this Law;
 - ii) Detailed expenditures in compliance with the functional and economic classification;
 - iii) The reserve fund which must not exceed 3% of total expenditures.
- b. Forecast of revenues and expenditures for the following two fiscal years.
 - c. Forecast of expenditures for investments with the following information:
 - i) The purpose of the investment;
 - ii) The financing plan, including the means and sources of financing;
 - iii) The annual amount of loan repayment and an estimate of additional operating expenditures the investment will require.
8. The executive organ of the local government unit prepares the draft budget for the new fiscal year as well as the draft closing of accounts of the past year and submits them for adoption to the respective council following the deadlines set forth in the Law No. 8379, dated 29.7.1998 "On the Drafting and Execution of the Budget of the Republic of Albania".
9. The amendments to independent budget concerning the transferring and the redistribution of funds and the manner how to use the reserve fund shall be made by the respective council, upon the proposal of its chairman, in compliance with the criteria set forth in the Law No. 8379, dated 29.7.1998 "On the Drafting and Execution of the Budget of the Republic of Albania" and relevant normative acts.

Article 20

Archiving of Finance Records

1. Each unit of local government shall take measures for archiving, storing and administering their financial documents and is responsible for any damage or loss, in compliance with legislation on archives.
2. Each unit of local government shall approve an internal regulation for implementing the Law on archives.

Article 21

Internal Financial Control

1. Each council of unit of local government shall appoint a finance commission that shall act during the council mandate.
2. The finance commission controls the revenues and expenditures made by the executive organ, in compliance with the budget adopted by the council. The executive of the unit of local government shall report to the finance commission regularly during the year and shall provide all documentation requested by him. The executive organ and its administration can not be a member of the finance commission.
3. The finance commission shall control all accounting and financial documentation. The finance commission has the right to request an external audit of the accounts be carried out by certified accountants.

Article 22

External financial control

1. Each unit of local government shall be subject to external control by the High State Control on the legality of use of financial resources.
2. Each unit of local government shall be subject to external finance control by the organs of central government, in the manner as stipulated by law.

CHAPTER VI

COMPOSITION, ESTABLISHMENT, ORGANIZATION, COMPETENCIES AND DUTIES OF COMMUNAL AND MUNICIPAL COUNCIL

Article 23

Manner of Election

Communal and municipal council is composed of councilors elected in accordance with procedures set forth in the Election Code of the Republic of Albania.

Article 24

Number of members of communal and municipal council

1. The number of members of Commune and Municipality Councils shall be determined according to the population of the communes and municipalities, as follows:

Communes and municipalities up to	5 000 inhabitants	13 Councilors
"	"	"
"	5 000-10 000 inhabitants	15 Councilors
"	"	"
"	10 000-20 000 inhabitants	17 Councilors
"	"	"
"	20 000-50 000 inhabitants	25 Councilors
"	"	"
"	50 000-100 000 inhabitants	35 Councilors
"	"	"
"	100 000-200 000 inhabitants	45 Councilors

Municipality of Tirana 55 Councilors

2. In application of this article, the Prefect defines the number of the members of the council for each commune and municipality in its jurisdiction, based on the number of inhabitants according to the official statistics of the civil office as of January 1 of the year the [local] election takes place.

Article 25

Incompatibility of Councilor Functions

1. Function of councilor is incompatible with:

- a. Function of mayor or deputy mayor of the commune or municipality;
 - b. Function of the council secretary;
 - c. Function of employee of the administration of respective commune and municipality;
 - ç. Function of a Member of Parliament.
2. An individual [person] can not be elected at the same time in more than one communal or municipal council.
 3. Persons who are immediate relatives as spouse, parent and child, siblings or in-laws with one another can not be members of the same [commune or municipal] council.

Article 26

First meeting of communal or municipal council

1. Commune and Municipality Council shall conduct its first meeting no later than twenty (20) days after the Central Election Commission has officially announced the local election results.
2. The first meeting of the Council shall be called by the communal or municipal Council Secretary. In the absence of a Council Secretary, the initiative for calling the first meeting shall be of the Prefect.
3. In case the above mentioned subjects fail to exercise this right within the time limit stipulated in section 1 of this Article, then the Council shall be convened by itself within ten (10) days.
4. The first meeting of the council is official only when more than half of all of the Councilors, which have been officially announced by the Local Government Election Commission, are in attendance. Where more than half of the Councilors are not in attendance, the meeting shall be canceled and another meeting shall be called three (3) days later, but not more than three consecutive times. In case, even after these three times, there has not been the required attendance, the Council shall be dissolved.
5. The eldest councilor shall preside at the first meeting of the Council until a Chairman of the Council shall be elected.
6. In the first meeting of the communal or municipal Council:
 - a. The Council shall elect the mandate commission;
 - b. The Council shall verify and approve mandates of Councilors;
 - c. Councilors shall take the oath;
 - ç. The Council shall elect the Chairman and deputy-chairman of the Council;
 - d. The Council shall elect the members that will represent the communal or municipal Council in the Regional Council and shall provide them with a mandate of representation.
7. The commune or municipal Council shall be constituted after more than half of its members have had their mandates verified.

Article 27

Councilor Mandate

1. The mandate is given [recognized] to the council member by the council decision.
2. The recognition or the cancellation of the mandate of Councilor is adopted by the majority of the votes of all the councilors.
3. The councilor does not vote on his mandate.
4. The Councilor's mandate shall expire earlier, with the proposal of the mandate commission, in case of:
 - a. Change of residence;
 - b. Resignation from the council;
 - c. Conditions of incompatibility occur as defined in Article 25 of this Law;
 - ç. Mandate is obtained by him in an irregular manner;
 - d. Loss of juridical competence by a court decision;
 - dh. Death;
 - e. Absence from the council meetings for a period of six months;
 - ë. Condemned for a criminal act by a final decision of a court;
 - f. Dissolution of the council by the competent organ.

Article 28

Oath

1. After verification of their mandate by the respective commission councilors shall take the oath before the council with the below formulation:

"I pledge on behalf of the voters that I represent to protect the Constitution of the Republic of Albania and its laws. I pledge in all my activity that I will be guided by the interests of citizens of (name of respective commune or municipality), and I will work honestly and with devotion for the development and the improvement of their welfare."
2. The councilor who refuses to take and sign the oath is considered to have given his resignation and his mandate is not given to him.

Article 29

Rights of the Councilor

1. A Councilor shall not be held liable in any penal or civil proceedings for any opinion expressed in relation to official matters during the exercise of his duties.
2. A Councilor shall be paid for his work. The compensation of Councilors shall be decided by the respective based on the criteria provided for by the legislation in force.
3. Upon his request, the Councilor is informed or is given for his use at any time, from the administration of the respective commune or municipality, any kind of documents for acquaintance of problems of its jurisdiction.
4. The Councilor has the right to professional training, according to the program adopted by the Council. In such cases, financing shall be granted in compliance with rules of the legislation in force.

Article 30

Conflict of interest

1. The Councilor does not take part in discussion and voting of the a Council Act where the case being considered is of personal interest to him, his spouse, parents, children, brothers, sisters, in-laws.
2. In any case of conflict of interests, the disqualifying provisions set forth in the Code of Administrative Procedures of the Republic of Albania shall be applied.

Article 31

Functioning of communal or municipal Council

1. The communal and municipal Council shall exercise its functions upon being constituted in accordance with Article 26 of this Law until a successor Council is constituted.
2. The regular [ordinary] meetings of the communal or municipal Council shall be held as decided by the Council itself, but not less than one per month.
3. The Council meets in extraordinary meeting in the following cases:
 - a. Requested by the Mayor of the commune or municipality;
 - b. By the request of one-third (1/3) of its members;
 - c. With the motivated request of Prefect concerning issues related to the functions of the Prefect.
4. The call for the meeting shall be done by the Chairman of the Council, and the meeting notice shall be made, as a rule, not less then five (5) days before the meeting. The notice shall contain the date, time, place and agenda of the meeting.
5. The agenda of each meeting shall be approved by the Council.
6. In the period from the date of elections up to the constitution of the new Council, the previous communal or municipal Council shall exercise only limited functions and shall take decisions only in case of emergencies.
7. The meeting of the communal or municipal Council is official when a majority of the Council members constitutes a quorum, except for cases, when another majority of voting is required, as to the determinations set in article 33 of this Law.
8. Where a Council is unable to convene due to a lack of a quorum for a period of three consecutive months, starting from the last meeting date, the Council is dissolved. After the dissolution, new elections must take place for the respective Council and the Secretary of the Council within ten (10) days from termination of the three months period notifies the Prefect.
9. Meetings of the Council shall be recorded in the Minutes of the meeting. The manner of recording the Minutes and certification shall be determined in the internal regulation of functioning of the Council.

Article 32

Duties and competencies of commune or municipality Councils

The communal or municipal council has the following duties and competencies:

- a) Adopts the statute [charter] of Commune and Municipality and the internal regulations of its own functioning.
- b) Elects and dismisses the Chairman and deputy Chairman of the Council.

- c) Appoints and dismisses the Secretary of the communal and municipal Council.
- ç) Adopts organizational and administration structure of commune and municipality and of budgetary units and institutions under the authority of the commune and municipality, as well as the number of their personnel, the criteria for qualifications, salaries and manners of compensation of the personnel or of the elected or appointed persons, in compliance with the legislation in force.
- d) Approves the incorporation acts of the enterprises, companies and other juridical persons it establishes or is a co-founder.
- dh) Approves the budget and amendments to it.
- e) Approve the transfer of the ownership or giving in use [usufructs] to third parties of its property.
- ë) Organizes and supervises the internal control of commune or municipality.
- f) Decides rates of all local taxes and tariffs [fees].
- g) Decides get credits and liquidate obligations to third parties.
- gj) Approves the establishment of joint institutions with other local government units, including the Joint Competencies Subject, or with third parties.
- h) Approves the commencement of any legal proceedings on matters under its own competence.
- i) Elects the representatives of communal or municipal Council in Regional Council
- j) Decides the approval or withdrawal of the mandate of a councilor.
- k) Approves norms, standards and criteria for the regulation and the enforcement of the functions granted to the Council by Law, as well as protects and guarantees the public interest.
- l) Decides emblem of commune or municipality.
- ll) Approves the names of streets, squares, territories, institutions and objects under the jurisdiction of the commune or municipality.
- m) Grants honorary titles and bonuses.
- n) Decides regulations, procedures and manners of execution of delegated functions, on basis and application of the Law through which the delegation to commune and municipality is granted.

Article 33

Voting

1. Voting in the Council can be either open or secret. The Council decides when the voting will be by secret ballot. All voting for acts of an individual character shall be by secret ballot.
2. The adoption of a Council decision shall require the vote of the majority of all Council members in attendance.
3. The adoption of decisions requires the vote of the majority of all the Council members for cases described in article 32 paragraphs "b", "c", "d", "dh", "g", "gj", "i", and "j" of this Law.
4. Adoption of decisions requires three-fifths (3/5) of the total number of the Council members for cases described in article 32 paragraphs "e" and "f" of this Law.
5. Where voting for chair, deputy chair and secretary of Council has not resulted in the required majority, the vote shall be taken again for the two candidates who received the most votes in the first round.
6. The acts of the Council are announced within ten (10) days from the date of their

approval and shall be effective ten (10) days from the date of their announcement. Acts pertaining to an individual shall be effective from the date the person involved is notified.

Article 34

Open meetings

1. Meetings of Council shall be open to the public. Every citizen has the right to attend Council meetings according to the manner set forth in the Council regulation.
2. The announcement of the Council meeting shall be made public in the places assigned by the Council and in the media. The announcement contains the date, place, time, and agenda of the meeting.
3. The Council, by a majority vote of all the Councilors, shall decide for cases when the meeting will be closed to the public.

Article 35

Public hearings and the Right of the public to be informed

1. The Council, in advance of discussing and approving its acts, holds public hearings [panels]. The public hearings are obligatory in cases determined in Article 32, paragraphs "dh", "e", "f" and "k" of this Law.
2. The public hearings shall be organized according to the manner determined in the regulations of the Council by using one of the necessary methods such as open meetings with inhabitants, meetings with specialists [experts], interested institutions and NGOs or by means of taking the initiative to organize local referendums.
3. The Council Acts shall be displayed [posted] in public places within the territory of the commune or municipality and where available, the Council also shall set other forms to publicize its decisions. The information to the public shall be made in compliance with the law No. 8503, dated 30.06.1999 "On the right of public to be informed about official documents", and by additional rules determined by the respective Council for this purpose.

Article 36

Chair of communal and municipal Council

1. The chair and deputy chair of the communal or municipal councils are elected among the Councilors. The proposal for discharging them [from this function] shall be initiated by at least one-third (1/3) of the number of the Council members.
2. The chairman of the Council shall perform the following duties:
 - a) Calls the Council meetings in compliance with Article 31 of this Law;
 - b) Presides the Council meetings according to the statute of the Council;
 - c) Sign all Acts enacted by the Council;
 - g) Perform other duties provided for in the state of the Council.
3. Where the Council chair is absent, the deputy chair shall assume the duties of the chair.

Article 37

Secretary of Communal and Municipal Council

1. The secretary shall be nominated and discharged by the communal and municipal Council upon the proposal of the Council chairman, with the majority vote of all the Councilors. The discharge of the secretary may be proposed by one-third (1/3) of the Council members can propose
2. A secretary of the communal or municipality council is responsible for:
 - a) Keeping of the official documents of the Council;
 - b) Follow up for preparation of the meetings paperwork according to the agenda;
 - c) Delivering the notifications for the Council meetings;
 - ç) Announcement and publication of notices and acts enacted by the communal or municipal Council;
 - d) Preparation of the public hearings with the community;
 - dh) Supervision of the regulation of the functioning of the Council.
3. The Secretary of the communal or municipal Council shall perform any other function assigned to him by the Council.

Article 38

Early dissolution of the communal or municipal council

1. The Municipal or Communal Council shall be dissolved prior to the termination of the regular mandate by the decision of the Council of Ministers in the following cases:
 - a) It does not convene for an uninterrupted period of three months;
 - b) It is not able to decide for the approval of the budget within three months from the date determined in Article 19 of this Law;
 - c) It commits serious violations of the Constitution or other laws.
2. The Communal or Municipal Council is also dissolved after reorganization with change of boundaries, according to Article 70 of this Law.
3. In case when the decision of dissolution [of the Council] shall remain effective by the competent organ, new Council elections are held in the respective commune or municipality, in compliance with the Election Code of the Republic of Albania.

CHAPTER VII

MAJOR OF COMMUNE AND MUNICIPALITY

Article 39

Major of commune or municipality

1. Each commune or municipality shall have its own Mayor elected for a three-year

term, through general, direct and secret voting, according to the manner provided for in the Election Code of the Republic of Albania.

2. Mayor of commune and municipality shall be supported by one or more Deputy Mayors during execution of his duties. The communal and municipal council shall determine the number of Deputy Mayors. Mayors of commune and municipality shall appoint or discharge the Deputy Mayor.

Article 40

Mandate of Mayor of Commune or Municipality

1. The mandate of Mayor of commune and municipality shall be verified by the court, which has jurisdiction over the municipality and commune where the Mayor was elected not later than twenty (20) days after the official elections results have been announced.

2. Invalidity of the Mayor's mandate shall be declared in case the conditions of Article 45 of the Constitution and Article 10 of Election Code of the Republic of Albania are not met.

3. The notification of the validity of Mayor's mandate shall be made in the very first meeting of the respective communal or municipal Council in which the Mayor shall take and sign the oath defined in Article 28 of this Law.

4. The term of a Mayor of a commune or municipality shall begin from the date he takes and signs the oath and shall finish when newly elected Mayor shall take and sign the oath.

5. In case the municipal or communal Council is not convened within thirty (30) days from the date of announcement of election results by the Central Election Commission, the Prefect organizes the oath ceremony for the municipality or commune Mayor in the premises of the municipality of commune and in the presence of residents [inhabitants] of the respective unit.

Article 41

Early termination of the mandate of mayor of commune and municipality

1. The mandate of a Mayor shall expire before the regular time limit in case of:

- a) Refusal to take the oath;
- b) Resignation;
- c) No longer resident of the commune or municipality where he is elected;
- ç) Discharged from competent organ, as specified in Article 42 of this Law;
- d) Runs or is elected as a Member of Parliament;
- dh) Loss of juridical capacity to act, upon a final court decision;
- e) Death.

2. Where a Mayor resigns he shall inform the communal and municipal Council and file this notification. The Secretary of the Council shall inform the Prefect of the Mayor's resignation in order to follow necessary procedures.

3. Where the Mayor's term expires earlier [anticipated loss of mandate], the communal or municipal Council shall inform the Council of Ministers through the Prefect

4. Where a Mayor's term expires earlier, new elections shall be organized for the

Mayor of the commune or municipality, in compliance with the provisions of the Election Code of the Republic of Albania.

5. If a Mayor's mandate expires earlier according to this Article, the duties of the Mayor shall be exercised by the Deputy Mayor until the election of the new Mayor. When there are more than one Deputy Mayors the Council shall elect one of them to be the acting Mayor until the election of the new Mayor.

6. If the place of the commune or municipality Mayor remains vacant during the last 6 months of his regular mandate, the municipal Council shall elect one of its members by majority voting, to exercise the functions of the Mayor until the end of regular mandate.

Article 42

Dismissal of the mayor of commune and municipality

1. The mayor shall be discharged by decision of the Council of Ministers in cases when:

- a) Acts in serious violation of the Constitution or other laws;
- b) Conviction by a final decision of a court for a criminal offense;
- c) Proposed to be dismissed by the communal or municipal council due to his absence from duty for a period of three consecutive months.

Article 43

Symbol of the mayor of commune and municipality

1. The distinctive symbol of the mayor of commune and municipality is a band with the colors of the national flag, 111 mm wide, divided in three sections with equal width of red-black-red color.

2. The mayor shall wear the distinctive symbol from the right shoulder.

3. The Mayor shall wear the symbol during solemn meetings, official receptions, public ceremonies and marriage ceremonies.

Article 44

Competencies and duties of the Mayor of commune or municipality

Mayor of commune or municipality:

- a) Exercises all competencies for the carrying out of the functions of the commune or municipality with the exception of those competencies that are exclusive to the respective Council;
- b) Executes the Acts of the Council;
- c) Takes measures for the preparation of materials for the meetings of the communal or municipal Council, in compliance with the agenda of the meeting and also for topics that he is interested to discuss with the Council;
- ç) Reports to the Council on the financial economic situation and on the service levels achieved every six months and as many times as required by the Council;
- d). Reports to the Council, as required by the latter, on issues that are related to the functions of the commune or municipality;

- dh) Is member of the Regional Council;
- e) Appoints and dismisses from duty the Deputy Mayor(s) of the commune or municipality;
- ë) Appoints and dismisses the managers of the enterprises and institutions under municipality or communal jurisdiction;
- f) Appoints and dismisses other non-managerial employees of the structures and units under the jurisdiction of the commune or municipality except as otherwise stipulated in the Law No 8549, dated 11.11.1999 on the "Status of Civil Servant";
- g) Exercises all the rights and guarantees the fulfillment of all obligations of the local government due to its status as a juridical person;
- gj) Takes measures for qualification and training of personnel of [its] administration, personnel of education, social, cultural and sportive institutions;
- h) Sends back to the council for reconsideration decisions that he deems harmful to the interests of the community.

CHAPTER VIII

THE DIRECTION OF TERRITORIAL SUBDIVISIONS OF THE COMMUNE, MUNICIPALITY AND REGION

Article 45

Creation of sub-division of commune

1. Village is headed by village board and head of village. The board is the advisory organ of the head of village. The members of the village board are elected in meetings of the village in which no less than one-half (1/2) of residents with the right to vote. Where village is composed of quarters, each quarter shall elect a member to the board. The voting manners and rules shall be determined by the respective communal Council.
2. Number of members of the village board shall be determined by communal and municipal Council (when there is a village under the jurisdiction of the municipality) based on the number of inhabitants of the villages and its constituent quarters.
3. Head of village shall be elected from members of the board with secret voting with no less than two (2) candidates.
4. The election of the board and head of village shall be carried out once in three years after communal election and not later than six (6) months after this election.
5. In cases of any vacant place of head of village or a member of the board, the above procedures shall be followed again for the filling of the vacant place. In this case the mandate of the newly elected member shall continue until the end of remaining period of three (3) years.
6. The election process and the activity of the board and head of village shall be supervised by the communal and municipal Council.

Article 46

The Rights and Duties of Board and Head of a Village

1. Head of village and Board shall exercise and support the governing functions of the commune or municipality in their village as well shall take care of economic development, use of mutual resources and shall ensure social harmony.
2. More detailed duties shall be defined in regulations and ordinances of the communal or municipal Council.
3. Head of village shall have the communal seal and shall have the authority to issue certificates or verifications about facts and data for residents or territory of village, of which he is aware and whenever it is required by the commune or municipality, by the residents themselves or by any other institution in compliance with the law.
4. Ordinances, decisions and orders elected organs of the commune or municipality shall be obligatory for execution for head of village and board.
5. The head of village shall be compensated for his work according to the criteria determined by the communal and municipal Council.
6. Head of village shall be called in or participate on his own initiative in the meetings of communal or municipal Council without the right of vote. Head of village shall have the right to express his opinion in Council meeting for issues that are related to his village.

Article 47

Functioning of sub-divisions of municipality

1. In municipal quarters shall function the administrative organs. The municipal Council shall determine the structure and number of employees of quarters. Administrator is in the head of the quarter executive organs and is a civil servant directly under the authority of the Mayor. The training of other administrative personnel of the quarter is subject to Law No. 8549, dated 11.11.1999 on the Status of Civil Servant.
2. Administration of a quarter shall exercise all administrative duties assigned by the Mayor and the Council, as well as shall take care of economic development, use of mutual resources and shall ensure social harmony in the respective quarter. More detailed duties of the quarter administrations shall be defined in regulations and rules issued by the Mayor and municipal Council.

Article 48

The Administrative Structure of the District

In the district shall function units of state administrative structures determined by relevant central government institutions, as well as units of administrative structures of the region as per the definitions set forth by the region.

CHAPTER IX

COMPOSITION, ESTABLISHMENT, ORGANIZATION AND COMPETENCIES OF THE REGIONAL COUNCIL

Article 49

Composition of the regional council

1. Regional council is composed of representatives of communes and municipalities that are part of the region.
2. Mayors of communes and municipalities from the constituent members of the region shall be at any time members of the regional council.
3. Number of members of regional council shall be determined according to Article 50 of this law.
4. The function of member of Regional Council is incompatible with the any other function of the respective regional administration.

Article 50

Determination of number of regional council members

1. Number of representatives of communal and municipal council in Regional Council shall be determined in proportion to population as follows:

Communes and municipalities up to 5 000 inhabitants	1 representative
“ “ 5 001-10 000 inhabitants	2 representatives
“ “ 10 001-30 000 inhabitants	3 representatives
“ “ 30 001-50 000 inhabitants	4 representatives
“ “ 50 001-100 000 inhabitants	5 representatives
over 100 000 inhabitants above 100,000.	5 + 1 representative for each 1-50 000 inhabitants

2. In cases when commune or municipality shall have only one representative, this function is executed directly by the Mayor of commune or municipality. In cases when commune or municipality shall have more than one representative, additional representatives are elected by the respective council.
3. The Prefect defines the number of representatives for each commune and municipality within the region territory, based on the number of inhabitants according to the official statistics of the census office as of January 1 of the year the [local] elections takes place.
4. Decisions of communal and municipal councils nominating their respective representatives in the regional council shall be forwarded to the Prefect within ten (10) days after they are taken.

Article 51

First meeting of the regional council

1. The Regional Council shall hold its first meeting not later than fifty (50) days after the Central Election Commission has officially declared the final election results.
2. The Mayor of the municipality-seat of region or one-third (1/3) of the Region Council members call the first meeting of Regional Council. A written notification about the Regional Council meeting shall be sent to all the regional council members at least ten (10) days before the date of the meeting.
3. The Council shall hold its first meeting only when more than one-half (1/2) of

Regional Councilors shall be present.

4. The Mayor of center [capital] of the region shall preside in the first meeting of the Council until the chair of Council shall be elected.

5. In the first meeting the Regional Council shall:

a) Elects the mandate commission, which verifies the mandates of Regional Councilors;

b) Certifies the mandates of the Regional Council members;

c. Election of the chair, deputy chair and board of Regional Council.

6. The Regional Council shall be constituted after not less than one-half (1/2) of all Councilors have had their mandates verified.

7. Where one-half (1/2) of all the Councilors are not in attendance, the meeting shall be canceled and another meeting shall be called ten (10) days later, for as many consecutive times as necessary to obtain the presence of requested Councilors.

8. If the Regional Council shall not be constituted until ninety (90) days after the local election results have been officially declared by the Central Election Commission, the Prefect shall execute all the functions and competencies of the Regional Council.

Article 52

Regional Councilor mandate

1. The mandate of the regional councilor shall be acquired by all the Mayors of commune and municipality when they have obtained their own respective mandate as Mayors.

2. Election of Councilors among councilors of communal and municipal Councils, in accordance with Article 26 of this Law is by vote of a list of multiple candidates and the notified winners are the candidate or candidates that have received the largest of number of votes.

3. The councilor mandate shall expire when:

a. Mayors of commune and municipality lose their mandate;

b. The mandate is revoked by respective Council;

c. The mandate is canceled by Regional Council upon verification that is acquired in an irregular manner.

4. In case a seat made vacant due to the loss of a mandate of a member of the Regional Council by a member of a commune or municipally Council, it shall be replaced by the respective commune or municipality Council.

5. In case a seat made vacant due to the loss of a mandate of a member of the Regional Council by a commune or municipality Mayor in the last six (6) months of the term of his mandate, it shall be replaced by the Chair elected by the respective communal or municipality Council.

Article 53

Functioning of the regional council

1. The Regional Council shall exercise its function upon being constituted until the new successor council shall be constituted.

2. Each Regional Council shall hold regular meetings not less than once every three (3) months.

3. The ordinary meetings of the Regional Council shall be based on the agenda approved by the Council.
4. The Regional Council meets in extraordinary meetings with the request of:
 - a) The chair;
 - b) The Board;
 - c) One-third (1/3) of its regional councilors;
 - ç) Tthe motivated request of the Prefect, for issues related to the functions of the Prefect.
5. The meeting is called by the Chairman of the Council.
6. The notice of the meeting shall be posted at least ten (10) days before the meeting. The notice shall contain the date, time, place and agenda of meeting.
7. The meeting of the Regional Council is official when the majority of all the Council members are in attendance.

Article 54

Duties and competencies of the regional council

The Regional Council exercises the following competencies and duties:

- a) Approves the statute and internal regulations of functioning of the Council;
- b) Decides on the level of obligatory dues for each constituent commune and municipality, to be transferred to the regional budget;
- c) Elects and dismisses the Chairman, Deputy Chairman and Board members;
- ç) Appoints and dismisses the Secretary of the Regional Council;
- d) Approves the organizational and administration structure and main regulations of the regional administration, of subordinate budgetary units and institutions , as well as the number of administrative staff, their qualifications, salaries and manners for compensation of the personnel or of other elected or appointed persons, in compliance with the legislation in force;
- dh) Approves the acts of incorporation of the enterprises, as well as of those of other juridical persons, established by the Regional Council or in which it is a co-founder;
- e) Approves its budget and amendments to it;
- ë) Approves transfer of ownership [sale, purchase, and disposition] or giving in use [usufruct] of its immovable property to third parties;
- f) Implements and supervises the internal control of the region;
- g) Decides rates of all taxes and tariffs [fees] under the competence of the region;
- gj) Decides to get loans and liquidate obligations to third parties;
- h) Approves the establishment of joint institutions with other local governments units including the subject of joint competencies or with third parties;
- i) Appoints and dismisses the heads of the subordinate enterprises and other institutions;
- j) Approves the commencement of any legal proceedings on matters under its own competence.
- k) Determines the incompatibility of a councilor;
- l) Determines norms, standards and criteria for the regulation and enforcement of functions granted to the Regional Council by law, as well as protects and guarantees the public interest on a regional level;
- ll) Decides on the Region's symbols;
- m) Grants honorary titles and bonuses;

- n) Approves regulations, procedures and manners of execution of delegated functions, based and in application of the law by which this delegation is made to the region;
- nj) Approves and repeals the decisions of the regional board.

Article 55

Voting

1. The adoption of a decision of the Regional Council shall require the vote of a majority of all Council members in attendance, with the exception of cases defined in Article 54, Sections "b", "e", "ë", "g", "gj", "ll", of this Law, which requires a majority vote of all members of the Regional Council.
2. In cases of voting for chair, deputy chair and secretary of the Council the requested majority has been not achieved, the vote shall be taken again between two candidates that in the first round received the most votes.
3. The decisions of the Council shall be announced within ten (10) days from the date of their approval and shall be effective ten (10) days from the date of their announcement. Acts pertaining to an individual shall be effective from the date the person involved is notified.

Article 56

Open meetings, public hearings and the Right of the public to be informed

Meetings of the Council shall be open to the public. The Regional Council shall hold public hearings with representative and executive organs of communes and municipalities as well as follow the right of the public to be informed as stipulated in Articles 34 and 35 of this Law. The date, time, place and agenda of the Council meeting shall be public in compliance with Articles 34 and 35 of this Law.

Article 57

Conflict of Interest

1. The Councilor does not take part and vote in any meeting where the case being considered is of financial or any other interest to him, his spouse, parents, children, brothers, sisters, in-laws.
2. In any case of conflict of interests, the disqualifying provisions set forth in the Code of Administrative Procedures of the Republic of Albania are applied.

Article 58

Board of the Regional Council

1. The Board of the Regional Council is composed of the Chair, Deputy Chair and of 5 to 9 members.
2. The Council shall elect or dismiss the Chair and its deputy Chair with a majority vote of the councilors in attendance. Where voting for Chair and Deputy Chair has

not resulted in the required majority, the vote shall be taken again for the two candidates who received the most votes in the first round.

3. The other members of the Regional Board are elected and dismissed by vote from a multiple candidates list and winners are the candidates who have gained the largest number of votes.

4. The Board of the Regional Council shall be called into meetings by the Chair, at least once a month.

5. A Board meeting is valid when more than one-half of the members of the Board are in attendance.

6. Functions of Chair and Deputy Chair and Secretary of the Regional Council are incompatible with the function of Mayors of commune and municipality.

Article 59

Competencies of the Board of the Regional Council

1. The Board of the Regional Council for realization of the region functions and in execution of the decisions or the Regional Council shall:

a) Exercise all the competencies, with the exception of those which have been explicitly granted to the Regional Council;

b) Approves the draft acts and other materials for the meeting of the Regional Council, in compliance with the agenda defined by the Council, as well as for other problems requested by it;

c) Reports to the Council on the economic-financial situation at least once in every six (6) months or even more frequently, as many times as requested by the Council;

ç) Reports to the Council as many times as requested by the Council, on other issues related to the regional functions;

d) Exercises the rights and ensures the fulfillment of all the obligations of the region as a juridical person;

2. In the exercise of its competencies, the Board of the Regional Council shall issue decisions which shall be approved by the majority of the members attending. Decisions shall be compulsory to be executed by all organs and persons in charge after being published or being notified to the interested subjects.

3. The decisions of the Board shall be approved in the very following meeting of the Regional Council and in case they are not adopted, they lose their effectiveness from the beginning.

Article 60

Chairman of the Regional Council

1. The Chair represents the Regional Council in relations with state organs, with local government units, with Albanian or foreign physical and juridical persons and exercises the following competencies:

a) Presides the Regional Council meetings and its Board;

b) Signs all acts of council and it's Board and as well as minutes of the Council meeting and it's Board;

c) Ensures the enforcement of decisions of Regional Council and its Board;

ç) In compliance with the agenda of Regional Council meeting and its Board, shall

- prepare reports, draft-decisions and other necessary materials;
- d) Manages the administration of the region and is accountable to the Regional Council for its functioning;
 - dh) Hires and dismisses the administrative staff of Regional Council, with the exception of the cases otherwise described in the law no. 8549, dated 11.11.1999 on "The Civil Servant Status";
 - e) Guarantees the execution of functions of Regional Council given by law;
 - ë) Takes measures for the provision of functioning of all structures of council, meetings of the Regional Council and its Board;
 - f) Exercises other competencies given to him by law, by the Regional Council or by the Board.
2. The chair of the Regional Council issues orders during exercising the competencies with individual character.
3. In the absence of the Chair, functions are performed by Deputy Chair.

Article 61

Secretary of the Regional Council

The Secretary of the Regional Council exercises his duties similarly with those of the Secretary of Municipal or Communal Council, defined in Article 37 of this Law.

Article 62

Limitations of Regional Authority

- 1. The decisions of the organs of the Region may not violate the autonomy of its constituent communes and municipalities.
- 2. The decisions of the organs of the Region shall aim towards the equitable distribution of resources and benefits in favor of its constituent communes and municipalities.

CHAPTER X

ADMINISTRATIVE – TERRITORIAL REORGANIZATION OF LOCAL GOVERNMENTS

Article 63

Administrative – Territorial Reorganization

The existing administrative-territorial division can be reorganized either with or without a change in boundaries, in compliance with the local economic, social interests, tradition, culture, and other local values for the efficient provision of functions to the benefit of the local community and the implementation of local, regional and national development policies.

Article 64

Reorganization with border change

Reorganization with border changes can take place when:

- a) A unit of local government is divided into two or more units of local governments;
- b) Two or more units of local governments are merged to form a territory of a single unit of local government;
- c) A part of the territory of one local government unit is transferred to the territory and administration of another local government unit; or
- ç) A combination of the cases listed above is necessary.

Article 65

Reorganization without border change

Reorganization without borders change can happen in the cases of a change of the name of the local government unit or of a change of the geographic center of a local government unit.

Article 66

Legal support and the initiation of the reorganization

The reorganization of the existing territorial – administrative division with or without changing borders can be made effective only by a special [separate] law.

Article 67

Justification and documentation of the reorganization process

The proposal for reorganization of one or more units of local governments for each separate case shall be submitted to the Parliament accompanied by the following facts and justifications:

- a) The economic, social, cultural, demographic, administrative reasons in favor of the need and advantages of reorganization proposed;
- b) The methods, materials or documents used to inform the public on the reorganization and the issues related to it;
- c) The opinion of the community resident in the local units that shall be affected by the reorganization as well as the opinion “For” and “Against” expressed directly or indirectly by various interested subjects or stakeholders in this reorganization;
- ç) The methods used to collect the opinions of the community such as public hearings, open meetings, surveys certified by the competent organ and expressed opinion through referenda or in any other adequate and reliable way;
- d) The administrative territorial maps, in which are reflected the changes which would result from the reorganization;
- dh) The expected economic, financial, social, demographic impacts that will result from the reorganization, as well as the civil and administrative liabilities or obligations which will result, will be inherited or will be shared:
- e) Agreements and proposals for regulation of the existing financial, property,

liabilities to third parties or to one another of the units of local government participating in the reorganization.

Article 68

The requirement to express the opinion

1. The communal, municipal and regional Councils which are directly involved in this reorganization as well as their chairpersons shall give their official opinion on the reorganization and as well as, if exists, the opposing opinion of a part of the councilors of respective council.
2. The Council of Ministers, when it has not made the proposal, and other state institutions which are not under the jurisdiction of the Council of Ministers, but are interested in the specific reorganization, shall also express the opinion in favor, against or abstention to the reorganization.
3. The above mentioned organs should give their opinion no later than sixty days after the receipt of the request for an expression of opinion by the initiator.

Article 69

Rights and obligations of the reorganized units

1. In each case when the reorganization affects the financial, property rights or obligations to third parties and other civil rights of the local government units the issues that might arise shall be regulated [solved] in conformity with legislation in force as rights and obligations between juridical persons, as a general rule, through agreement between the parties concerned.
2. In case of disagreements of the issues anticipated in paragraph 1 of this article, the conflicts will be resolved in the court.

Article 70

Guarantee of continuation of the basic governing functions

1. In the case of reorganization affecting boundary changes that results in new units of local governments, or when this reorganization causes incompatibility to the mandate of the majority members of the council of a local government unit which loses part of its territory, partial local elections shall be held in these territories, in compliance with the methods and schedule stipulated in the Election Code of the Republic of Albania.
2. The new local government units, as well as other competent central and local government bodies have the authority to take necessary measures, so that the local government units created or affected by the reorganization, can function normally, according to this Law, ensuring the provision of the basic public services for the population in the transition period.

CHAPTER XI
TRANSITIONAL AND FINAL PROVISIONS

Article 71

Application of the Law

Functioning of the units of local government, in accordance with the manner set forth in this Law, is realized in compliance with the time limits established in the articles of this Chapter.

Article 72

Functioning and Organization of Local Government Units

1. With the entry into force of this Law, communal, municipal and regional Councils will exercise their full rights and competencies for:
 - a) Approval of decisions, orders, and ordinances for their organization in the manner as set forth in this Law;
 - b) The right of fiscal competence;
 - c) The right to undertake initiatives in the interest of their respective communities;
 - ç) Approval of personnel regulations and procedures;
 - d) Exercise of any other right and competence set forth in this Law and other laws in relation to property and performance of functions.
2. Communes, municipalities and regions shall acquire ownership on public [state owned] enterprises in accordance with the deadlines determined by separate law.
3. Communes, municipalities and regions shall acquire ownership on public [state owned] enterprises in accordance with the deadlines determined by separate law as well shall exercise the right for the establishment of juridical persons in compliance with this Law.
4. Starting from January 1, 2001, communes and municipalities shall be fully responsible for performing the following exclusive functions:
 - I. In the field of infrastructure and public services:
 - a) Construction, rehabilitation and maintenance of local roads, sidewalks and squares;
 - b) Public lighting;
 - c) Public transport;
 - ç) Administration of cemeteries and funeral services;
 - d) City/village decoration;
 - dh) Administration of parks, greeneries and public spaces;
 - e) Waste management [collection, disposal, treatment];
 - g) Urban planning, land management and housing according to the manner set forth in the law.

II. In the field of social, cultural and recreational services:

- a) Preserving and promoting the local cultural and historic values, organization of activities and management of relevant institutions;
- b) Organization of sports, recreational and amusement activities and management of relevant institutions;
- c) Social services and administration of institutions such as day care, elderly homes, orphanages, etc.

III. In the field of local economic development:

- a) Formulation of local economic development programmes;
- b) The establishment and functioning of public market places and trade network;
- c) Small business development as well as the running of promotional activities, as fairs and advertisement in public places;
- ç) Performance of services in support of the local economic development, as information, necessary structures and infrastructure;
- d) Veterinary service;
- dh) The protection and development of forests, pastures and natural resources of local character.

5. Starting from January 1, 2002 communes and municipalities shall be fully responsible for the performing of the following exclusive functions:

I. In the field of infrastructure and public services:

- a) Water Supply;
- b) Management of sewage and drainage system and [flood] protection canals in the residential areas;
- c) Urban planning, land management and housing according to the manner set forth in the Law, with exception of the competence for approval of construction grounds and issuance of construction permits, which shall be transferred to communes and municipalities from January 1, 2001.

II. In the field of public order and security:

- a) The protection of public order to prevent administrative violations and enforcement of the commune or municipality acts;
- b) Civil security.

6. Starting from January 2002 shall be determined by law the level and method of sharing the following joint [shared] functions and competencies:

- a) Pre-school and pre-university education;
- b) Primary health care and public health protection;
- c) Social welfare and poverty alleviation and ensuring of the functioning of relevant institutions;
- ç) Certain functions for public order and civil security;
- d) Environment protection;

7. The communes and municipalities shall also exercise other functions, shared according to the manner determined by law.

8. No later than January 1, 2001, the regions shall perform all the functions and competencies granted by this Law.

Article 73

Fiscal competencies of Local Government Units

1. Starting from January 2001, communes, municipalities and regions shall have the

- right to impose local taxes and tariffs, determined by separate law.
2. Starting from January 2001, communes, municipalities and regions shall have full autonomy to impose local taxes and tariffs [fees] on the following categories:
 - a) Fees for public services;
 - b) Fees for the use public goods, with the exception of those produced by the central government;
 - c) Administrative fees for licenses, authorizations, certificates and official documentation.
 3. Communes, municipalities and regions shall have the right of transfer and giving in use of property and use the revenues generated in compliance with the respective laws on local property.
 4. Starting from January 2002, communes, municipalities and regions shall have the right to apply for loans for investments, in compliance with procedures and criteria set forth by separate law.
 5. Starting from January 2002, Communes, municipalities and regions will receive shall have the right to generate funds as set forth by a separate law from the following sources:
 - a) General and equalization unconditional transfers;
 - b) Shared national taxes;
 - c) Conditional transfers to achieve national objectives;
 - ç) Funds transferred from the central government to communes, municipalities and regions for performing the delegated functions.
 6. Starting from January 2001, communal, municipal and regional Councils shall approve their budget, based on the principle of local autonomy and the unique national accounting standards with zero budget deficits.
 7. Starting from January 2001, communes, municipalities and regions shall institutionalize internal financial control.
 8. Starting from January 2001, communes and municipalities will transfer their dues to the regional budget.

Article 74

Duties of Council of Ministers

1. The Council of Ministers is responsible for drafting the laws and by-laws to enable the compliance with the application schedule set in this chapter of this law.
2. This process shall be done in collaboration and consultation with representatives of units of local government, local communities and civil society in general.

Article 75

Dissolution of District Councils

1. District Councils shall be dissolved on the date when local elections of year 2000 will take place. The administration of the District Council shall be a subordinate of the Prefect.
2. The Prefect shall be responsible for the performance of the functions of former District Councils not been transferred to communes and municipalities according to this Chapter.

Article 76

Abolitions

With entry into force of this Law, Law no. 7572, date 06.10.1992 "For the Organization and Functioning of Local Government" including its adopted amendments and whatever other legal provisions contrary to this law are repealed.

Article 77

Entry into force

This law is effective 15 days after publication in the Official Journal.

**VICE-CHAIRMAN
Namik Dokle**

**REPUBLIC OF ALBANIA
ASSEMBLY**

**L A W
No.8756, dated 26.3.2001**

ON CIVIL EMERGENCIES

In reliance with Articles 78, 83 paragraph 1, 170 and 174 of the Constitution, on proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

Planning and management of civil emergencies shall be duties of Albanian state aiming at:

a) Prevention, lessening and recovery from any damage that affect the population, livestock, property, cultural heritage and the environment from civil emergencies;

b) Provision of conditions for state institutions, public and private, for economic activities and the population, to pass from normal living and working situation to a emergency, with as minor losses as possible for public order, for people's lives, for the livestock, for property, for cultural heritage and for the environment against effects of a civil emergency;

c) Ensuring of use of all available state resources aiming at public security, continuous protection of national economy, localizing the area of emergency and easing of consequences.

Article 2

Definitions

In application of this law, the below terms have these meanings:

1. "Civil emergency" means a situation caused by natural, ecological, industrial, social, terrorist actions, military actions (in state of war) factors, which bring grave and immediate damage to the life, health of the population and livestock, to property, to cultural heritage and to the environment.

2. "National civil emergency" means an urgent critical situation of a temporary nature that damages seriously the life, health and security of citizens of the Republic of Albania, the livestock, cultural heritage and the environment, of a size and such nature that exceeds ability or authority of local government organs to overcome it, or seriously threatens the ability of the Government of the Republic of Albania to preserve sovereignty, security and territorial integrity of the country.

3. "Natural misfortune" means earthquake, floods, extended atmospheric dryness, architectonic sliding, avalanches, hurricanes, fires in forests and in residential environs, massive infective diseases, whose consequences affect the population, livestock, property, environment as well as other events cause by natural phenomena.

4. "Other misfortunes" means road, railway, marine, aerial accidents, as well as fires, explosions, barricades collapse, nuclear, ecological or industrial accidents and any other type of accidents caused by human action, by wars or emergencies as well as other forms of massive violence.

5. "Misfortune" means an event, consequences of which have been caused by natural uncontrolled forces [force major] or by other reasons determined in this law, which threat or damage the life and health of population, livestock, property, cultural heritage and environment to the extent that require special measures to be taken and use of special resources either human or technical-material.

6. "Protection measures" means organizational, technical measures and any other measures for the immediate individual and collective protection of people, livestock, institutions, cultural heritage and the environment against consequences of natural misfortunes or other misfortunes.

7. "Intervention operation" mean actions of forces and means to save live of people, of livestock and material values (property) in a territory affected by the misfortune as well as provision of conditions for living of the population affected by the misfortune.

8. "Prevention" means standard measures taken prior to happening of an event in order to avoid or minimize damages that might occur as a result of the event.

9. "Forecast" mean activities performed to study and determine the cause of emergencies, to determine areas, territories and objects affected by similar risks.

10. "Planning and management of civil emergencies" mean preparation of public authorities, institutions and central and local government organs, of juridical persons, public or private, of organizations and of population for a civil emergency as well as for cases of a natural misfortune determining measures to be taken for prevention and recovery of the situation caused by the action of emergent circumstances.

11. "Recovery" means measures and actions executed to recover the previous situation in the region (territory) affected by the misfortune.

12. "Risk" means a serious, real and immediate situation that threats life of people, of livestock, damage of public property, of cultural heritage and of environment which might be caused by natural misfortunes or by other misfortunes.

13. "Civil emergencies service" means coordinated service of the State Police and other police services, the rescue and fire protection service and the one of the

medical emergency.

14. "Risk assessment" means quantitative and qualitative analysis of the nature and other circumstances about the potential event resulting from a natural misfortune or other misfortunes.

Article 3

General Principles

1. State organs determined by this law shall be responsible for prevention, management and recovery of the situation caused by the misfortune.

2. State organs shall have the right to use any public or private means as well as collaborate with volunteer organizations that have a determined role in emergency situations to avoid or reduce consequences caused by misfortunes, in conformity with rules set forth by the legislation in power during that much time as the circumstance causing these consequences occurs.

3. Established structures for planning and management of civil emergencies shall function as such even in cases when by law has been declared the state of emergency, the state of war or the state of natural misfortune having as main objective to take measures for prevention and recovery of the situation caused by the state of emergency, the state of war or the state of natural misfortune.

4. Any citizen of the Republic of Albania, in compliance with its real abilities shall have the duty to assist in prevention and minimization of the consequences caused by misfortunes in conformity with rules set forth in this law.

5. No organ, determined by this law shall exercise responsibilities that are not under its jurisdiction.

6. Organs that in accordance by this law established on emergency situations shall be fully powerful within their responsibilities and hierarchy to act after the overcome of emergency situations as provided for in paragraph 1 and 2 of Article 174 of the Constitution.

7. Organs that in accordance with this law are of an operational type shall function permanently and exercise duties determined in this law for the forecast, prevention, intervention operations and recovery from consequences caused by misfortunes.

8. Acts of higher organs shall be mandatory to be applied by the lower organs and by any natural or juridical person. They assume juridical power in the moment of their enacting. Organs that enact these acts shall be obliged to make immediately know to the appliers.

Article 4

Types of Structures

For planning and management of civil emergencies shall be established temporary and permanent structures at the central and local level.

CHAPTER II

STRUCTURES OF PLANING AND MANAGEMENT OF CIVIL EMERGENCIES AT THE CENTRAL LEVEL

Article 5

The Council of Ministers

1. The Council of Ministers shall be responsible for planning and management of civil emergencies in the Republic of Albania.

2. In exercise of its functions for this purpose the Council of Ministers shall execute these duties:

a) Approve the policy and programs for planning and management of civil emergencies.

b) Approve the national program and creates conditions for education, training, planning and management of civil emergencies.

c) Set for a period no longer than 30 days the state of natural misfortune in a part on in the entire territory of the country for forecast, prevention, intervention operations or recovery of the consequences of civil emergency situations.

ç) Inform the President and the Assembly of the Republic of Albania about the civil emergency and on potential consequences as well as for measures taken to avoid it.

d) Asks for the consent of Assembly to prolong the state of misfortune beyond 30 days.

dh) Assess the level of damages caused by natural misfortunes or other misfortunes in co-operation with specialists of responsible organs as well as the level of assistance for recovery.

e) Determine in co-operation with foreign donors the procedures for international assistance in cases of civil emergencies in compliance with relevant international convention signed by the Albanian Government.

ë) Appropriate funds for state contingency means and equipment to prevent and manage of civil emergencies.

Article 6

Inter-ministerial Committee of Civil Emergencies

1. In case of a national civil emergency according to the purpose and object of this law in [appurtenant to] the Council of Ministers shall be established the Inter-ministerial Committee of Civil Emergencies.

2. The Council of Ministers shall appoint the chairman of this Committee and its composition.

3. Inter-ministerial Committee shall remain convened until the caused that led

to emergency have been terminated.

4. Inter-ministerial Committee may call specialists for consultations during emergencies.

Article 7

Duties of the Inter-ministerial Committee of Civil Emergencies

Inter-ministerial Committee of Civil Emergencies shall perform these duties:

- a) Co-ordinate actions of civil emergency forces
- b) Co-ordinate management of state reserves and determines the manner of their use.
- c) Determine manners and procedures for the use of financial and material resources in case of an emergency.
- ç) Discuss and decide in advance on assessment of damages caused by natural misfortunes or by other misfortunes.
- d) Assess reconstruction and recovery from natural misfortunes or other misfortunes aiming at the protection of life and health of people, of livestock, of property, of cultural heritage and environment as well as to prevent potential damages in the future and in the provision of basic living conditions.
- dh) In cases of a national civil emergency appoint the director of emergency management operation.
- e) Perform other duties deriving by this law and separate duties assigned by the Council of Ministers on management of civil emergency.

Article 8

The Ministry of Local Government

1. The Ministry of Local Government shall be responsible for preparation and implementation of the national plan for planning and management of civil emergencies.

2. The Ministry of Local Government shall perform these duties:

- a) Implements together with other institutions the policy of the Council of Ministers in the field of planning and management of civil emergencies.
- b) Co-ordinates actions of all parties in planning and management of civil emergencies for fulfillment of duties belonging to these parties and co-ordinates actions with local government organs for management of civil emergencies.
- c) Organize bilateral relations and international co-operation for development and implementation of planning and management of civil emergencies.
- ç) Manage the system of protection against natural misfortunes or other misfortunes.
- d) Develop strategies of planning and management program of civil emergencies and submit to the Council of Ministers for approval.
- dh) Elaborate implementation of education and training programs in the field of protection against natural misfortunes or other misfortunes.
- e) In collaboration with ministries, various institutions and entities conduct risks assessment on which is based the national plan of civil emergencies and

submits it for approval to the Council of Ministers.

ë) Takes measures for raise awareness of the public about civil emergencies and appropriate funds for studies about management of civil emergencies by public institutions.

f) Enter into agreement with associations and organizations that offer their assistance in realization of duties of planning and management of civil emergencies.

g) Notify every six months the Council of Ministers on the general situation of planning and management of civil emergencies.

gj) Provision to the Inter-ministerial Committee of Civil Emergencies all the necessary data on emergency situations and the risks they represent.

h) Follow up the work for creation and use of state reserves provided from the structures of state reserves for civil emergency situations.

i) Determine rules of use of material and financial resources in cases of civil emergencies.

j) Co-ordinate organization and equipment of intervention forces in cases of a civil emergency.

k) Organize, implement and monitor the database at national level on civil emergency situations.

l) Co-ordinate the work for assessment of damages caused and recovery from natural misfortune or other misfortune in compliance with relevant by-laws.

ll) Control the implementation of protection and preventive measures in cases of civil emergencies.

m) Perform other duties deriving by this law or by other laws.

Article 9

Department of Planning and Management of Civil Emergencies

1. In the Ministry of Local Government shall be established and function Department of Planning and Management of Civil Emergencies.

2. The Department shall be responsible for preparation and implementation of national plan of planning and management of civil emergencies.

3. The Department shall conduct continuous inspection for implementation of protection measures against natural or other misfortunes.

4. The structure, responsibilities and duties of the Department of Planning and Management of Civil Emergencies shall be determined by the Council of Ministers.

Article 10

Technical Consulting Commission of Specialists

1. In the Department of Planning and Management of Civil Emergencies shall be established the Technical Consulting Commission with specialists from ministries, institutions, various entities and operational forces.

2. The Consulting Commission is called and chaired by the Director of Department of Planning and Management of Civil Emergencies.

3. The Commission shall perform the co-ordination of actions in the field of planning and management of civil emergencies through various authorities and

volunteer organizations.

4. The Council of Ministers on proposal of the Minister of Local Government shall determine composition, manner of functioning and responsibilities of this Commission.

5. The Department of Planning and Management of Civil Emergencies shall keep a register [record] for specialists that may call for consultations.

Article 11

Ministries

1. Each Minister shall be responsible for organization of planning and management of civil emergencies in the activity under its jurisdiction.

2. The ministries shall execute these duties:

a) Formulate plans for civil emergency preparation according to the type of activity and their responsibility and submit those in the Ministry of Local Government for co-ordination.

b) Implement plans and determine measures for prevention of natural and other misfortunes and of consequences caused by these misfortunes within the field of their responsibility.

c) Organize training and education in the field of their activity in co-ordination and consultation with Department of Planning and Management of Civil Emergencies.

ç) Analyze the situation of planning and management of civil emergencies within their field of responsibility and notify the Department of Planning and Management of Civil Emergencies.

Article 12

Various Public Entities

1. Various public entities when requested from the Department of Planning and Management of Civil Emergencies shall conduct studies which include forecast, prevention and avoiding of consequences of natural or other misfortunes and submit these studies to the Department.

2. Public Entities shall submit to the Department the results of studies that may be of general interest for planning and management of civil emergencies.

3. The manner of planning and relevant costs shall be determined by decision of the Council of Ministers.

CHAPTER III

STRUCTURES OF PLANNING AND MANAGEMENT OF CIVIL EMERGENCIES AT THE REGIONAL, MUNICIPAL AND COMMUNAL LEVEL

Article 13

The Prefect

1. The Prefect shall be responsible for planning of civil emergencies in the respective region.
2. The Prefect has the following duties:
 - a) To organize and co-ordinate the work for formulation of civil emergency preparation plan in the region and for implementation of protection measures;
 - b) To collect and elaborate the necessary data from municipalities and communes for implementation of duties of planning and management of civil emergencies;
 - c) To follow up and request from subordinate organs announcement schemes and their functioning;
 - ç) To forecast necessary material and financial resources and reserves for sheltering of population in emergency cases from natural or other misfortunes;
 - d) To implement organization, co-ordination and equipment of operational forces;
 - dh) To follow up the realization of duties for relief of civil emergency effects and of organization of interventions;
 - e) To follow up the recovery from natural or other misfortunes;
 - ë) To analyze the situation of planning of civil emergencies and to notify the Department of Planning and Management of Civil Emergencies on civil emergencies occurring in the region;
 - f) To present a request for assistance to neighboring regions and to central institutions if it is necessary;
 - g) To appoint the director of civil emergency management operation within its region.

Article 14

Organization in the Region

1. In each region under the direction of the Prefect shall be established a region commission with duty to co-ordinate activities of regional authorities and those of volunteer organizations.
2. The Minister of Local Government shall determine composition, manner of functioning and responsibilities of this commission.
3. The Prefect shall keep a register for specialist in the region with whom he consults when deemed necessary.

Article 15

Service of Civil Emergency

1. In each region, under the direction of the Prefect functions the service of civil emergency as a component of the system of planning and management of civil emergencies in conformity with determination of paragraph 13 of Article 2 of this law.
2. Rules, manner of functioning, rights and duties as well as responsibilities of the civil emergency service shall be determined by the Council of Ministers.

Article 16

Organization in Municipality and in Commune

1. The Major of municipality or commune shall be responsible for planning and management of civil emergencies in the respective municipality or commune.
2. The Major of municipality or commune has the following duties:
 - a) To direct organization and co-ordination of work for formulation of preparation plans for civil emergency in the respective municipality or commune and for implementation of protection measures;
 - b) To collect and elaborate the necessary data form administrative units of municipality and commune for implementation of planning duties and management of civil emergencies;
 - c) To organize the system of population notification about the risk and to take care for the functioning of notification means;
 - ç) To forecast necessary material and financial resources and reserves for sheltering of population in emergency cases from natural or other misfortunes;
 - d) To implement organization, co-ordination and equipment of operational forces;
 - dh) To follow up the realization of duties for relief of civil emergency effects and of organization of interventions;
 - e) To follow up the recovery from natural or other misfortunes;
 - ë) To present a request for assistance to neighboring municipalities and communes and to the region if it is necessary;
 - f) To analyze the situation of planning of civil emergencies in municipality and commune and to notify the region
 - g) To implement duties assigned by the structures of planning and management of civil emergencies at the central level;
 - gj) To appoint the director of the management operation of civil emergency within the territory of municipality or commune.

Article 17

Local Commission of Civil Emergencies in the Municipality or Commune

1. In each municipality or commune under the direction of the Major of municipality or commune shall be established the local commission of civil emergencies with duty to co-ordinate the actions of municipality or commune authorities and volunteer organizations for planning and management of civil emergencies within its own territory.
2. The Minister of Local Government shall determine criteria of composition and manner of organization and functioning of this commission.
3. The Major of municipality or commune shall keep a register of specialists in the territory of municipality or commune with whom consults where deemed necessary.

CHAPTER IV

INTERVENTION FORCES

Article 18

Operational Structures of Civil Emergency

Organization of planning and management of civil emergencies shall include the Service of Civil Emergencies, the Base of Civil Protection, the Armed Forces, the State Police, other types of police determined by law dependent on civil emergency and other organs determined in this law, but included in the plans of civil emergencies.

Article 19

Base of Civil Protection

At the national level functions the Base of Civil Protection as a structure under the jurisdiction of the Ministry of Defense. It is used for special rescue operations and other urgent operations as a backup and to ensure an immediate response in civil emergencies.

Article 20

Use of Armed Forces for Civil Emergencies

1. When the territory of a civil emergency is increased in an immediate manner in assistance of the rescue and relief operations in the area of misfortune, with approval of the Prime Minister or the Minister of Defense may be used units of Armed Forces of the Republic of Albania according to beforehand compiled plans in co-operation with their commander

2. When units of Armed Forces participate in operation they are directed by their commanders according to the duties given by the rescue operation director

Article 21

State Police

1. The State Police shall be organized and perform its duties in the rescue and relief operations as per the beforehand compiled plans.

2. Its duties include protection of area of civil emergency, guarding of public order, the process of identification and information about hurt and dead persons, their displacement from emergency area as well as other duties given in application of Law No.8553, dated 25.11.1999 "On State Police".

3. When the police participate in the rescue operations its forces are commanded by its supervisors as per the duties assigned by the director of rescue operation.

Article 22

Rescue and Fire Protection Service

The service of fire protection and rescue is a component of operational forces in permanent alert and acts for fire extinguishing, for search and rescue of people in area of civil emergency and for relief of consequences from natural or other misfortunes.

Article 23

Paramedical Service

Paramedical service is a component of operational forces and acts for provision of first aid in area of civil emergency and for transportation of hurt persons to hospital.

Article 24

Volunteer Service

1. For management of civil emergencies shall be organized and function volunteer services.

2. A volunteer may be any Albanian citizen, 18 years of age that has completed the basic education and training in response of emergency situations or accepts to voluntarily participate in the management of civil emergency.

3. For management of civil emergencies shall be accepted as volunteers even foreign citizens.

4. Persons that voluntarily request to participate in the rescue operations shall have these rights:

- a) The right of work position unfilled;
- b) The right of full payment from the employer been the latter even a private one.
- c) In case of accident or loss of life during the activity in civil emergencies shall be entitled of invalidity pension in accordance with provisions in force.

Article 25

Co-ordination of Assistance

The Department of Planning and Management of Civil Emergencies shall co-ordinate aids from international organizations, non-for profit organizations and private volunteer organizations local or foreign for management of civil emergencies.

CHAPTER V

SUBJECTS INCLUDED IN PLANNING AND MANAGEMENT OF CIVIL EMERGENCIES

Article 26

Citizens' Obligation

1. Any citizen of the Republic of Albania in compliance with requirements of the Constitution shall be obliged to participate in management of civil emergencies according to a request of the Department of Planning and Management of Civil Emergencies, of the Prefect, of the Major of municipality or commune.

2. Obligation to participate in management of civil emergencies shall start at 18 years of age and expires at 60 years of age for males and 55 years of age for female [citizens].

Article 27

Exception from Obligation

Shall be excluded from the obligation to participate in operations of intervention in civil emergency citizens:

- a) That for health reasons can not perform duties of intervention operations;
- b) Pregnant women and mothers with children up to 10 years old;
- c) Sole parents with only one child under 10 years old.

Article 28

Rights of Citizens

Citizens serving in management of civil emergencies for a period of time which is not longer than the period of emergency situation shall enjoy the rights determined in Article 24.

Article 29

Natural and Juridical Persons

1. Natural and juridical persons, which in their activity use, produce, and transport or store hazardous substances shall be obliged to plan, organize and implement at their own and expenses services for management of civil emergencies in their area of activity.

2. The natural and juridical persons have the following duties:

- a) To formulate plans for civil emergency situations and to implement preventive measures in their area of activity;
- b) To notify the personnel as well as authorities of the municipality and commune about an immediate risk;
- c) To organize, when necessary, evacuation of their employees and to activate their service in response of an emergency situation in their area of activity;
- ç) To provide training for employees.

3. The Council of Ministers shall determine with normative act the substances that constitute danger in creation of emergency situations.

Article 30

Other Obligations

1. The ministries and other central institutions, the Department of Planning and Management of Civil Emergencies, the Prefects and Majors of municipalities and communes shall plan and implement duties for creating a citizens' culture in the management of civil emergencies.

2. The Ministry of Education and Science formulates and approves relevant programs of basic education of protection in cases of civil emergencies.

3. This program shall start in the elementary education and continue until the completion of the undergraduate education.

CHAPTER VI

FINANCING

Article 31

State Budget

1. The State Budget is the primary financial sources for planning and management of civil emergencies.

2. In the annual budget of the Ministry of Local Government as well as in that of each ministry is appropriated as a separate voice the budget for planning and management of civil emergencies.

Article 32

Other Sources

Other financing sources may be the following:

- a) The State Budget appropriated for the Council of Ministers;
- b) Revenues of local government;
- c) Revenues generated from the service to third parties which are totally transferred to their [local government] budget;
- ç) Various donors;
- d) Other sources permitted by law;

CHAPTER VII

SANCTIONS

Article 33

Violation of Obligations determined by this Law

1. Violation of obligations determined by this law, by juridical and natural persons when does not constitute a criminal offense shall be punished with a fine from 50 thousand to 1 million and 500 thousand ALL issued by the operational

structures of civil emergency which will be determined by decision of the Council of Ministers.

2. Violation of obligations set forth by this law by individuals when does not constitute criminal offense shall be punished with a fine from 5 thousand to 25 thousand ALL.

Article 34

The Right of Appeal

The charged subject may appeal and request repeal or amendment of decision charging it with a fine, provided that it honors requirements of Administrative Procedures Code on the right and appeal procedures against administrative act.

CHAPTER VIII

FINAL PROVISIONS

Article 35

Enacting of By-Laws

The Council of Ministers within 6 months from entry into force of this law shall enact by-laws in its application, in compliance with general principles of Articles 5, 6, 9, 14 and 26 of this law.

Article 36

Abolitions

With entry into force of this law Decree No.3824, dated 1.12.1964 of the Presidium of the People's Assembly "On civil protection of the Republic" as well as any other provision contrary to this law is repealed.

Article 37

Entry into Force

This law is effective 15 days after publication in the Official Journal.

CHAIRMAN
Skënder Gjinushi

**REPUBLIC OF ALBANIA
ASSEMBLY**

Law

Nr. 8875, dated 4.4.2002

ESTABLISHMENT OF COAST GUARD

Pursuant to articles 78, 81 and 83, Point 1 of the Constitution, and Chapter 3, Point 42 Paragraph 1 of the Defense Policy Document of the Republic of Albania, upon proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

Article 1

Purpose

The Coast Guard of the Republic of Albania is hereby established for the purpose of enforcing the law of the sea.

Article 2

Definitions

For the purposes of this law:

- a) "Coast Guard" means the crew, the installations, the personnel and the means (vessels and aircraft) in possession and under jurisdiction of the Defense Ministry.
- b) "Internal Waters" means the belt of sea between the base line and the coast line.
- c) "Base line" means the entirety of straight lines joining the most deeply indented capes and reefs of the Albanian coast line.
- d) "Territorial sea" means the breadth of water measured from the baseline up to a limit of 12 nautical miles seaward.
- e) "Contiguous zone" means the zone contiguous to the territorial sea. The contiguous zone extends seaward in a breadth of 24 nautical miles from the

baseline.

- f) "Exclusive economic zone" means the sea area beyond and adjacent the territorial sea up to the median line every point of which is equidistant from the nearest points on the baselines of the Albanian and Italian coasts respectively.
- g) "Hot pursuit" means the continuation of pursuit when a foreign ship is believed to have violated the law of the sea and attempts to cross into the territorial sea of a bordering coast State in open disobedience of the authority of the Coast Guard.
- h) "Coast Guard Policy Manual" is the set of by-laws delineating the basic rules and procedures guiding the Coast Guard in its duty to enforce the law of the sea.

Article 3

Line of dependency

1. The Coast guards depends from the Ministry of Defense and is part of the marine districts under the Command of the Marine Forces.
2. The Coast Guard interacts with the government authorities and private entities with vested interests in the sea.
3. Manner of communication between the Coast Guard and the private and/or governmental institutions is agreed jointly in accordance with national legislation and international conventions.

Article 4

Resources and organization of the Coast Guard

1. The Defense Minister is responsible for the structure of the Coast Guard.
2. Resources, personnel, installations and lighthouses form part of the organizational structure of the Coast Guard under the Marine Forces.
3. The Coast Guard is equipped with the resources described in the organizational structure of the Marine Forces including aircraft (airplanes and helicopters).
4. Resources include military vessels, airplanes and helicopters. Vessels and aircraft in possession of the Coast Guard shall be marked both sides with the Coast Guard emblem and the respective Albanian and English inscriptions: "Coast Guard" and "Roja Bregdetare".

Article 5

Duties of the Coast Guard

1. The duties of the Coast Guard are:
 - a) To enforce over the Albanian sea area the Albanian sea legislation and the international sea law and regulations to which Republic of Albania accedes;
 - b) To provide search and rescue (SAR) services in accordance with the national legislation and the international laws and regulations which Republic of Albania

- is a party to, accedes to, or has ratified;
- c) To prevent and interdict illegal passage of ships, goods and persons in the Albanian sea area;
 - d) To anchor, board, inspect, interdict, seize and block vessels and individuals infringing sea law and to escort them to the nearest port as it may be necessary;
 - e) To engage in hot pursuit of vessels as prescribed by international law;
 - f) To use force in self defense when dictated by extreme circumstances;
 - g) To compile preliminary documentation allowing institution of proceedings against violators of the sea law;
 - h) To effectuate Marine Pollution Education, Prevention, Response and Enforcement;
 - i) To Enforce legislation with regard to marine fishing;
 - j) To ensure recreational boating safety;
 - k) To enforce legislation with regard to living marine and submarine resource protection, including in the sea bed;
 - l) To enforce legislation on the archeological and cultural values in the Albanian sea area.
2. The Coast Guard carries out the above duties in the territorial sea, the contiguous zone and the exclusive economic zone.
In the territorial sea, the Coast Guard interacts and coordinates with Border Police, the Port Authority and other relevant governmental institutions.
3. Modalities of carrying out these duties are described in the Coast Guard Policy Manual.
4. In order to enable the Coast Guard to carry out its tasks, the Coast Guard Officers are granted the status of Judiciary Police in accordance with the laws and by laws in force in the Republic of Albania.

Article 6

Administrative breaches

1. Infringements of the provisions of this law and of the regulations contained in the Coast Guard Policy Manual are dealt with as prescribed by Law No. 7697 dated 7 April 1993 "On administrative breaches" and relevant authentic amendments.
2. The Coast Guard Authority exercises the right to address administrative breaches as prescribed in the laws governing the operations of institutions with vested interest in the sea.

Article 7

Area of action and cooperation

1. The jurisdiction of the Coast Guard is primordial to the accomplishment of the duties contained in Article 5 of this Law and to the enforcement of the international laws ratified by the Republic of Albania in the territorial sea, the contiguous zone and the exclusive economic zone.
2. The Coast Guard is obligated to provide aid and cooperation to the physical and legal persons, national or foreign, in accordance with Albanian legislation and the international sea laws and regulations accepted by the

Republic of Albania.

Article 8

Financial sources

1. Equipment, crew training and operations of the Coast Guard are covered by a dedicated line in the budget of the Defense Ministry.
2. When, in the interest of carrying out specific tasks, ministries and other government or private entities request the deployment of installations, technology or equipment in the ships and aircrafts of the Coast Guard, the costs incurred by such installation are covered by the government budget or the interested parties as may be the case.

Article 9

Administrative remedies

Fines and confiscations of goods, objects, financial resources and maritime vessels are administered in accordance with the governing laws and by-laws.

Article 10

Final provisions

1. Pursuant to this Law, the Council of Ministers is authorized to approve the Coast Guard Policy Manual within three months from the day this law becomes effective.
2. The Ministries and institutions with vested interest in the sea, within six months from the date of this law becoming effective, are required to finalize relevant agreements prescribing basic rules of interaction between/among themselves to effectuate enforcement of the law of the sea.

Article 11

The laws and by laws coming into conflict with this present law are hereby cancelled.

Article 12

This law enters into force 15 days following publication in the Official Gazette.

CHAIR
Namik Dokle