

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.

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.

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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.

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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 Arbënor**

**PRESIDENT OF THE REPUBLIC
Sali Berisha**