

Law
"For Forestry and Forest Service Police"

No. 7623, date 13.10.1992

Chapter I

GENERAL RULES

Article I

The objective of this Law is the administration, the protection and the treatment of forests in order to protect the environment and the production of timber and other forest products:

- a) The protection of forest estate for its economic function and its special value in environmental protection, in landscape value, ecotourisme and infrastructure use.
- b) The control of cuttings in stands in order that it may be balanced with normal growth of forests, determined through management projects that are carried out under that law.
- c) The control of the development of all the forest sector.
- d) The ensurance of a balance between the interests of whole society and those of legally entitled private individuals and entities.

Chapter II

FOREST ESTATE, ADMINISTRATION, DEVELOPMENT AND TREATMENT

Article 2

The forest estate is made up of the forests and lands with forest vegetation. It includes: state, communal and private forests. The forest estate is formed on the basis of forest units, according to management and inventory plans.

The Minister of Agriculture and Food approves the transformation of agriculture land into forest estate, while the local government approves the transfer of non-registered land to forest estate if they are not agriculture land.

In some special cases the transfer of parts of forest estate for scientific and teaching goals to the ministries and other institutions up to 100 ha can be enacted by an order of the Minister of Agriculture and Food, and for more than 100 ha. only by government decision.

Article 3

‘Forest’ is defined as dense woodland with a surface larger than 1000 m² with a density of forest trees and shrubs not less than 30 %, which produces wood material and has influence on the surrounding environment. ‘Land with forest vegetation’ is defined as forest wood area with a density of forest trees and shrubs from 5 to 30 % which are not registered in the cadastra as other land estates. Forest estate includes also open areas up to 2 ha. such as openings, rocks and sandbank which are in forests, the surfaces occupied by forest shelterbelts, wood lots and shrub surfaces.

Article 4

Forest estate is composed of state, communal and private forests.

- a) State forests are those under state ownership.

b) Komuna forests are those under state ownership which are given in common use of one village, of several villages, or a komuna.

According to criteria determined by the Minister of Agriculture and Food, parts of komuna forests with an area of 0.4 - 1 ha/family may be given in use to the peasants of permanent residence in agreement between local governments and forest authorities.

c) Private forests are all wood lots and plantations which are created and exist inside the borders of private lands. The state assists with investments and technical assistance the development of agroforestry and the foundation of private forests. Technical criteria for the determination of komuna and private forests and the rules of their management, are given by special regulation of the Minister of Agriculture and Food.

Article 5

Not included in forest estate are individual trees which are located inside or around agricultural lands and pastures, around monuments, institutions, stables, cemeteries, on the sides of irrigation and drainage canals and ditches, roads and railways and parks in the inhabited centres and those in the outskirts of cities.

Article 6

Administration, development, protection and treatment of state, komuna and private forests are realised according to the provisions of this law. State and communal forest estate are administered by the Directorate General of Forest through the Directorates of the Forest Service.

Article 7

Lands with forest trees and shrubs with surfaces up to 5 ha may be transferred from forest estate with the approval of the Director General, while those more than 5 ha with the approval of the Minister of Agriculture and Food. Forests with surfaces up to 50 ha may be transferred from forest estate with the approval of the Minister of Agriculture and Food, while those with surfaces more than 50 ha by a decision of the Council of Ministers. Deforestation and changes of purpose in the forest estate are permitted only after the approval of removal from the inventory by the appropriate authorities and after the repayments of the value according to specified tariffs. The total income will be used for the afforestation of another area of the same size. Wood material resulting from exploitation is transferred to the persons who have ownership at the forest.

Article 8

In state and komuna forest estate the change or replacement existing tree species with others will require the approval of the General Directorate of Forests.

Article 9

It is forbidden the occupation and use of forests or lands with forest vegetation which are parts of the forest estate without the approval of competent authorities; the occupation of areas greater than those for which approval has been granted; putting of whatever objects in other places which are not approved; nonrestitution of the lands of forest estate given in temporary use; and destruction and degradation of forests by massive equipment.

Article 10

Forest service units, their employees, competences, duties and rights are appointed by special regulation of the Minister of Agriculture and Food.

Article 11

The Directorate of Forest Service at the district level is responsible for the administration, increase argumentation and scientific management of medicinal and tannin plants within the state and komuna forest estate. According to the list of special regulations approved by the Minister of Agriculture and Food, the forest service protects individual trees of individual value inside and outside forest estate. Trees and shrubs, parks and public garden in towns, inhabited

and production centers, are administered by kommunal service.

Article 12

National Parks and Natural Reserves can be approved by Council of Ministers while scientific reserves, natural monument and industrial trees that are protected, are established by GDF protection, administration and their management is done according to specific regulations of GDF.

Article 13

The forest service shall establish seed orchards, stands and individual trees to secure the selected planting material for use on plantations in order to increase and regeneration of forests according to criteria determined by Forest and Pasture Research institute.

Article 14

Forest seeds, saplings and other vegetative material which will serve as reproduction material for provenances or superior cultivars are distributed only by forest service, being previously provided with respective certificate. The seed laboratory of the Forest and Pasture Research Institute shall undertake the analysis of all forest seeds, medicinal and tannin plants, which will be used for planting.

Article 15

Project and research institutions shall prepare management plans with the objective of maintaining a forest structure compatible with production, protection and recreation functions of the forest ecosystem. Larger scale forest management and inventory studies of the district level shall be approved by the Directorate General of Forest and their application is obligatory.

Article 16

The forest estate is registered in the cadastral survey separately for each district, with records of all annual changes. The documentation and mode of registration shall be determined by the Directorate General of Forests.

Article 17

The Directorate General of Forest and local authorities through the Directorate of Forest Service are obligated to undertake afforestation on bare places, eroded places, at sandbanks and abandoned agricultural land of low productivity, on gravel sites in forest estate area of low productivity and other such categories, in order to increase forest area and its productivity, planting fast growing species, with a high economic value and suitable for soil and site conditions. They will promote also the forest regeneration by seeds, the improvement of existing forests, and protection of forest health in accordance with the forest function and economic needs.

Article 18

Afforestation of bare areas and the protection of trees at the timber line and the prohibition of cutting and grazing are preliminary technical measures undertaken to restrict erosion in the watersheds and snow accumulation sites.

Article 19

The cutting of uprooting of trees and shrubs on steep slopes on a belt of 100m wide in the upper limit of vegetation of trees, shrubs and rare species, is prohibited, as well as the cutting and uprooting of those on the sides of national roads having a slope of over 30% for a distance of 20m on either side.

Article 20

The forest service shall undertake measures in order to increase the number of wild animals and wild fowls in forests and hunting resources and for the forest wildlife populations. They are responsible also for the administration of fish in mountainous water sheds. According to the law for hunting, the Directorate General of Forest shall establish and manage the forest estate for hunting and fishing resources.

Article 21

It is forbidden in the forest estate to undertake activities which can cause a decrease in productivity, can hinder the regeneration or can reduce a forest's protective and social functions, excepting special cases permitted by a Council of Ministers' decision.

Chapter III

THE HARVESTING OF FORESTS AND OTHER FOREST PRODUCTS

Article 22

The forest estate is defined as production and protection forests. The cutting of wood materials is permitted in forests production in accordance with the provisions of this law. It is forbidden to cut wood materials in protection forests, according to determinations made by the Directorate General of Forest, except in cases of tending and sanitation cuts. The Forest Service is responsible for management and administration of forests, of national parks and of other territories declared likewise.

Article 23

The annual harvest of wood products from state and communal forest estate shall be decided according to the annual allowable cut, which is determined through management and inventory plans, assuring the protection of land, improvement of climatic elements, reinforcement of natural ecosystems, and sustainability of production. The creation of standing wood product reserves is undertaken by a the decision of the Council of Ministers. The harvesting of private forests should not create problems of soil protection and climatic elements.

Article 24

The Directorate General of Forests determines each year the amount of wood products to be harvested in each district, based on the allowable cut, and controls the implementation of harvesting according to the provisions of the law.

Article 25

According to the provisions of this law, the rights for harvesting of the forests are given to all persons and enterprises which have received a permit under the law.

Article 26

The cutting of forest trees on state and communal forests can be applied only after a special tree marking by the Forest Service. The hammer mark is a personal one for each DGF district and is to be used only by order of the District Forest Service Directorate. The size and form of the hammer mark are determined by DGF. It is forbidden to destroy or falsify the usage of a hammer mark by other persons and from one area to another.

Article 27

The deadline to begin the cutting of high forest, coppice and shrubs, as well as the terms of cuttings, will be determined under special regulations by DGF.

Article 28

The harvesting of wood and other forest products in large areas will begin only after the technical project is approved, the fee according to the tariffs determined by the Council of Ministers is paid, the delivery report of the parcel to be harvested is formulated, and the permit for harvesting is given.

Article 29

After the deadline for harvesting passes as determined in the harvesting permit, the permittee shall lose the right to cut trees and will be obligated to pay 50% of the harvesting permit value.

Article 30

It is forbidden to sell or buy forest stock, except under the jurisdiction of those persons legally entitled to administer them. It is permitted to sell and buy the processed products that result from harvesting of forest products and processing of timber.

Article 31

Wood materials and other forest products cannot be transported from forests, without a special permit to identify that these products are produced according to the provisions of this law.

Article 32

The Forest Service has the right to control persons who are undertaking the harvesting of forest products and non-wood products, to control trimming and grazing in forests, and to control all vehicles and animals which transport wood materials and other forest products.

Article 33

Gathering of secondary forest products is permitted for persons only after they have obtained a permit from the Forest Service. Such products are heath arbutus, berry-tree, box-tree etc, sticks like willow etc, resins, needles, leaves, barks of trees, flowers, forest fruits, buds, medicinal plants and tanifere, mushrooms and other forest by products.

Article 34

It is forbidden to pull out heath, box-trees and arbutus berry-tree roots, and to cut willow and other forest species for sticks during the growing season.

Article 35

Permission for lopping, grazing, and grass scything in forest estate is to be given by the Forest Service after paying the requisite tariffs.

Article 36

The DGF may temporarily forbid collecting of medicinal plants and grazing in the forest estate if medicinal or tannin plants are damaged, diminished or are in danger of disappearing, or if any other action is taken that can be harmful for them.

Article 37

People have the right to use the forest for recreation, health and tourism aims, only after they have the permission of the DGF, after they pay the tariffs determined by Council of Ministers, and when the period of usage corresponds to special law provisions. The entrance of people, animals and any other entities into national forest parks and parts of the forest estate declared for social functions, may only be undertaken with the permission of DGF according to the fee decided by DGF.

Chapter IV

PROTECTION OF FOREST ESTATE

Article 38

Ensuring good management, protecting the forest estate (irrespective of the form of property) from cutting and grazing without permit, from diseases, insects and fires, undertaking preventive measures, and the organizing forest fire fighting are the permanent duties of the Forest Service, in headquarters and district offices, and are in certain

cases a responsibility of civilian police.

Article 39

The DGF and its subsidiary organizations are responsible for assuring the protection and sound administration of state and public forest estate.

Article 40

Persons who are owners, managers or users of forests, stands or forest trees, inside or outside the forest estate are obliged to assure their protection.

Article 41

It is forbidden to graze and move livestock within newly afforested, harvested, regenerated, improved and protected forests and national parks, at scientific reserves and natural monuments, in landscaped or natural protected reserves, at hunting reserves, and in seed orchards.

Article 42

Within the forest estate, it is forbidden to gather materials, or to introduce or plant seeds and forest saplings of trees and shrubs without the permission of forest service. It is forbidden to sell the forest materials and other forest products which are infected by diseases, weeds and parasites, and infested by insects. It is forbidden to plant the seeds and other vegetative forest materials without requisite permits.

Article 43

It is forbidden to make a fire that endangers the forest, and according to the regulations of the Minister of Agriculture and Food it is forbidden to create the risk of forests fire.

Article 44

In case a fire occurs in a forest or shrub area, the forest service, local government and other entities (including military units, schools and citizens situated near the fire zone) are obligated to inform authorities about the fire, and to employ the necessary labor and equipment toward extinguishing the fire, under forest service leadership.

Article 45

The construction near forests of industrial works which discharge gas or liquid or solid wastes which are harmful to the forest environment, and all the activities which have a destructive influence on ecological balance, are forbidden.

Article 46

All the expenditures in order to protect the forest estate from fires and pollution, to fight diseases, insects and weeds will be subsidized by state, based on criteria determined by the Ministry of Economy and Finance and the Ministry of Agriculture and Food.

Article 47

It is forbidden to damage watershed basin systems, experimental plots, fences, observation points for flora and fauna protection, observation posts for diseases, insects and fires, or such works that are situated within forests or the forest estate.

Article 48

It is forbidden to damage, efface or injure geodesic and topographic signals, indicative limits, stamps or precursor indicative boards which are situated within forests and the forest estate.

Article 49

Digging within the forest estate and its stream beds in order to extract stones and humus, sand, grit, grass sod and other such material, and setting of woody charcoal stoves or lime stoves and bee-hives, and creation of open quarries, may be done only with the permission of forest service, at a time and place determined according to the respective regulations.

Article 50

It is forbidden to stop vehicles and livestock at special protected forests, at national forest parks, at natural resources and protected landscapes, at forest nurseries, or at other parts of forest estate, except as permitted by the Forest Service.

Article 51

Camping vehicles, tents and trailer homes or such items, can be used only at specified places within the forest estate, as determined by the Forest Service.

Article 52

It is forbidden to appropriate fallen trees and dry trees caused by natural phenomena or fire, or to take trees, saplings and sprays that were cut by other persons.

Article 53

The harvest of resin shall be undertaken in coniferous production forests 10 years before the rotation age. The woods shall be marked by forest service. For resin production, it is necessary to use effective methods that cause limited damage to woods production. It is forbidden to prune coniferous standing trees for the purpose of oil production.

Chapter V

THE ORGANIZATION OF FOREST SERVICE

Article 54

The Forest Service Police is organized in order to protect and manage the forests. The Forest Service Police is an executive department, which is armed and designated to manage, organize and control preventive measures and protection of the forest estate from diseases, insects, fires, pollution, illegal cutting and grazing.

Article 55

The Forest Service Police is organized and managed by DGF.

Article 56

The Forest Service Police is organized according to the state and forest administrative divisions. It has preventive, administrative, technical and judicial functions in order to protect the forest and forest environment.

Article 57

Employees of the Forest Service Police have a military status and are equal before the law with employees of the civil police force.

Article 58

The condition of participation at Forest Service Police and the formula of oath shall be determined by a special regulation determined by Minister of Agriculture and Food.

Article 59

To fulfill its duties, the Forest Service Police collaborates with other institutions and financial police. In cases of offences and resistance, the Forest Service Police may use force.

Article 60

The Forest Service Police is provided with arms, other equipment and a uniform of the Forest Service. The kind of uniform and time of use will be determined by DGF. The kind of arms and other equipment will be determined by the Minister of Agriculture and Food in collaboration with the Minister of Public order. In its activities, it is supported additionally by the decree nr. 7449 date 5.1.1991 "For fire arms usage by border defence forces, public police forces and by military and civil guards".

Chapter VI

CONTRAVENTION

Article 61

Transgression of this law is adjudicated according to the case, and may incur monetary, administrative, civil or incarceration penalties.

Article 62

The Forest Service and public order entities shall, in cases of transgression of the law "For Forests and Forest Service Police", compile a report which would be signed by the drafter, by person that is being prosecuted and by witnesses, and in the absence of the latter, the report is valid only with the signature of those protesting.

Article 63

Where the transgression of provisions of this law provided under articles 7, 8, 9, 11, 14, 18, 19, 22, 23, 25, 26, 30, 31, 32, 33, 34, 35, 40, 42, 43, 44, 45, 47, 48, 49, 51 and 53 do not involve incarceration and where the value of damage is less than 50,000 lek, and the seizure of wooden material (or its value in the case of its absence) as well as of other forest products has occurred, the DGF has the right to decide through special considerations about the severity of the penalty. The transportation of wood material which was illegally cut is an administrative contravention and is condemned according to this provision. The transgressor is under obligation to pay up to the value of the damage caused. When the size of the fine for damage caused within a forest estate by anyone, intentionally or by negligence, is more than 5000 lek, the guilty man has to respond according to the provisions of the penal code. The destruction, falsification or the usage of tree markers by other persons is an administrative contravention and the penalty would be 5000 lek. The provisions for transgressions foreseen under articles 37 (second paragraph), 41, 43, 50 and 52 of this law, when is for the first time, have a fixed penalty of a value 100 lek.

Article 64

A commission of not less than three members of the Forest Service Directorate has to examine administrative contraventions within forests. The Director nominates the members of the commission. A complaint may be lodged against a decision within five days after the proclamation or announcement, to the district court, in the district where the contravention occurred. The financial debt has to be paid voluntarily within 15 days from the day an irrevocable penalty has been announced. After the expiration of this term, the decision becomes executive title and is paid according to the provisions for collection of state income. Fines and damage payments defined in Article of this Law are administered according to Law No. 7697, dated April 7, 1993, "About Administrative Cases".

Article 65

The Council of Ministers determines fines for damage caused within the forest estate, and fines for deforestation, and the occupation or use of areas for illegal purposes.

Article 66

The Council of Ministers and other Ministers and central institutions, according to their rightful areas of responsibility, have responsibility to formulate requisite legal regulations for the implementation of this law.

Article 67

Law nr. 4407, date 25.6.1968 "For forests" and any provision that contradicts this law, is abrogated.

Article 68

The law will have force 15 days after promulgation. Tirana, on 28.10.1992.

Nr. of Decree 336

PRESIDENT OF REPUBLIC