

REPUBLIC OF ALBANIA

PRESIDENT

DECREE

For promulgation of Law No. 7223, dated 13.10.1992.

In support of Article 29, point 4 of Law No. 7491, dated 29.04.1991 "For main constituent provisions".

I Declare,

The promulgation of Law No. 7623, date 13.10.1992, "For forestry and forest police service", as follows:

CHAPTER I

GENERAL RULES

Article 1

The objective of this law is the administration, protection and treatment of forests, in order to protect the environment and the production of wooden materials and other forest products.

- (a) The protection of the entire forest resources for their economic function, their special values in the protection of the environment, in water reserves and soil protection, and from a landscape point of view, in agro-tourism and infrastructure.
- (b) The control of cutting of trees in order that it may be balanced with the normal growth of forests, determined through production projections that are carried out under that law.
- (c) The control of all forest sector development.
- (d) To secure a balance between the national and private interests (and the interests of juridical and constitutional persons).

CHAPTER II

FOREST RESOURCE ADMINISTRATION, DEVELOPMENT AND TREATMENT

Article 2

The forest resources are composed of dedicated forest land and lands with forest flora. They include state, public and private forests. Forest resources are formed on the base of forest economies, according to criteria stipulated in production or inventory plans.

The Minister of Agriculture and Food shall approve the transformation of agricultural land to forest resources, while local powers shall approve the transformation of non-agricultural lands which are not registered in other land resources into forest resources.

In other cases the transfer of parts of forest resources for scientific and didactic uses to the other ministries and institutions shall be authorized by order of the Minister of Agriculture and Food for areas up to 100 ha and by order of the Council of Ministers for areas over 100 ha.

Article 3

A "forest" is defined as dense wood land with a surface larger than 1,000 m² and with a density not less than 30%, which produces wood material and has an influence on the surrounding environment. "Land with forest flora" is defined as forest wood land areas with a density ranging from 5% to 30%, which are not registered in the cadastre as other land resources. Forest resources also include open areas of up to 2 ha such as rocky outcrops and sandbanks encountered in forests, surfaces occupied by protected forests, special wood land and brushwood surfaces.

Article 4

Forest resources comprise state, local and private forests.

- (a) State forests are those under state ownership.
- (b) Public forests are those under state ownership and in the common use of one village, of several villages or communes. According to the criteria determined by the Minister of Agriculture and Food, parts of public forests with an area of 0.4 - 1 ha/family are conceded for use by the permanent inhabitants in agreement between local authorities and forest authorities.
- (c) Private forests are groups of woods and afforestation which are created or exist inside the borders of their owners' lands.

The State assists with investments and technical assistance in the development of agro-silviculture and the foundation of private forestry.

Technical criteria for the determination of local 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 resources are pockets of woodland located inside or around agricultural lands and pastures, around monuments, institutions, stalls, cemeteries, on the sides of irrigation and drainage channels and ditches, roads and railways, and parks in inhabited centres and in the periphery of cities.

Article 6

Administration, development, protection and treatment of state, local and private forest resources are realized according to the clauses of this law. State and local forest resources are administered by the Forestry General Directorate through the directorates of the Forest Service.

Article 7

Lands with forest flora and brushwoods with surfaces of up to 5 ha may be transferred from forest resources with the approval of the Director General, and those of more than 5 ha with the approval of the Minister of Agriculture and Food.

Forests with surfaces of up to 50 ha may be transferred from forest resources with the approval of the Minister of Agriculture and Food, and those with surfaces exceeding 50 ha by a decision of the Council of Ministers.

Deforestation/change of purpose of the forest resources are permitted only after approval for removal from the resource inventory by the appropriate authorities and after repayment 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 juridical and constitutional persons who have the forest in ownership.

Article 8

In state and local forest resources the change and/or replacement of crops with other forest types shall require the approval of the Forestry General Directorate.

Article 9

The following are forbidden: the occupation and use of forests or lands with forest flora which are parts of the forest resources without the approval of competent authorities; the occupation and use of areas greater than those for which approval has been granted; to put any object whatsoever in other places which are not approved; failure to reconstitute lands of forest resources given in temporary use; and destruction and degradation of forests by massive means.

Article 10

The competence, duties and rights of forest service authorities and employees are determined by the Minister of Agriculture and Food by special regulations.

Article 11

The Directorate of Forest Service at the District level is responsible for the administration, propagation and scientific treatment of commercial woods and brushwoods (with value), of medicinal crops and TANIFERE, state and local forest resources. According to the list in the special regulation approved by the Minister of Agriculture and Food, the forest authorities defend individual woods of commercial value inside and outside forest resources. Woods, wood masses and brushwoods, parks and public gardens in towns, and in residential production centres are administered by public services.

Article 12

The Council of Ministers shall approve areas designated as Forest National Parks and Natural Reserves, while scientific reserves, natural monuments, landscapes and protected industrial woods are determined by the Forest General Directorate. Their protection, administration and treatment shall be according to special regulations of the Forest General Directorate.

Article 13

Forest authorities shall determine seed nurseries, wood masses and separated woods to secure the selective planting material required to increase and renovate forest resources according to criteria determined by the Forest and Pasture Research Institute.

Article 14

Forest seeds, saplings and other vegetative material which will serve as reproduction material for original or superior cultivars are allocated only by forest authorities.

The seed laboratory of the Forest and Pasture Research Institute undertakes the analysis of all forest seeds, medicinal crops and TANIFERE, which will be used for planting.

Article 15

State and local forest resources are organized and treated according to the production and inventory plans. Project study authorities shall prepare the production plans, with the objective of maintaining a suitable forest structure and to protect and recreate the productivity of the forest ecosystem. Summary studies according to production and inventory at the district level shall be approved by the Forest General Directorate and shall be implemented.

Article 16

Forest resources are registered separately for each district, recording all annual changes. The documentation and the mode of registration shall be determined by the Forest General Directorate.

Article 17

The Forest General Directorate and local authorities, through the Directorates of the Forest Service, are obliged to undertake afforestation in desertic areas, zones of severe erosion, on sandbanks and in marginal areas with a low level of fertility, on grit lands with a low level of fertility in forest resources, and in other problem areas, in order to augment forest resources and productivity, planting species with a rapid growth, high economic value and suitable for the prevailing conditions. They will also undertake the renovation of existing forests by the introduction of improved planting material, seeds, etc. and through better protection and management methods, sanitary services, etc. in accordance with the relative forest function and economic needs.

Article 18

Afforestation of desertic areas and the protection of forests in higher elevation in the upper belts, the interruption of tree cutting and grazing of cattle are undertaken in order to restrict erosion in river-beds and ravines and following snow accumulation.

Article 19

It is forbidden to cut or uproot trees and shrubs in highly sloping areas, on a belt of 100 m in the upper limit of vegetation for woods, brushwoods and rare species, and on those on the sides of national roads with a slope of more than 30% and with a land width of 20 m on either side of the road.

Article 20

Forest authorities undertake measures to increase the number of animals and wild fowl in forest and hunting resorts and to protect and extend their forest habitat. They are also responsible for the administration of fish stocks in water resources in the mountains. According to the law governing hunting the Forest General Directorate shall determine and manage the surfaces of forest resources designated for hunting and for fishing in water resources in mountain areas.

Article 21

It is forbidden to undertake any activity likely to cause a decrease in forest resource productivity, obstruct renovation or weaken the protective and social functions, the only exception being the special cases permitted by the Council of Ministers' decisions.

CHAPTER III

THE EXPLOITATION OF FORESTS AND NEW FOREST PRODUCTION

Article 22

The forest resources are classified into forests with productive character and protective forests. The cutting process of wooden material is permitted in forests which have a productive character in accordance with the legal dispositions of this law.

It is forbidden to cut the wooden material in protective forests, according to the determinations undertaken by the Forest General Directorate, except in sanitary cuts. Forest authorities are responsible for production and management of forests, of national parks and of other similarly defined territory.

Article 23

Wooden material that can be harvested each year from state and local forest resources shall be determined from technical possibilities of forest exploitation, decided through productive and inventory plans, securing the protection of land, the improvement of climactic elements, the reinforcement of the national ecosystem and a continuous production. The creation of wooden material reserves is undertaken with the decision of the Council of Ministers. The exploitation of private forests should not create problems with the protection of land and the safeguarding of climactic conditions.

Article 24

The Forest General Directorate draws up plans each year for the exploitation of wooden material quantities according to district, based on technical possibility of exploitation, and controls the implementation accordingly.

Article 25

According to the dispositions of this law only juridical and physical persons who have permission to practise this activity have the right to exploit the forests.

Article 26

The cutting of wood in state and public forests can only be undertaken after the special stamping by forest authorities. The hammer-stamp is personal and to be used only by order of the managers of forest service directorates. The size and form of hammer-stamp is to be determined by the Forest General Directorate.

The destruction, falsification or usage of such stamp by other persons or its transference from one area to another are forbidden.

Article 27

The period of exploitation of trunks stumps and brushwood will be determined under special regulations by the Forest General Directorate.

Article 28

The exploitation of wooden matter and other forest materials will begin once the technical project for exploitation, in the case of massive surfaces, has been drawn up and approved, the contract signed, and the total money paid according to the tariffs determined by the Council of Ministers, the report of plots delivery for exploitation drawn up and the permission for exploitation signed.

Article 29

In cases of term fall of cutting, which is determined on the permission for exploitation, the exploiter shall lose the right to cut wooden material and will be obliged to pay 50% of the surface value.

Article 30

It is forbidden to sell and buy standing wooden material from state forests, except the juridical persons who administer them.

It is permitted to sell and buy the production resulting from the exploitation of forest resources and the processing of wooden materials.

Article 31

Wooden materials and other production cannot be transported from forests, without a special permit verifying that such material has been produced according to the dispositions of this law.

Article 32

Forest authorities have the right to control persons carrying out forestry activities and other forest production exploitation, to control cutting and pasturage within the forests, and to control the movement of all vehicles and animals used to transport wooden materials and other forest productions.

Article 33

Gathering of secondary forest productions is permitted for those persons having the appropriate authorization from the forest authorities. Such productions are pieces of heath, of arbutus berry-tree, box-tree, etc, sticks like willow, etc, resins, chaffs, leaves, bark 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-tree and arbutus berry-tree roots and to cut the sticks of willow and other forest species during the vegetation period.

Article 35

Permission for leaf cutting, cattle pasturage and grass scything within forest resources can be sought from forest authorities upon payment of appropriate tariffs.

Article 36

The Forest General Directorate can temporarily forbid gathering or pasturage within forest resources when medicinal plants and TANIFERE could be damaged, diminished, risk disappearing or in the case of other actions that might adversely affect them.

Article 37

Juridical and other persons have the right to use the forests for relaxation, health and touristic aims only if they have permission from the Forest General Directorate, if they have paid the tariffs determined by the Council of Ministers, and when the period of use corresponds to the specific dispositions laid down by law.

The entrance of people, animals and all implements into the areas of national forest parks and the parts of forest resources designated for social functions can be undertaken only with the permission of forest authorities and upon payment of the requisite fee decided by the Forest General Directorate.

CHAPTER IV

THE PROTECTION OF FOREST RESOURCES

Article 38

Careful administration and the protection of forest resources (irrespective of the form of property) from unauthorized cutting and pasturage, from diseases and insects, from fairs and dirtiness, preventive measures and the organization of fire fighting are permanent duties of forest authorities in centres and districts and, according to the case, are also duties of the public order.

Article 39

The Forest General Directorate and its dependant authorities are responsible for ensuring the protection and careful administration of state and public forest resources.

Article 40

Persons that are owners, managers or users of forests, masses or forest woods inside or outside forest resources are obliged to ensure their protection.

Article 41

The pasturage and movement of cattle within newly afforested areas, in exploited or rehabilitated forests, in protective forests, in national forest parks, around scientific centres or natural monuments, on landscapes and natural protected nursery, in hunting areas and near seed nurseries, is forbidden.

Article 42

It is forbidden to gather, to deliver or to plant the seeds, scions or forest saplings of woods and brushwoods without the permission of forest authorities. It is forbidden to market wooden materials and other forest productions infected by diseases, weeds and parasites and affected by insects. It is forbidden to plant seeds and other vegetative forest materials without the respective certificates.

Article 43

It is forbidden to make a fire that could endanger the forest and to undertake any action that, according to the regulations of the Minister of Agriculture and Food, would create the risk of forest fires.

Article 44

If fire should break out within the forest resources or in any wooded area, the local forest and other authorities, enterprises, centres of work and production, military units, schools, institutions and private citizens in the vicinity have the duty to report it and to participate in putting out the fire. The process of putting out forest fires should be guided by the forest authorities.

Article 45

It is forbidden to undertake within the vicinity of forests the construction of industrial installations which emit gas, or liquid or solid effluent that could damage the forest environment, and all works are forbidden that could cause destruction of the ecological equilibrium.

Article 46

All the expenditures required to protect the forest resources from fires and dirtiness, to fight disease, insects and weeds will be subsidized by the 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 the works and structures for water gathering and distribution systems, of experimental plots, of hunting productive objects, of fenced enclosures, of observation points for flora and fauna protection, of observation points to detect and control diseases, insects and fires, or any other works connected with the safeguarding of forests or forest resources.

Article 48

It is forbidden to damage, efface, or remove geodesic, topographic and any other indicator boards in forest areas.

Article 49

Digging around forest resources and streams in order to take out stones and humus, sand, grit, grass lumps, etc., to put wood charcoal kilns, lime kilns, bee-hives, etc., and to open quarries, would only be permitted with the authorization of the forest authorities, and at locations and times determined by them, on payment of the relevant tariff.

Article 50

The stationing of vehicles and draught in animals specially protected forests, in national forest parks, at natural nurseries and landscapes, at forest nurseries or other parts of the forest resources, is forbidden except where permitted by forest authorities.

Article 51

Camps, tents, mobile houses or other similar objects can only be put at places determined by forest authorities.

Article 52

It is forbidden to appropriate fallen wood and dry wood resulting from natural phenomena, or saplings cut by other persons.

Article 53

The harvesting of resin shall be realized in chafe productive forests 10 years before the stage of exploitation. The woods shall be stumped by forest authorities. In producing resin it is necessary to use effective methods that cause the least damage on woods. It is forbidden to produce the essence from chafe woods in prime forests.

CHAPTER V

THE ORGANIZATION OF THE FOREST SERVICE

Article 54

The Forest Police Service is organized in order to protect and increase the production of forests. It is an executive and specialized authority to control and implement forest legislation. The Forest Service authorities manage, organize and control the activities to prevent and measures to protect forest resources from disease, insects, fires, dirtiness, illegal cutting and illicit pasturage.

Article 55

The Forest Police Service is organized and managed by the Forest General Directorate.

Article 56

The Forest Police Service is organized according to the state and forest administrative division. It has preventive, administrative, technical and juridical functions in order to defend the forests and forest environment.

Article 57

The employees of the Forest Police Service have military status and are equal before the law to the employees in the public order.

Article 58

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

Article 59

To fulfil its duties the Forest Police Service collaborates with the other authorities concerned with public order and fiscal control. In the cases of penalties and enforcement the Forest Police Service can use force.

Article 60

The policy of Forest Service is provided with arms and other means and with the uniform of the Forest Service. The kind of uniform and time of use will be determined by the Forest General Directorate. The types of arms and other means will be determined by the Minister of Agriculture and Food in collaboration with the Minister of Public Order. In its activity it is supported, as per decree No. 7449, dated 5.01.1991, "For fire arms usage from the border/defence forces, public order forces and from the military and civil guard".

CHAPTER VI

CONTRAVENTIONS

Article 61

Transgression of this law can, depending on the case, cause material, administrative, civil and penal repercussions.

Article 62

In cases of transgression of the law "For forests" the forest service authorities and those of public order compile a report, which would be signed by them, by the transgressor and by attesters; in the absence of the latter, the report is valid with only the signature of those initiating the proceedings.

Article 63

Transgressions of the dispositions of this law are referred to 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 and 53. Where no penal problem is involved and the value of damage does not exceed 5,000 leks, depending on the extent of the damage, the penalty will be from 250 to 5,000 leks and will be accompanied by the sequestration of wooden material or, in its absence, its value in monetary terms. The Forest General Directorate has the right to decide, through special instructions, upon the degrees of penalties. The transportation of illegally cut wooden material is an administrative contravention and is condemnable according to this disposition.

When the value of damage of forest resources exceeds 5,000 leks the guilty party has to respond according to the dispositions of the penal code. The destruction, the falsification or usage of stump by other persons is an administrative contravention and the penalty would be 5,000 leks.

The transgressional actions foreseen in article 37, second paragraph, and in articles 41, 43, 50 and 52 of this law, carry for a first offence a penalty of 100 leks.

Article 64

A commission composed of not less than three members has to be founded at the Forest Service Directorate to handle administrative contraventions in the forests. The Director nominates the members of this commission.

In the case of penalties of up to 3,000 leks, the grievance should be directed to the Director of Enterprise, and for penalties exceeding 3,000 leks, to the Director General of Forestry, within 10 days from the day of law proclamation. The financial obligation has to be liquidated within 15 days from the day of decision.

The Council of Ministers determines the tariffs for forest damage compensation, the tariffs for deforestation, for the occupation of surfaces and for the usage of areas of forest resources.

Article 65

The Council of Ministers, the other Ministries and central institutions, according to their competencies, have the duty to compile responsible normative actions for the implementation of this law.

Article 66

Law No. 4407, dated 25.06.1968, "For forests" and each disposition that is contrary to this law, is abrogated.

Article 67

The law will come into force 15 days after promulgation. Tirana, 20.10.1992.
No. of Decree 338.

President of the Republic