

LAW ON ENVIRONMENTAL PROTECTION

Pursuant to article 16 no.7491 dated August 1991 "On the main constitutional dispositions" at the proposal of the Council of Ministers, the People's Assembly of Republic of Albania

D E C I D E D :

Chapter 1 GENERAL DISPOSITIONS Article 1

Environmental Protection constitutes a prerequisite for the sustainable development of the society, a priority of national concern, the main strategic elements of which are: prevention and reduction of pollution of any kind; conservation of biological diversity specific to the country's natural biogeographical background; rational management of the natural resources and the avoidance of their over exploitation; the ecological restoration of the areas damaged by anthropic activities or natural destructive phenomena; preservation of ecological balance; and life quality maintenance and improvement.

Article 2 When interpreting this law :

1. "Environment" means all the natural and anthropic elements and factors, in their action and interaction. The natural environmental elements are represented by water, air, soil and subsoil, solar radiation, vegetable and animal organisms, with all natural processes and phenomena generated by their interaction and which affect life. Anthropic factors are represented by the existence of human society and its economical and social activity.
2. "Environmental protection" means the activity which aims at the prevention or deterioration, regeneration, environmental preservation and improvement.
3. "Environmental pollution" means the change in its quality as a result of the creation and insertion of physical, chemical or biological factors of the natural or anthropic resources, inside or outside the country.
4. "Environmental impairment" means demolition of the physical, chemical and structural features of a natural ecosystem; reduction of biological activity and diversity of natural and anthropic ecosystem; destruction of ecological balance and life quality caused mainly by water, air or soil pollution or improper usage.
5. "Hazardous substances" means those substances whose production, transport, preservation or emission on environment, as result of their quality, impair or may impair human health, environmental qualities, flora, fauna, biocenoses, or biotopes.
6. "Hazardous wastes" are erosive, toxic, excitant, explosive, inflammable cancerogenic and radioactive matters suitable to cause the change or the creation of another matter, have the quality of accelerating burns, harming the natural state of water, soil or air by damaging humans or other living beings in the natural environment.
7. "Natural/legal persons" means enterprises, institutions, associations, organizations, native and foreign individuals, state or private that perform production, construction, service activities or any

other activity of an economic or social character which may cause pollution or injury to the environment.

Article 3

The environmental protection from pollution and the damage by gaseous, liquid, solid, or radioactive substances and hazardous wastes generated or discharged by industrial plants and activities, agricultural, communal, trade, social cultural, military, or transport activities that infringe on ecological and natural systems, balance or damage material goods or cultural and historical values is compulsory for all state bodies and natural or legal persons, native or foreign.

Article 4

Environmental protection from pollution and damage includes the protection of water ecosystems, atmosphere, soil ecosystems and protection of natural landscape. Detailed rules and regulations about water, air, soil, nature and landscape protection will be determined by specific legislation.

Article 5

Imports of hazardous wastes are prohibited to enter, be stored, preserved or disposed in the Republic of Albania. The transportation of hazardous wastes and substances through the territory and territorial waters of the Republic of Albania is permitted only if it is authorized by an international agreement or treaty to which the Republic of Albania is a party. In all cases, the transport of waste may be done only with the permission of the Minister of Health and Environmental Protection in accordance with the security rules defined by it.

Article 6

The Republic of Albania shall implement the principles of international conventions and treaties on the environment to which it is a party. In cases where it is not a party, it shall take into account, recognize and respect the generally accepted norms and principles of international rights on environment.

Chapter II

ENVIRONMENTAL IMPACT ASSESSMENT (E.I.A.)

Article 7

All the activities of natural and legal persons native or foreign, who exercise their activities in the territory of the Republic of Albania, shall be subject to environmental impact assessments.

Article 8

The authorities under this law shall require environmental impact assessments for:

1. National or local programmes and territory structuring and urban development plans as well as their amendments.
2. Projects and activities which have strong impacts on the environment and which are particularly dangerous to human health.

3. Projects for reconstruction and enlargement of activities referred to in point two of this article.
4. Projects and local activities according to the judgement and definitions made by the local authority.

Article 9

The authorities which may require environmental impact assessments under this law, are the Committee of Environmental Protection, its regional agencies, as well as the Commune, municipality, or district council according to the relevant territorial unit. The experts or institutions which will perform the environmental impact assessment will be assigned by the above mentioned authorities in each case. They will be compensated according to the rules established by the Minister of Health and Environmental Protection.

Article 10

The Committee of Environmental Protection (CEP) may determine the projects and activities according to point 1, 2 and 3 of article 8 of this law, which require environmental impact assessments. Assessments shall be made periodically by order of the Chairman of Committee of Environmental Protection (CEP), but not less than once in five years. The Committee of Environmental Protection (CEP) may require from local authorities, when necessary, that an environmental impact assessment be performed for projects and local activities.

Article 11

Rules and procedures of required environmental impact assessments are determined by the Committee of Environmental Protection (CEP) in cooperation with relevant ministries and other central institutions.

Article 12

Concerned natural and legal persons shall have the right to participate in the consideration of results of environmental impact assessments. They shall be informed by national or local mass media or other appropriate means about the procedures of the environmental impact assessment, not later than one month before the assessment begins.

Article 13

Environmental Impact Assessments shall be performed by experts of relevant fields, who :

1. Have professional competence;
2. Are independent and have no contractual bonds with the project's investor or the operator, and are not involved with related activities;
3. Give conclusions that comply with established environmental impact assessment procedures and admissible norms and standards of environmental protection.

Article 14

Natural or legal persons and persons responsible for projects referred to in Articles 8, shall be obliged to forward the following documentation before beginning an environmental impact assessment:

1. Description of the project and activity, as well as its location and capacity.
2. A description of existing environmental conditions in relation to the project or activity prior to its implementation.
3. Prognosis of the project's impact on the environment.
4. Description of the measures taken to prevent and prohibit adverse effects on environment.
5. Natural and legal persons which could be affected by environmental pollution and damage.
6. Conclusions.
7. Other documents judged as necessary by the CEPP.

Article 15

The competent body under this law, based on experts' conclusions, shall render a final decision about the environmental impact assessment, by taking these measures:

1. Total or partial prohibition or discontinuance of the activity of natural and legal persons and of the implementation of projects when there is a negative impact on the environment.
2. Prohibition of the continuance of the assessment procedure if the project has an adverse affect on the environment.

The competent body shall make its decision known to the parties concerned or, if appropriate, it shall provide information to the public.

Article 16

Assessment expenses when the environmental impact is negative, shall be borne by the natural or legal persons who are responsible for the environmental pollution and damage. The order issued by the relevant competent body for payment of assessment expenses is final.

Chapter III

LICENCES FOR ACTIVITIES THAT SHALL AFFECT ENVIRONMENT

Article 17

Natural and legal persons who engage in economic and social activities that may have an impact on the environment shall be obliged to apply for a licence from the designated competent authorities under this law.

Article 18

Licences shall be provided for the following economic and social activities:

1. Construction and setting into work of various facilities of local and national interest.

2. Local and national programmes and plans for territory structuring and urban development as well as their amendments.
3. Construction of roads, railways, seaports, hydrotechnical plants, other industrial activities, land reclamation and projects governing the improvement of superficial watercourses.
4. Exploration, extraction or exploitation of natural soil and subsoil minerals and resources.
5. Exploitation of mineral or biological resources in waters intended for fishing, taking into account species, seasons, means and admissible levels of fishing.
6. Exploitation of forests that are of common interest; creation of forested areas; hunting, taking into account species, seasons, means and admissible levels of hunting.
7. Exploitation of flora, fauna, natural resources, coastal zones and sea bottoms.
8. Opening up of new areas for growing fruits in zones with protected water resources.
9. Production, sale or use of toxic products, as well as those to be used for phytosanitarian, agricultural and sylvicultural purposes.
10. The import and export of toxic substances, and the transportation of toxic substances through the territory of the Republic of Albania.
11. Determining the manner of transportation, the site of deposit, processing and disposal of toxic and hazardous wastes.
12. The import and export of plants and animal species considered to be flora or fauna.
13. Other activities that may have an impact on the environment, and which shall be determined by Committee of Environmental Protection.

Article 19

Environmental licences referred to in Article 18 of this law shall be provided by the following authorities:

1. For activities in paragraphs 10 and 11, by the Ministry of Health and Environmental Protection.
2. For activities of national interest and other activities foreseen in paragraphs 1-9 and 12, by CEPP.
3. For activities of local interest in paragraphs 1, 2, 3, 5, 6, by councils of commune, municipalities or districts according to the relevant territorial units.
4. Activities included in paragraph 13 shall be determined by the Committee of Environmental Protection (CEP).

Article 20

Environmental licences shall be issued at the request of the natural or legal person, based on the technical documentation and the analysis of the impact on the environment presented by him. The licence shall be given within three months from the request and it is valid from the time when the

activity starts until the conditions, according to which the licence is granted, change. The competent relevant authorities may postpone the time of granting the licence for up to 6 months when conditions are not satisfied under the first paragraph of this article. These authorities are obliged to respond within the above time schedule, otherwise the licence is considered to be approved. Environmental licences shall become invalid unless the activity begins within one year from the time the licence is granted. If this schedule is not complied with, a new licence can be required.

Article 21

The competent relevant authorities may reconsider or revoke a licence if new and unknown ecological elements appear at the time the licence is granted, or if new legislation on the environment is passed. In order to reconsider or revoke a licence, CEPP in cooperation with other ministries or institutions, taking into account the nature of the activity, shall define schedules within which all the above conditions for obtaining an environmental licence must be satisfied.

Article 22

The Council of Ministers, with the proposal of the Ministry of Health and Environment, may revoke the licenses for important activities that have a special impact on the environment.

The important activities that have a special impact on the environment are defined by the Minister of Health and Environment in coordination with other ministries and relevant institutions and then approved by the Council of Ministers.

Article 23

The studies and analysis of the impact on the environment presented by natural or legal persons applying for an environmental licence, and the approval of the procedure of granting licences by the relevant competent authorities shall be defined by the Minister of Health and Environmental Protection.

Article 24

Economic and social activities of natural and legal persons referred to in Article 18 under this law, depending on the circumstances, shall be closed down, prohibited or interrupted totally or partially by the relevant competent authorities. The natural and legal persons engaging in existing activities that do not satisfy the conditions for an environmental licence under this law, are obliged to satisfy them within the time schedules defined by the CEPP in collaboration with other ministries and central institutions. The existing activities that do not satisfy conditions for an environmental licence within the defined time schedule, depending on the circumstances, shall be closed down, prohibited or interrupted totally or partially by the above-mentioned authorities.

Article 25

Natural and legal persons who are granted environmental licences shall have to pay a licence fee as defined by the Minister of Health and Environmental Protection. The licence fee is to be paid into the account of the authority which grants the licence. Natural and legal persons who invest in the environmental field shall be exempt from this fee. These investments are defined by CEPP in collaboration with other relevant ministries and institutions.

Chapter IV
THE REGULATION OF AND INFORMATION ON THE ENVIRONMENTAL
SITUATION
Article 26

Environmental regulation shall consist of review and consideration of natural and anthropic elements and factors of the environment, observation and recording of changes and alterations, as well as consideration of the source and cause of these changes. Data collected through regulation shall serve as a basis for information on the environmental situation, for the reconsideration or revocation of environmental licences, and for the taking other relevant measures defined under this law.

Article 27

Regulation of the environment shall be the duty of the Minister of Health and Environmental Protection (CEP) and its regional agencies, other ministries and central institutions, and local authorities. Regulation shall be continuous, taking into account observed parameters, sources and causes of environmental pollution and damage.

Article 28

Specific environmental guidelines, activities and parties to be regulated, and the method of regulation shall be defined by the Ministry of Health and Environmental Protection.

Article 29

Regulatory control over the sources and causes of environmental pollution and damage shall be exercised:

1. By means of a legal act adopted by the competent bodies defined in article 27 under this law.
2. At the request of natural and legal persons and citizens that are affected or may be affected by environmental pollution and damage, as well as other organizations of an environmental character.

Article 30

The expenses of environmental enforcement or regulation, when environmental pollution or damage is verified, shall be borne by the natural or legal person responsible for the pollution or damage. The order issued by the relevant competent authority, with respect to enforcement and regulation expenses, shall be final.

Article 31

The competent agency with authority over the environmental situation shall decide, depending on the circumstances, to close down, prohibit or interrupt totally or partially activities of natural or legal persons who have caused environmental pollution or damage, and define the respective legal obligations required to improve the situation.

Article 32

Information on the environmental situation shall consist of:

1. Data about the condition of environmental components and elements.
2. Data about the results of actions causing or likely to cause pollution or impairment to the environment.
3. Data about activities undertaken for the purpose of environmental protection and remedies.

The information shall be accompanied by explanations about the possible adverse impact of delayed action on the environment and human health, and by recommendations about actions to be taken by citizens in the event of expected adverse effects.

Article 33

The information on the environmental situation shall be received and stored by the Committee of Environmental Protection and its regional agencies, by other ministries and central institutions, and councils of communes, municipalities or districts according to the relevant territorial units. Natural and legal persons shall be obliged to forward information on the environmental situation within 2 weeks from the date the request is received. The information must be forwarded to the competent authorities in accordance with procedures defined by the Minister of Health and Environmental Protection.

Article 34

The authorities referred to in Article 33 under this law shall publicize information which contains data on the change of environmental situation, by mass media or by any other means, in a form that is accessible to citizens. Confidential information defined in special dispositions, shall be presented in writing without the right of dissemination.

Article 35

Immediately after observing pollution and damage to the environment, the authorities defined in article 33, as well as the natural or legal persons, must inform the population about the occurred environmental adverse alteration, the measures taken to reduce or limit it, as well as the appropriate conduct of citizens concerning health protection and their security.

Article 36

Natural and legal persons shall inform their buyers or customers during the time of sale or performance of service, in writing or orally, about dangerous components of goods and services and about their possible adverse effects and impacts on the environment and human health.

Chapter V DUTIES AND RIGHTS OF CENTRAL AND LOCAL AUTHORITIES ON ENVIRONMENT

Article 37

The Minister of Health and Environmental Protection implements and develops the policy of the Government in the environmental field for the purpose of obtaining sustainable economic and social development and life quality maintenance and improvement. This policy is implemented through the Committee of Environmental Protection.

Article 38

The Minister of Health and Environmental Protection shall have following authority in the environmental field.

- a. He shall process and define the governmental strategy in the environmental field, coordinate the controlling functions of ministries, other central institutions and local authorities and also approve the particular environmental standards and activities subject to regulation.
- b. He shall prepare the annual report on the environmental situation and present it to the Council of Ministers. The Council of Ministers after considering the report shall present it for adoption to the People's Assembly. The approved report shall be published as the Annual Report on the Environmental Situation.
- c. He shall determine the main policies and define priorities in investments to protect the environment, which are consistent with economic and social development and the real possibilities of the country.
- d. He shall determine and distribute funds for scientific research projects and study programmes for the purpose of taking important measures to protect the environment, utilize purely ecological technologies, obtain apparatuses and train experts in the country or abroad.
- e. He shall represent our country in international activities, and intergovernmental and interstate organizations in the field of environmental protection.
- f. In cooperation with the ministries and other relevant institutions he shall approve regulations and guidelines for specially endangered areas and projects for natural environmental rejuvenation.

Article 39

The Committee of Environmental Protection is a specialized central agency in the environmental field under the Minister of Health and Environmental Protection. Its composition is approved by the Minister of Health and Environmental Protection after proposal of the Chairman of the Committee of Environmental Protection.

The Committee has regional agencies that are dependent on it. The duties and rights of these agencies are defined by the Minister of Health and Environmental Protection.

Article 40

Committee of Environmental Protection (CEP) shall have the following authority:

- a. It shall pursue the implementation of the law and the acts of the Council of Ministers about environmental protection issues, and forward to the highest bodies various studies and proposals on organization, management and solutions to environmental protection issues.

b. It shall assist and have authority over ministries, other central institutions, local authorities and natural or legal persons for the work they shall do when applying regulations on environmental protection.

c. It shall prepare the draft agreements, protocols, projects and programmes that shall be implemented in the framework of bilateral and multilateral cooperation with the relevant bodies of the other states and international organizations of environmental protection, and follow up their implementation.

c. In cooperation with ministries and other central institutions and local authorities, it shall manage the monitoring of pollution for the purpose of determining the environmental situation and on the basis of the data of industrial, urban, agricultural pollution levels and other hazardous, chemical-toxic and radioactive substances it shall propose concrete measures for the protection of the purity of air, water, soil and flora and fauna of the country.

d. It shall study the country's need for specialists and coordinate the qualifications and specialization of experts in the environmental protection field.

e. It shall organize and support the spreading of education and participation of the public in the protection of the environment. It shall organize, track and popularize scientific publications in the field of environmental protection.

f. It shall manage and distribute environmental funds created according to this law and funds for investments foreseen in the state budget for environment.

g. In cooperation with ministries and other central institutions: - it shall adopt admissible limits of gaseous, liquid or solid and radioactive pollutants discharged in water, air and soil as well as the admissible limits of harmful and toxic substances or hazardous wastes.

- it shall adopt rules for the storage, disposal, conservation, transport and classification of hazardous wastes and substances.

- it shall designate the list of substances that contain hazardous wastes.

Article 41

The Inspectorate of Environmental Protection is organized and reports to the Committee of Environmental Protection. It shall consist of the chief inspector and other inspectors in its regional branches in particular districts.

The duties, rights and authority of the Inspectorate of Environmental Protection and Preservation (CEP) shall be defined by the Minister of Health and Environmental Protection. The Inspectorate of Environmental Protection, when accomplishing its duties under this law, shall coordinate its work with other inspectorates and law enforcement organs.

Article 42

The councils of Communes, municipalities or districts and the relevant administrative units shall have the following main rights and duties.

1. They shall implement the law and the acts of the Council of Ministers on environmental protection issues.

2. They shall take measures and ensure the protection and environmental rejuvenation.

3. They shall compile, explain and publish their environmental protection programmes in cooperation with the competent specialized authorities. 4. They shall inform the population of the environmental situation and other local activities that are subject to environmental impact assessments.

5. They shall exercise control over the environmental situation under the provisions of this law.

6. They shall manage and distribute local environmental funds created under this law.

7. They shall define the sites of disposal and processing of industrial and domestic wastes, so that they do not pose a risk to the environment.

Chapter VI RESPONSIBILITIES AND SANCTIONS Article 43

Natural and legal persons who cause damage to natural resources, which results in environmental pollution and impairment, shall be compelled to pay compensation for the resulting damage. Complaints for compensation for damage may be presented to the court by natural or legal persons who have suffered harm.

Article 44

Compensation for damage resulting from environmental transboundary pollution and impairment shall be arranged for in accordance with the international agreements, conventions, treaties, to which the Republic of Albania is a Party, or in cases where it is not a party, it shall be arranged for in a manner that is consistent with generally accepted principles and norms of international rights in the environmental field.

Article 45

Infringements of this law, when they shall not constitute a penal act, shall be administrative violation in the environmental field.

1. Transportation without a licence of hazardous wastes and substances through the territory and territorial waters of the Republic of Albania.

2. Import of hazardous wastes and substances for the purpose of preservation, storage or disposal.

3. Violation of insurance rules defined by the Minister of Health and Environmental Protection when transporting hazardous wastes and substances.

4. Failure to send, when due, data on the environmental situation.

5. Failure to include information on the environmental situation which includes advice about the manner of action of citizens when adverse consequences to the environment are anticipated.

6. Failure of natural or legal persons to inform the people of environmental pollution and damage caused by them, the measures taken to contain or remedy the damage, and the citizens' appropriate manner of action.

7. Failure to provide buyers or customers with relevant information about hazardous goods and services and their possible adverse effects and impacts.
8. Objection to or failure by the natural or legal persons to perform an environmental impact assessment.
9. Failure to provide designated documents to the authorities responsible for environmental impact assessments.
10. Violation of the environmental impact assessment procedure by experts.
11. Engaging in economic and social activities, which may affect environment, without obtaining the relevant licence from the competent state authority.
12. Violation of rules and guidelines determined by the Minister of Health and Environmental Protection for specially endangered environmental zones.
13. Violation of admissible limits of pollutant substances defined by the National Environment Agency.
14. Violation of regulations for the storage, transport deposit, preservation and disposal of hazardous wastes and substances defined by the Committee of Environmental Protection.

Article 46

Administrative violations foreseen in article 44 under this law shall be punished with a fine of 1000 to 50.000 lekë for natural persons and 5000 to 500.000 lekë for legal persons. In addition to punishment with a fine it may be decided to seize the means which caused environmental pollution and damage or to revoke the licence.

For foreign natural and legal persons that conduct their activity in the territory of the Republic of Albania, the fine shall be paid in foreign currency according to the above measures, converted by the official rate notified by the Bank of Albania at the day of the ascertainment of the violation.

Article 47

The authorized specialists of the Ministries of Health and Environmental Protection, specialists of the Committee of Environmental Protection authorized by the Chairman of CEP and its regional agencies in districts and the inspectors of the inspectorate of environmental Protection to this Committee have the authority to impose a fine about administrative violation.

Complaints relating to administrative penalties may be made, within five days from the date the announcement of the decision is issued or its notification, respectively to the Minister of Health and Environmental Protection, Chairman of Committee of Environmental Protection, Chairman of the regional branch, Chief Inspector of the Inspectorate of environmental protection. The decisions of these authorities shall be peremptory.

Article 48

The fines shall be deposited in the Bank in the account of the relevant authorities, whose specialists have imposed these penalties and paid within one month from the date when it becomes a peremptory

verdict. For every day of delay after this schedule to one month the fine shall increase 10 per cent over its value.

If the above time schedule is exceeded, the collection of the fines by the Bank shall be compulsory when the natural or legal persons shall have current accounts, or based on the law of drawing state income, if they do not have a current bank account.

Article 49

Natural and legal persons may make objections and complaints about the closing down, prohibition, total or partial interruption of their activities by the authorized competent bodies under article 15, 24, 31 of this law, to the Court within 15 days from the date the injunction is imposed.

Chapter VIII

FINAL DISPOSITIONS

Article 50

The income from taxes and fines that is generated under this law, shall be paid into the account of the relevant bodies for the purpose of creating funds for the environment. Environmental funds shall be used as financial support for the following activities:

1. Taking of measures in the elimination of pollution sources.
2. Designing of projects and taking of rehabilitation measures in ecologically damaged zones.
3. Scientific research, performance of studies and training of specialists.
4. Provision of the staff and offices with the necessary means and supplies.
5. Remuneration of environmental specialists, experts and institutions which carry out EIA.
6. To afford the administrative expenses related to the supervision of EIA monitoring programmes or other programmes of this type.

Article 51

The environmental protection specialists in accomplishing their duties under this law shall cooperate with the police according to special guidelines adopted by the Minister of Health and Environmental Protection and the Ministry of Public Order.

Article 52

The detailed regulations in the implementation of this law shall be defined by the Council of Ministers.

Article 53

The decree no. 5105, dated 30 October 1973 "On the Environmental Preservation and Protection", the decree no. 7451 dated 5 January 1991 "On some changes on the decree no. 5105 dated 30 October 1973", "On Environmental Preservation and Protection", decree no.7451, dated 5 January 1991 "On the Establishment of the Committee of Environmental Protection" as well as any provision which contradicts this law is abrogated.