

REPUBLIC OF ALBANIA

Council of Ministers

D E C I S I O N

No. 26 ---- date 31.1.1994

ON

HAZARDOUS WASTES AND RESIDUES

At the proposal of the Ministry of Health and Environmental Protection, the Council of Ministers decided:

1. The importation of raw or processed wastes and other residues, for depositing purposes is banned in the Republic of Albania.

2. When interpreting this decision :

a. "Hazardous wastes" are toxic erosive, irritating, explosive, inflammable and radioactive substances, capable of causing the change or development of another substance, having the quality of accelerating the combustion or destruction of the natural state of water, soil and air, damaging the man and all the living beings of the natural environment.

b. "Residues" are wastes from the economic and social activities and physically consumed products which do not constitute hazardous wastes.

c. "Producers" are legal or physical persons, the activity of which generates or discharges residues or hazardous wastes.

c. "Urban solid wastes" implies all non-hazardous wastes, generated by households and social activities.

d. "Discharge" refers to the release or spread of the residues or hazardous wastes in the environment.

dh. "Environment-friendly technologies" implies to the application of supplies and efficient methods or other technologies used to prevent or reduce the damages on environment.

<p>3. Various wastes which are processed by environment friendly technologies by legal or natural persons are permitted to be imported for the generation of useful substances or materials, provided that their transportation, depositing and processing in the country do not have adverse impacts on human health and environment.</p>
<p>The wastes listed in Annex I, attached to this decision are permitted to be imported in our country. The amendments to Annex I are proposed by the Committee of Environmental Preservation and</p>
<p>Protection and approved by the Council of Ministers.</p>
<p>4. Legal and natural persons who have productive activities in the territory of the Republic of Albania, are obliged to make an assessment of the raw materials and discharges in the environment.</p>
<p>5. Legal and natural persons who have productive activities are obliged to store in special appropriate sites inside the territory of their activity, the residues and hazardous wastes generated by their activity so that any eventual danger be avoided.</p>
<p>Not more than the amount generated throughout the year, can be deposited in the depositing sites within the territory of their activity.</p>
<p>6. The discharges that result from the productive activity should not be mixed with the solid urban wastes.</p>
<p>For the existing economic activities which discharge hazardous wastes in sewage waters, the schedule for the prohibition of these activities will be defined by the Council of Ministers.</p>
<p>7. Legal and natural persons who have productive activities are obliged to take care about the disposal of hazardous wastes, available, in compliance with the standards of environmental protection.</p>
<p>Legal and natural persons who have productive activities can pass their hazardous wastes to another person or institution that has the authority and facility to treat or dispose them.</p>
<p>In such cases, the legal or natural person who has a productive activity is obliged to inform in writing the Committee of Environmental Preservation and Protection about the delivery of wastes to the receiving party, prior their transfer.</p>
<p>The quantity, composition, destination, manner of transport and safety measures should be</p>

mentioned in the written notification.

8. The hazardous wastes, foreseen in Annex, II, attached to this Decision, are not allowed to enter the territory of the Republic of Albania. Amendments to Annex II will be proposed by the Committee of Environmental Preservation and Protection and Approved by the Council of Ministers.

9. In case of explicit danger with eventual consequences of environmental pollution by hazardous wastes, the Committee of Environmental Preservation and Protection decides the immediate interruption of the activity which causes pollution.

If the environment is polluted by discharges as result of explosion or any other phenomenon with similar consequences, the legal or natural person discontinues its productive activity and takes immediate measures to avoid the eventual risks.

The Committee of Environmental Preservation and Protection should be immediately informed by the polluter about the incident, the measures taken and their efficiency. If necessary, other measures to avoid damages on the environment will be defined.

All the expenses related to the avoidance of the pollution consequences will be born by the legal or natural person, the polluter.

10. The importation of wastes from legal or natural persons is made only by import permits.

The permits for waste importation are issued by the Committee of Environmental Preservation and Protection. They are valid for one year. If the schedule exceeds, the legal or natural person applies for a new permit.

It is obligatory that the import permit contains the importer declaration at his own responsibility, which specifies the labeling of wastes that will enter the country, its quantity, composition, destination, type of the activity where they will be used, as well as the compliance with the standards of environmental protection.

11. The legal or natural person who imports the wastes is obliged to secure in the contract, the packaging, loading, transport and unloading for the categories of the permitted wastes to enter the territory of the Republic of Albania.

At the same time, the legal or natural person who imports wastes is obliged to have from the authorized institutions of the country of origin the declaration of the confirmation of the type and composition of wastes, certificates which show that these wastes do not pose and risks to the environment, as well as well as the permit from the customs of the importing country.

<p>12. The legal or physical who imports wastes is obliged to have in the transport contract, all the necessary legal documentation for the international transport, as well as that foreseen in point 11. The transport documents should accompany the cargo, all the way of transport of the relevant destination.</p>
<p>The entrance in the territory of the Republic of Albania of the transport means loaded with wastes is allowed by the customs only after the legal or natural person who imports the wastes has to forward the written importation permit from the Committee on Environmental Preservation and Protection, and the documentation foreseen in point 11.</p>
<p>The lack of any of these documents and non-compliance of transport regulations, leads to the disallowance of the waste entrance in the territory of the Republic of Albania by the customs.</p>
<p>If the environment is polluted by discharges as result of explosion or any other phenomenon with similar consequences, the legal or natural person discontinues its productive activity and takes immediate measures to avoid the eventual risks. -</p>
<p>The Committee of Environmental Preservation and Protection should be immediately informed by the polluter about the incident, the measures taken and their efficiency. If necessary, other measures to avoid damages on the environment will be defined.</p>
<p>All the expenses related to the avoidance of the pollution consequences will be born by the legal or natural person, the polluter.</p>
<p>13. The bodies which have the right to accept the wastes foreseen in Annex I are: the border-cross points of "Qafe Thane", "Hand i Hotit", "Kakavije" and the marine border point of "Durrës Harbour".</p>
<p>Customs control is developed at the responsibility of the customs personnel specialised in this field.</p>
<p>14. The hazardous wastes can not be exported by the Republic of Albania, unless the authorized institution of the importing state provide the legal or natural person who exports wastes, with the relevant documentation from his country.</p>
<p>The permit for the hazardous wastes export by the legal or natural person is issued by the Committee of Environmental Preservation and Protection, after the documentation of the importing state has been deposited.</p>
<p>The return of the exported hazardous wastes to the country of origin compels the legal or natural person who exports wastes should be responsible for their disposal at his expense, as well as for other expenses that may occur due to the inappropriate transport.</p>

15. If violations to the legal dispositions into power are noticed, during the control session exercised in the productive, import, export and transport activities within the country, the expenses incurred in the control session and other necessary measures for the stabilization of the situation will be born by the legal or natural person who pollutes.

16. The inspectors of the Committee of Environmental Preservation and Protection and Financial Police Officers cooperate with the Customs authorities, to carry out the duties established by this decision, according to the guidelines approved by the Minister of Health and Environmental Protection and the Minister of Finance.

This decision comes into effect immediately.

CHAIRMAN OF THE COUNCIL OF MINISTERS

ALEKSANDER MEKSI