

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 9010 dated 13. 02. 2003**

ON ENVIRONMENTAL TREATMENT OF SOLID WASTE

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this law is to ensure the protection of the environment and human health from pollution and damage resulting from solid waste through institution of their environmental treatment at every stage: creation, collection, separation, protection, transportation, recycling, processing and elimination leading to waste reduction and the reduction of their hazardous and dangerous impact.

Article 2

Definitions

For the purposes of this law:

1. "waste elimination" means closing processes in the chain of waste treatment ending with the incineration of the remainders.
2. "remainder" means the remaining part of waste after treatment of no further use.
3. "Agricultural and stockbreeding waste" means waste generated by farming activity such as vegetation waste and waste resulting from stockbreeding activity.
4. "Solid waste" is a substance, an object or part of it, for which the holder has no further use and desires to get rid of. Substances, objects or parts of them qualify as waste when as the material resulting or energy created thereof cannot be involved any further in the production process.
5. "Industrial waste" means waste resulting from industrial, craftsmanship and service activities.
6. "Hospital waste" means waste resulting from hospital or health services, and health research institutions including risk entailing and non-risk entailing materials.
7. "Construction waste" means waste such as stones, soil, concrete, tiles, etc. resulting from construction, rehabilitation, re-construction and renovation activity as well as from the demolition of buildings and other structures.
8. "Voluminous waste" means waste of large proportions of equipment and machines, the collection, transportation and disposal of which requires special methods and techniques.
9. "Urban waste" means household waste, waste from administrative, social and public facilities. This term also describes waste resulting from commercial, recreational and similar activity the amount and composition of which enables treatment as part of urban

waste.

10. "Waste treatment" means the change of properties or composition of waste by transforming it into a finished product or into primary or secondary material for finished products.

11. "Producer of waste" means the physical and legal entity in possession of a waste creating activity.

12. "Waste recycling" means the renewal or renovation of waste properties so that it may be used as primary or secondary material.

13. "holder of waste" means the physical or legal entity:

- a) whose activity creates such waste;
- b) who collects, temporarily preserves, transports and disposes solid waste to designated places;
- c) who treats and eliminates solid waste.

Holders of waste are recognized and identified as subjects entitled to rights and duties at every stage of the process of waste treatment from creation to elimination.

Article 3

Object

1. The requirements of this law apply to:

- a) urban waste;
- b) industrial waste;
- c) hospital waste;
- d) construction waste;
- e) waste in the sewage system, irrigation facilities and water reservoirs;
- f) agricultural and stockbreeding waste;
- g) voluminous waste.

2. This law does not apply to hazardous, radioactive, nuclear and explosive waste, the management of which is subject to special laws.

3. The Council of Ministers, upon proposal from the Environment Minister, approves "the Albanian catalogue of waste classification", in accordance to the "European Waste Catalogue"

Article 4

Implementation

The provisions of this law are binding to all physical and legal entities, public or private, national or foreign:

- a) whose undertaking creates waste;
- b) who represent holders of waste, engaging in and licensed for the collection, depositing, transportation, recycling, processing and elimination of waste;
- c) state bodies, civic organizations and citizens.

Article 5

Duties of state bodies

1. The Ministry of Environment, in conjunction with the regional agencies and the Environmental Inspectorate are responsible for setting up a system of environmental management of waste and monitoring of its implementation at all stages and levels.

2. State bodies, central or local, in conjunction with the Environmental Ministry have the following duties:

- a) to design national and local plans for environmental waste management.

- b) to design methodologies for the environmental treatment of waste in accordance with the kind and nature of waste;
- c) to make available and ensure efficient use of financial resources;
- d) to continuously monitor and control waste generating activities; to control subject engaged in the transportation, recycling, processing and elimination of waste in the area of their jurisdiction.

Article 6

Waste Taxes

Physical and legal entities, foreign or legal, whose undertaking creates waste, are obligated to pay taxes for creating waste and discharging it in the environment. The kind and amount of tax to be paid, manner of payment, collection authority, criteria of expenditure of the tax revenue, are subject to regulation by law.

CHAPTER II

PREVENTION OF POLLUTION FROM SOLID WASTE

Article 7

Purpose of waste management

Waste management should aim at:

- a) reducing the amount of waste resulting from production activity;
- b) increasing the weight of degradable, recyclable and treatable waste in overall waste creation;
- c) shortening the cycle of management towards reducing exposure time in environment;
- d) sorting out and treating waste separately in every stage of management avoiding mixture with hazardous and solid waste. First stage treatment should not interfere with further processing.
- e) reducing transportation distances; ensuring elimination at the closest waste elimination plant.
- f) a safe incineration of remains resulting after final waste processing.

Article 8

Prohibitions

In the territory of the republic of Albania, it is prohibited:

- a) to discard or discharge in the land or in water bodies waste that may cause the downgrading of land and water properties and entail harmful consequences on the human health and environment;
- b) to process and eliminate waste in zones other than those designated by relevant local authorities;
- c) to import waste and waste residue for purposes of preservation, depositing or elimination;
- d) to collect, transport, preserve, recycle, process and eliminate waste except by physical or legal entities duly licensed to carry out such activity;
- e) to process, deposit and eliminate waste by means of techniques and technologies inappropriate for such use and uncertified by the Environmental and other relevant ministers;
- f) to incinerate in open air, including incineration by itself of waste and waste

remainder resulting from final treatment of waste.

Article 9

Obligations of waste creating subjects

1. Physical and legal entities engaging in waste creating activities are under the obligation:

a) to establish lines and plants for the recycling and processing of waste in accordance with the type of technology they employ and the nature and amount of waste they create;

b) to collect and treat waste in a matter that subsequent processes of environmental waste management are properly handled;

c) to separate waste at the source of its creation and collect it in separate boxes;

2. To fulfill these obligations, the waste creating physical or legal entity must design programs of technical, technological and organizational steps which are subject to review by the Environmental Inspectorate, by the licensing authority and by the local government authorities.

Article 10

Obligations of waste holders

1. Waste holders must ensure:

a) fulfillment of the requirements of Law No.8094 dated 21. 03. 1996 "Concerning public disposal of waste," this present law and the by laws enacted to ensure their implementation.

b) preservation of waste in suitable conditions according to amount, origin, properties, etc;

c) separation of hazardous waste from other waste, safe preservation of waste for which there is no manner of processing and elimination;

d) the keeping of records of waste according to their classification, registering information on amount, composition, the periodicity of collection and transportation, information on preservation and disposal of waste to designated places;

e) the separate collection of hazardous waste and its temporary preservation in special containers, its packaging, labeling and transportation in accordance with international rules and the standards adopted in the Republic of Albania.

2. Transference of waste from one holder to another is subject to regulation by contracts.

3. Waste holders are responsible for indemnifying and rehabilitating at their own expense the damage they cause to human health and environment.

4. Expenses for collection, transportation, preservation, processing and elimination of waste are borne by waste holders.

CHAPTER III

TREATMENT OF WASTE ACCORDING TO TYPE

Article 11

Processing and elimination of urban waste

1. Processing and elimination of urban waste must be carried out according to methods ranked below:

- a) separation of waste according to established classification;
- b) recycling and re-use;
- c) composting;
- d) burying;
- e) incineration in specially designed establishments.

2. The Minister of Environment and the Minister of Health are under the obligation to formulate prototype rules for each of the above methods. Local government authorities are responsible for formulating rules on a case by case basis based on the prototypes approved.

Article 12

Processing and elimination of construction waste

1. Processing and elimination of construction waste is achieved through re-use and burial.

2. The Minister of Environment and the Minister of Territorial Regulation and Tourism are authorized to approve the rules for construction waste management from creation, transportation to elimination.

Article 13

Processing and elimination of industrial waste

1. Processing and elimination of industrial waste is done in specially designed plants and technologies for each type of industrial waste.

2. The Minister of Environment and the Minister of Industry and Energy approve the rules for industrial waste management as well as criteria and regulation for the installation and operation of processing plants.

Article 14

Processing and elimination of mining waste

1. Processing and elimination of waste resulting from drilling, exploration and exploitation of mineral ores, must be done without interfering with the research, extraction and properties of such ores and without causing damage to the surface and under surface waters, to the landscape and biodiversity.

2. The Minister of Environment and the Minister of Energy have the authority to approve the regulation for management of mining waste from its creation, transportation to elimination.

Article 15

Processing and elimination of army waste

1. Waste created by army divisions, military installations and military enterprises are processed and eliminated by these very subjects in accordance with requirements set in the military regulations.

2. The Ministry of Defense is responsible for ensuring the implementation of regulation governing waste management and elimination in the army.

Article 16

Processing and elimination of agricultural and stockbreeding waste

1. Processing and elimination of agricultural and stockbreeding waste is the responsibility of the farms and ranches producing such waste. It can be achieved through composting, recycling and special technologies.

2. The Minister of the Environment and the Minister of Agriculture and Food approve the regulations for agricultural and stockbreeding waste management. These regulations are obligatory for the farmers and ranchers. The responsibility for enforcing implementation is vested with the Inspectorates of the Ministry for Agriculture and Food and the local government authorities.

Article 17

Processing and elimination of voluminous waste

1. Processing and elimination of voluminous waste is done by specialized and duly licensed physical and legal subjects. The Ministry of Transports and Telecommunications is the licensing authority for undertakings with national coverage. The licensing of local undertakings is the responsibility of local governments.

2. The Minister of Environment and the Minister of Transports and Telecommunications approve the regulations for the processing and elimination of voluminous waste.

3. Sites for deposition and elimination of voluminous waste are designated by local authorities in accordance with criteria stipulated by Article 21 of this law.

Article 18

Processing and elimination of hospital waste

1. Processing and elimination of hospital waste is carried out through incineration in specially designed establishments.

2. The Minister of Health and the Minister of Environment approve the regulations for processing and elimination of hospital waste, as well as criteria and rules for the installation and operations of incineration establishments.

Article 19

Cross border waste

1. Urban waste created during cross border transportation of passengers (air, water and road) are collected at the crossing point and treated as urban waste.

2. The Minister of Environment, the Minister of Health and the Minister of Transports and Telecommunications approve rules for waste management at cross border points.

Article 20

Waste Burial

1. Waste burial is the last stage in the management of waste subject to this law, as well as of remainders resulting from their treatment.

2. The following may not be buried:

- a) Liquid waste;
- b) Explosive and oxide waste;

- c) Inflammable waste;
- d) Hospital waste, infectious waste and needle waste;
- e) Used tyres.

Article 21

Waste establishments

The designation of sites to install waste processing and elimination plants is subject to the appraisal of environmental impact based on the following criteria:

- a) distance from dwelling places, national roads and zones of high traffic of humans and animals;
- b) location in geological formations that do not allow eventful infiltrations;
- c) distance from water and undersurface water sources, water basins, wetlands, lagoons, marshlands, forests, pastures, ecologically vulnerable zones, protected tourist zones and zones of cultural heritage;
- d) distance from areas vulnerable to flooding,
- e) space to allow internal movement of vehicles and machines employed to transport and process waste.

Article 22

Rehabilitation of existing waste disposal sites

1. Upon entrance into force of this law, the existing landfills will be subjected to special management to ensure:

- a) Coverage with earth and ramming of the ground;
- b) Opening up of separate channels for rain, ground waters and for waste extract collection into isolated basins;
- c) Protection from fire;
- d) Prohibition of entrance of unauthorized persons;
- d) Coverage with earth and plant growing in sections of the site no longer used as a landfill.

2. Upon entrance into force of this law the existing industrial dumps will undergo rehabilitation and maintenance measures in accordance with provisions contained in this law concerning industrial waste management.

3. The Minister of Environment and the Minister of Industry and Energy approve regulation for the rehabilitation of dumps according to specificity of waste contained.

CHAPTER IV

COMMITTEE FOR SOLID WASTE MANAGEMENT

Article 23

Committee for solid waste management

1. To co-ordinate the duties of the ministries with respect to environmental waste management, the Committee for Solid Waste Management is hereby established at deputy minister level. The Council of Ministers, upon proposal of the Minister of Environment, approves the composition, structure and operation of this Committee.

2. Every end of year, the Committee submits to the Council of Ministers the annual report on the condition and management of waste at national level.

Article 24

National Program

To ensure implementation of the requirements of this law, the Council of Ministers approves the National Program of Solid Waste Management proposed by the Committee for Solid Waste Management.

CHAPTER V

ENVIRONMENTAL LICENSE

Article 25

Environmental license

1. Physical and legal entities that undertake the collection, transportation, processing and elimination of waste, will be issued the relevant environmental license and will be exempt from license obtaining fees.

2. When the above mentioned activities cover the entire country's territory, the license is granted by the Environmental Minister. For local activity the license is granted by the regional environmental agencies in conjunction with the local authorities.

CHAPTER VI

IMPORTATION, EXPORTATION AND TRANSITING OF WASTE

Article 26

Import license

It is prohibited to import into the Republic of Albania waste for purposes of conservation, depositing or elimination.

Article 27

Waste exportation

1. Physical or legal entities that desire to engage in waste exportation are obligated to obtain waste export licenses. The Environmental Minister defines the rules for license application, review and approval rules as well as the list of supporting documentation.

2. Waste exportation becomes lawful subject to approval by the authority of the importing country and of the countries on whose territories waste will be transited.

3. In the event the importing country or the countries through which waste will be transited refuse to accept the exported waste, the exporter is obligated to guarantee the safe elimination of waste at his own expense.

Article 28

Waste transiting

1. Transiting of waste in the territory of the Republic of Albania is subject to permits from the Environmental Minister in accordance with the rules and regulations approved by the Minister of Environment and the Minister of Transports and Telecommunications.

2. Waste transiting is not lawful without the approval of the responsible authorities of the importing country, the exporting country and the countries on whose territories waste is transited.

Article 29

Violation of waste disposal regulation

1. In the event of violation of regulations regarding import, export and transiting of waste, the customs authorities and border police are entitled to freeze waste movement and notify the Ministry of Environment and the Ministry of Public Order.

2. The Ministry of Environment is the national authority and coordinator of all international agreements on waste management to which the republic of Albania is a party.

CHAPTER VII

MONITORING OF WASTE MANAGEMENT

Article 30

Obligation to monitor

1. Waste monitoring is part of the National Environmental Monitoring Program and is carried out in accordance with requirements established therein. Waste monitoring includes all stages of the management process as provided by this law. Each type of waste and its management is monitored separately.

2. Physical and legal entities with waste creating activities which form object to this law, and the physical and legal entities licensed for the collection, transportation, processing and elimination of waste are under the obligation to organize their own monitoring at their own expense and publish the monitoring data every three months.

3. The Environmental Minister is the authority to approve waste monitoring regulation which is binding to every subject mentioned in point 2 of this article.

CHAPTER VIII

CONTROL

Article 31

1. The activity of waste holders is subject to control by the Environmental Inspectorate, the licensing authority, the State Sanitation Inspectorate and the Municipal Inspectorate.

2. The Municipal Inspectorate and the State Sanitation Inspectorate exercise control over the implementation of the rules and requirements governing the creation, collection, preservation, transportation, processing and elimination of urban waste, construction waste and voluminous waste.

3. The Environmental Inspectorate exercises control over the implementation of rules and requirements governing the treatment and management of waste and the conditions contained in the environmental license on:

a) creation, collection, preservation, movement and processing of waste other than the ones mentioned in point 2 of this law.

b) operation of plants and installations for waste processing and waste management;

c) transportation and movement of waste inside the technological establishments of waste management;

d) enforcement of monitoring on the part of waste holders;

e) book keeping on each kind of waste separately;

f) implementation of own programs of safety, technological and organizational precautions.

CHAPTER IX

SANCTIONS

Article 32

1. In circumstances of violations of this law qualifying as criminal offences, the Environmental Inspectorate is authorized to bring legal charges against the violator.

2. The following violations of the provisions of this law when not a criminal offence, represent administrative infringements upon the environment:

a) engaging in activities without an environmental license in violation of the provisions of article 25 of this law;

b) violation of requirements and conditions contained in the environmental license with regard to waste management;

c) disregard for safety regulations when operating plants and installations;

d) discarding, discharging or dumping waste outside designated places;

e) processing and elimination of waste in places other than the sites designated by relevant authority;

f) abandonment of installations, landfills and plants for waste processing and elimination;

g) processing and elimination of waste with improper and uncertified techniques and technologies and the incineration of waste in open air or letting waste incinerate by itself;

h) importation of waste and waste residue in violation of the requirements of article 26 of this law;

i) failure to reconstitute the environment to its previous condition;

j) failure to monitor any of the stages of waste management;

k) failure to furnish timely data and notification on environmental conditions and environment pollution in any of the stages of waste management and failure to publish such data alongside with information on measures for protection of the population.

Article 33

Fine administering

1. Administrative infringements described in Article 32 above, are fined as follows:
 - a) For letters “a”, “b” and “c” from 300 000 up to 500 000 leks;
 - b) For letters “d”, “e”, “f” “g” and “h” from 500 000 up to 1 000 000 leks;
 - c) For letters “i”, “j” and “k” from 100 000 up to 300 000 leks.
2. In addition to the fine, the Environmental Inspectorate may decide to temporarily or permanently close the activity depending on the scale of pollution and damage.

Article 34

Appeal

1. The decision of the Environmental Inspectorate may be appealed with the Minister of Environment within 10 days from the day of communication. The Minister of Environment must respond to the appeal within 30 days.

2. The decision of the Environment Minister, or his failure to respond within 30 days, may be appealed within another 30 days from the date of communication at the regional court of law.

Article 35

By laws

1. The Council of Ministers is hereby charged to produce by laws to make effective Point 3 of Article 3; point 1 of article 23; and article 24 of this law.

2. The Minister of Environment and relevant ministers are charged to produce by laws to make effective article 11 point 2; article 12, point 2; article 13, point 2; article 14, point 2; article 6, point 2; article 17, point 2; article 18, point 2; article 19, point 2; article 22, point 3; article 27, point 3 and article 29, point1 of this law.

Article 36

Entrance into force

This law enters into force following 15 days of its publication in the Official Journal.

CHAIR PERSON
Servet Pëllumbi

