

**REPUBLIC OF ALBANIA
ASSEMBLY**

Law

Nr. 8875, dated 4.4.2002

ESTABLISHMENT OF COAST GUARD

Pursuant to articles 78, 81 and 83, Point 1 of the Constitution, and Chapter 3, Point 42 Paragraph 1 of the Defense Policy Document of the Republic of Albania, upon proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

Article 1

Purpose

The Coast Guard of the Republic of Albania is hereby established for the purpose of enforcing the law of the sea.

Article 2

Definitions

For the purposes of this law:

- a) "Coast Guard" means the crew, the installations, the personnel and the means (vessels and aircraft) in possession and under jurisdiction of the Defense Ministry.
- b) "Internal Waters" means the belt of sea between the base line and the coast line.
- c) "Base line" means the entirety of straight lines joining the most deeply indented capes and reefs of the Albanian coast line.
- d) "Territorial sea" means the breadth of water measured from the baseline up to a limit of 12 nautical miles seaward.
- e) "Contiguous zone" means the zone contiguous to the territorial sea. The contiguous zone extends seaward in a breadth of 24 nautical miles from the baseline.
- f) "Exclusive economic zone" means the sea area beyond and adjacent the territorial sea up to the median line every point of which is equidistant from the nearest points on the baselines of the Albanian and Italian coasts

respectively:

- g) "Hot pursuit" means the continuation of pursuit when a foreign ship is believed to have violated the law of the sea and attempts to cross into the territorial sea of a bordering coast State in open disobedience of the authority of the Coast Guard.
- h) "Coast Guard Policy Manual" is the set of by-laws delineating the basic rules and procedures guiding the Coast Guard in its duty to enforce the law of the sea.

Article 3

Line of dependency

- 1. The Coast guards depends from the Ministry of Defense and is part of the marine districts under the Command of the Marine Forces.
- 2. The Coast Guard interacts with the government authorities and private entities with vested interests in the sea.
- 3. Manner of communication between the Coast Guard and the private and/or governmental institutions is agreed jointly in accordance with national legislation and international conventions.

Article 4

Resources and organization of the Coast Guard

- 1. The Defense Minister is responsible for the structure of the Coast Guard.
- 2. Resources, personnel, installations and lighthouses form part of the organizational structure of the Coast Guard under the Marine Forces.
- 3. The Coast Guard is equipped with the resources described in the organizational structure of the Marine Forces including aircraft (airplanes and helicopters).
- 4. Resources include military vessels, airplanes and helicopters. Vessels and aircraft in possession of the Coast Guard shall be marked both sides with the Coast Guard emblem and the respective Albanian and English inscriptions: "Coast Guard" and "Roja Bregdetare".

Article 5

Duties of the Coast Guard

- 1. The duties of the Coast Guard are:
 - a) To enforce over the Albanian sea area the Albanian sea legislation and the international sea law and regulations to which Republic of Albania accedes;
 - b) To provide search and rescue (SAR) services in accordance with the national legislation and the international laws and regulations which Republic of Albania is a party to, accedes to, or has ratified;
 - c) To prevent and interdict illegal passage of ships, goods and persons in the Albanian sea area;
 - d) To anchor, board, inspect, interdict, seize and block vessels and individuals

- infringing sea law and to escort them to the nearest port as it may be necessary;
- e) To engage in hot pursuit of vessels as prescribed by international law;
 - f) To use force in self defense when dictated by extreme circumstances;
 - g) To compile preliminary documentation allowing institution of proceedings against violators of the sea law;
 - h) To effectuate Marine Pollution Education, Prevention, Response and Enforcement;
 - i) To Enforce legislation with regard to marine fishing;
 - j) To ensure recreational boating safety;
 - k) To enforce legislation with regard to living marine and submarine resource protection, including in the sea bed;
 - l) To enforce legislation on the archeological and cultural values in the Albanian sea area.
2. The Coast Guard carries out the above duties in the territorial sea, the contiguous zone and the exclusive economic zone.
In the territorial sea, the Coast Guard interacts and coordinates with Border Police, the Port Authority and other relevant governmental institutions.
3. Modalities of carrying out these duties are described in the Coast Guard Policy Manual.
4. In order to enable the Coast Guard to carry out its tasks, the Coast Guard Officers are granted the status of Judiciary Police in accordance with the laws and by laws in force in the Republic of Albania.

Article 6

Administrative breaches

1. Infringements of the provisions of this law and of the regulations contained in the Coast Guard Policy Manual are dealt with as prescribed by Law No. 7697 dated 7 April 1993 "On administrative breaches" and relevant authentic amendments.
2. The Coast Guard Authority exercises the right to address administrative breaches as prescribed in the laws governing the operations of institutions with vested interest in the sea.

Article 7

Area of action and cooperation

1. The jurisdiction of the Coast Guard is primordial to the accomplishment of the duties contained in Article 5 of this Law and to the enforcement of the international laws ratified by the Republic of Albania in the territorial sea, the contiguous zone and the exclusive economic zone.
2. The Coast Guard is obligated to provide aid and cooperation to the physical and legal persons, national or foreign, in accordance with Albanian legislation and the international sea laws and regulations accepted by the Republic of Albania.

Article 8

Financial sources

1. Equipment, crew training and operations of the Coast Guard are covered by a dedicated line in the budget of the Defense Ministry.
2. When, in the interest of carrying out specific tasks, ministries and other government or private entities request the deployment of installations, technology or equipment in the ships and aircrafts of the Coast Guard, the costs incurred by such installation are covered by the government budget or the interested parties as may be the case.

Article 9

Administrative remedies

Fines and confiscations of goods, objects, financial resources and maritime vessels are administered in accordance with the governing laws and by-laws.

Article 10

Final provisions

1. Pursuant to this Law, the Council of Ministers is authorized to approve the Coast Guard Policy Manual within three months from the day this law becomes effective.
2. The Ministries and institutions with vested interest in the sea, within six months from the date of this law becoming effective, are required to finalize relevant agreements prescribing basic rules of interaction between/among themselves to effectuate enforcement of the law of the sea.

Article 11

The laws and by laws coming into conflict with this present law are hereby cancelled.

Article 12

This law enters into force 15 days following publication in the Official Gazette.

CHAIR
Namik Dokle