

ALBANIAN WATER LAW
L A W

No. 8093, dated on 21. 03.1996

"ON WATER RESOURCES"

In pursuance of article 16 of the Law no. 7941, dated on 29. 04. 1991

"On the Main Constitutional Provisions"

upon the proposal of the Council of Ministers

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA
DECIDED:

CHAPTER I

Article 1

Purpose of the law

The purpose of this law is:

- a) to ensure the protection, development and sustainable use of water resources being necessary for the life and social-economic development of the country;
- b) to provide a proper distribution of water resources, based on their use and purposes, as well as their efficient management and administration;
- c) to ensure the protection of water resources from pollution, misuse and usage according to factual needs;
- d) to define the institutional framework at national and water basins level for implementing a national policy concerning the management and administration of water resources, for the benefit of the population and the social and economical interests of the country.

Article 2

Definitions

Within the meaning of this law:

1. 'Water resources' comprise inland waters, maritime waters, surface and underground waters, hydrogeological formations and precipitation being under the jurisdiction and control of the Republic of Albania.
2. The "natural water bed of the temporary or permanent river or stream" is the area of land covered by water up to the maximum level of normal flood;
3. The "river bed" along which waters from precipitation normally run, is the average water surface during the average precipitating season of a 25 years period;
4. The "bed of lakes, ponds and other surface waters" is the area of land covered by the water reaching a maximum level of 25 years;
5. The "banks" are strips of land adjoining seas, lakes, reservoirs, lagoons, ponds, rivers and streams comprising a minimum of two areas of land:
 - a) 5 meters from the upper edge of the natural banks to the steep banks and 20 to 100 meters from the maximal water level over a period of 25 years on the flat banks, that can be used, upon special provisions, for public purposes,
 - b) 100 meters from the upper edge of the natural banks to the steep banks, and 100 to 200 meters from the maximal water level over a period of 25 years on the flat banks, where every activity committed will be determined by water authorities. The difference of the steep banks with flat banks, is the inclination at 10% in normal direction from the waters edge. The width of both areas as defined above, can be increased upon special provisions exclusively when the topographic conditions and water resources, river beds and banks make that necessary for the protection and safety of life and property.
6. The "water drainage basin" is the area of land within which the water, after converging in a common flow through several surface and underground flows, pours into sea. The geographical borders of water drainage basins are determined in the topographic maps according to water separation lines.

7. The "users" will be any district, municipality, village, commune, water users association, public or private enterprise, any physical or judicial entity dealing with exploration, production, use of water resources and discharging waste water, being used water or containing other substances.

8. "Discharge" means any discharge or accumulation of waste waters, used waters or sewage, wastes, chemical products and byproducts, industrial wastes and other substances regardless of their nature, to water resources, ground, underground, or excavated places.

9. "Water pollution" is the action and effect of solid, gas and liquid matters, live organisms and forms of energy, inserted in water which directly or indirectly change the water quality endangering therefore its further use.

10. "Permission" is the right conferred to in writing by organs as defined under this law for using or discharging a set amount of water for certain purposes and time periods. The permit shall be subject to cancellation according to article 23.

11. The "authorization" is a written permit conferred to by organs defined under this law allowing its holder to conduct research, studies, explorations or other similar activities when discharging of water do not constitute the purpose of licence.

12. The "licence" is a written right obtainable by competent organs determined according provisions allowing its holder conduct professional activities in the fields related to enforcement.

13. The "concession" is a written contract whereby agencies defined under this law allow its holder enjoy exclusive rights for using water resources or discharge as specified under the terms of the concession. The use of water resources and discharging- assume that its holder has obtained all relevant licences for activities specified in the concession.

14. The "National Water Strategy" is:

(i) the -definition of national objectives in the field of water resources and institutional structures for implementation of the strategy comprising the legal, regulatory and technical framework as well as commissioning the coordinating agencies;

(ii) fulfillment of water necessities balanced and coordinated with national, regional and sectorial development appraising the possibility of using the water resources;

(iii) identification of programmes and priority projects for accomplishing the short term, medium term and long term strategies;

(iv) conservation and sustainable use of water in harmony with environment and other natural resources.

15. The "water authority" is:

(i) the Basin Council, whose authority shall apply within the borders of the basin;

(ii) the National Water Council and its technical secretariat whose authority shall apply over the whole territory of the Republic of Albania.

16. The "free use of water" shall be deemed those cases when no permission, authorization or concession is required for using the water.

17. "Water damaging effects" are damages caused by floods, force majeure, excessive salinity, erosion, solid material fillings, etc.

Article 3 State ownership

1. The state ownership is comprised of:

a) All water resources of the Republic of Albania, as defined in the article 2, paragraph 1 of this law.

b) All river beds and banks, torrents and other natural streams either temporary or permanent, channels, lakes, ponds, natural or artificial lagoons and reservoirs, islands: end accumulations of sand, stones and silt on river beds, lakes and reservoirs as well as geological formations of underground waters.

c) All objects and hydrotechnic works accomplished by the state such as dams, irrigation, drainage and navigation systems, potable water stations and their respective channels and works.

d) The land obtained from withdrawal of water or extended land toward the water.

2. The ownership right of the state as specified under paragraph 1 of this article, is hereby unchangeable and irrevocable.

CHAPTER II ADMINISTRATION OF WATER RESOURCES

Article 4 Administration principles

1. The public administration of water resources is based on the following principles:

- a) Respecting the integrity of water basins, according to social and economic requirements for water resources saving the quality of these resources for the future generations and protecting the environment.
- b) Integrating the public control over water resources through the territorial planning and social and economic development projects at local, regional and national level.
- c) Sustainable use of water resources and controlled discharges.

Article 5 Water administration agencies

1. The administration of water resources in the Republic of Albania is conducted by the National Water Council (NWC) and technical secretariat at national level, as well as by the basin authorities at local level and other agencies as may be duly assigned by the NWC.

2. The Council of Ministers will determine the composition of the National Water, Council, involving central agencies and institutions dealing with water issues

3. The National Water Council will define the composition of the technical secretariat and basin councils.

4. The Council of Ministers will authorise, upon the proposal of the National Water Council, a special commission for the administration of boundary waters and relations with boundary countries concerning the waters, based on the Albanian legislation and relevant international conventions.

Article 6 The national water council and its tasks

The National Water Council is the main decision making agency charged with the administration of the water resources. The National Water Council is headed by the Prime Minister, The National Water Council will:

- a) Propose draft laws and regulations for any kind of activity in the field of water resources management.
- b) Prepare the legal, technical and regulatory framework to implement this law, as well as draw up instructions and undertake other necessary actions for the application of the national plan on water resources.
- c) Manage and endorse the drainage basin plan
- d) Give their approval for interregional and national plans and projects in the fields of agriculture, urban planning, industrial and territorial development insofar as water conservation and management are concerned with such plans and projects.
- e) Establish agencies or organizational units depending on the Council to facilitate the water resources management and application of this law.
- f) Propose and adjust appropriate measures for implementation of any international agreement or convention on water resources when the Republic of Albania is one of the signing parties.
- g) Approve concession for water resources in cases stipulated by provisions of the Council of the Ministers. In case when the water resources are of national importance, the concession will come into force upon the approval from the People's Assembly.

2. The National Water Council may conduct other functions as may be charged upon special decree from the Council of Ministers.

3. The National Water Council is hereby entitled to get from other ministries, committees, agencies and public structures, information, data, reviews or technical and advisory support that would enable the National Water Council prepare the national water strategy and national plan of water resources.

Article 7 The technical secretariat

The technical secretariat is the executive agency of the National Water Council, established by the decision of the Council of Ministers. It will:

- a) Implement the water resources national policy as approved by the National Water Council.
- b) Enforce provisions of this law.
- c) Draw up the central inventory of water resources in terms of their quality and quantity according to the standards as stipulated by the National Water Council.
- d) Issue permissions and authorizations on the water use and discharges when activity is taking place beyond boundaries of one single basis.
- e) Encourage the participation of water users in the management and administration of water resources.
- f) Prepare reports for setting out opinions about all matters concerning water resources and submit them to the National Water Council for clearance. Ministries, research institutions and other state agencies will be obliged to answer in due time the inquires of the technical secretariat for information, assistance and other necessary data for conducting studies and research.
- g) Promote the research on development of technical innovations with respect to the use, finding, exploitation, conservation, recycling, treating, protection, administration and efficient use of water resources.
- h) Specify, in cooperation with research institutions, the fields of research and studies on water resources as well as the relevant funds needed.

Article 8 Drainage basins councils

1. The drainage basins councils are local authorities responsible for managing water resources in the relevant basins.

2. A basin council shall be established on every river basin or group of river basins in the Republic of Albania within the limits deriving from international agreements. The basin council has a judicial status and is depends on the technical secretariat of the National Water Council.

3. The National Water Council shall define the composition, rights and duties of the drainage basin councils;

CHAPTER III THE NATIONAL WATER STRATEGY AND PLANNING OF WATER RESOURCES

Article 9 The national water strategy

The national water strategy will be designed by specialised institutions, under the direction of the technical secretariat and approved by the National Water Council.

Article 10 The planning of water resources

1. The national water resources plan and drainage basins water resources plan set out the detailed steps to be undertaken under the decisions adopted by the National Water Council for the accomplishing the national water strategy. The territory covered and provisions on implementation of above plans will be

determined by the National Water Council. The territory covered and provisions for implementation of these plans will be defined by regulations of the National Water Council.

2. The above mentioned plans will be published and mandatory. These shall be coordinated with other plans and mutually influenced. The procedures for drafting, reviewing and approving plans shall be defined through a special regulation.

CHAPTER IV THE RIGHT TO USE WATER

Article 11 The purpose of water use

The water may be used for the following purposes: domestic, communal, agricultural (including irrigation and livestock watering), aquacultural, fishing, shipping, industrial, production, hydroenergetic, commercial, tourism, entertainment (including rowing for entertainment) and other purposes as approved by the National Water Council.

Article 12 Water use conditions and regime

No one may use water without e permission, authorization or concession issued by water authorities, except in cases as provided under article 13. The use of natural water resources shall be subject to the administrative control by water authorities. The water authorities shall comply with the following four regimes, regulating the administration of water resources:

- a) free use of water;
- b) water use upon permission;
- c) water used upon authorization;
- d) water use upon concession.

Article 13 The free use of water

1. Everyone has the right to use the surface water resources freely for drinking and other domestic necessities and for livestock watering without exceeding its use beyond individual and household needs and in compliance with relevant laws and plans of the basin councils.

2. Everyone has the right to use banks freely for bathing and water sports.

3. Everyone has the right to use precipitating waters falling on private land provided that water is not collected by artificial installations.

4. The water authorities may restrict the free use of water over the all country or in particular areas during periods of water shortage, water quality damage or spread of waterborne diseases.

Article 14 Water use upon permission

1. The following activities may be carried out within the territory of the Republic of Albania, only upon an administrative permission issued by water authorities.

- a) Use of water by means of permanent installations;
- b) Irrigation;
- c) Livestock;
- d) Aquaculture;
- e) Industrial use of water;
- f) Use of underground water for different purposes, including the domestic use;
- g) Planting of trees and crops on the banks of rivers and creeks, when they hinder the natural use of water;

h) Removal of solid material from banks and bed of rivers, streams and reservoirs, with or without water;

2. The following uses of water shall be allowed upon relevant permission from the National Water Council.

- a) Navigating;
- b) Construction of piers and harbours;

3. The water authority shall designate water resources where fishing is prohibited. The protection and use of fishing areas and the programmes related to the regeneration of fishery stocks shall be carried out in line with environment protection laws and regulations.

4. Any activity not provided under this article, will not exclude the use of water resources without permission in compliance with provisions of this law.

Article 15

Use of water upon authorization

All different kinds of research, studies and explorations of surface and underground waters, even when water is not their main objective, will be carried out upon an authorization from relevant water authorities for certain areas and time periods.

Article 16

Use of water upon concession

1. The use of surface and underground water for public purposes, or within the scope of public services, such as production, potable water supply, hydropower stations, irrigation by agricultural enterprises or water user associations, extraction of gas and hydrocarbons from underground by using underground water and other permanent installations as well as packing of water shall take place upon concession.

2. When the holder of an authorization has carried out a successful study and if provided under the terms of authorization, the holder may apply for a permission or a licence within 6 months after completion of the study.

The water authority may monitor the performance and the normal procedures beyond the expiration of the scheduled time, according to provisions of this law.

Article 17

Obligations of water users

The water users shall:

- a) Use the water rationally and efficiently;
- b) Comply with conditions and obligations imposed on the right of ownership;
- c) Ensure water protection against pollution and maintain the water quality;
- d) Comply with the rights of other lawful water users and third parties.

CHAPTER V

PERMITS, AUTHORIZATIONS AND CONCESSIONS FOR THE WATER USE

Article 20

Common provisions for permissions, authorizations and concessions for the water use

The water authorities shall issue permissions, authorizations and concessions for the use of water, based on the free competition principle and according to the procedures prescribed by decree of the Council of Ministers on application of this law. The basins councils will issue the permission or the authorization when the activity is to be carried out within the boundaries of one basin and territory of the

Republic of Albania and by the National Water Council when the activity is to be carried out in an area outside the boundaries of the basin but within the territory of the Republic of Albania.

Concessions are issued by the National Water Council or basin councils based on classification of water resources as provided through regulations issued by the Council of Ministers.

Permissions, authorizations and concessions for the water use:

- a) are personal and cannot be transferred without the approval of the relevant water authorities;
- b) are temporary and can be renewed if the public interest is not affected;
- c) can be modified, limited or cancelled when conditions change, upon request of the holder or in case of violation of their conditions;
- d) shall be issued upon the payment of a fee for administrative costs and shall be included in the register of permissions, authorizations and concessions;
- e) cannot be denied without a rationalised decision;
- f) the permissions, authorizations and concessions will be issued for the following periods:
 - permissions for users - up to 5 years;
 - permissions for water users associations - up to 10 years;
 - permissions to dig wells—up to 1 year
 - authorizations for research, studies and explorations - up to 2 years
 - concessions - the initial term up to 30 years.

Article 19

Extension of concessions

If, during the specified period of-con-cession, it becomes necessary to carry out certain additional works, and their costs cannot be completed within the concession period, it may be extended by water authorities for another term necessary to allow the completion which is limited to 10 years. In order to qualify for extension, the works to be completed must be constructed in accordance with water resources plan. The concession holder must prove the damage it would suffer in case when extension is not granted.

Article 20

Permissions and authorizations for using inert materials from river beds, streams, etc.

The water authorities shall issue permissions and authorizations for the removal of inert materials from rivers, streams, lakes, etc., either with or without water.

Article 21

Priorities in granting permissions, authorizations and concessions

1. The relevant water authorities shall issue permissions, authorizations and concessions based on the following priorities:

- a) water supply for the population (including also the request submitted from industrial plants located within the boundaries of inhabited areas having a low consumption level);
- b) irrigation, agriculture and aquaculture;
- c) utilisation for hydropower energy generation;
- d) other industrial uses, not included in the above categories comprising the use in mining;
- e) fishing;
- f) water transport;
- g) tourism and entertainment, including recreational sailing;
- h) other uses.

Article 22

Amendment of terms provided under permissions, authorizations and concessions

Any amendment on the terms provided under permissions, authorizations or concessions shall take place upon approval of issuing water authority.

The permissions, authorizations and concessions shall be amended when:

- a) conditions under which they were issued have changed;
- b) in case of changes by force majeure;
- c) there is a need to update them in line with water resources plans.

Article 23

The canceling of permissions, authorizations and concessions

1. The permissions, authorizations- and-concessions may be cancelled, suspended or restricted in case of failure to, comply with any specified condition or term.

2. The water authorities can cancel, suspend or restrict permissions, authorizations and concessions when water resources are draining.

Article 24

Licences for underground water drilling

1. The professional well drillers undertaking their activity on commercial basis, must obtain a licence.

Application and issuing procedures will be defined through regulations issued by the National Water Council.

The well drilled will obtain the licence upon the payment for administrative costs incurred.

2. The professional well driller or persons undertaking the drilling must obtain a permission from water authorities for every drilling operation.

3. The professional driller must, at the end of drilling operation, give the water authority a detailed hydrogeological report about the drilling, together with samples of bored strata as well as all related documentation according to regulations drawn up by the National Water Council. These data must be presented to water authority which issued the permission within two months from completion of drilling operation.

4. It is hereby forbidden to take more water from a well than specified amount allowed by the permission for drilling or to use it for purposes other than drinking, washing, watering of personal livestock (reared for purposes different from commercial) and other domestic purposes. In case of use for other purposes, the subject must apply for a concession.

Article 25

Medicinal, mineral and thermal waters

The use of medicinal, mineral and thermal waters will be regulated by special laws.

CHAPTER VI

THE CONTROL AND PRESERVATION OF WATER RESOURCES QUALITY

Article 26

The quality of potable water

1. The technical secretariat of National Water Council shall define, in cooperation with the Ministry of Health and Environment Protection, the state standards of water quality aimed at human consumption. Any physical or judicial person, either public or private, offering or selling potable water or for use in food processing, is constrained to comply with state standards on potable water.

2. The communes, municipalities and other public or private institutions having their own water supply system must control frequently the quality of supplied water. The water authority may interrupt water distribution when it fails to meet the quality standards.

3. No physical or judicial person may interfere with the public water supply system for water, except holders of permissions or concessions issued for this system.

CHAPTER VII DISCHARGES AND SEWERAGE NETWORKS

Article 27

The discharge of materials into water

1. Discharges into water, land, underground or excavations shall take place upon a permission, authorization or concession issued by the basin authority.

2. The National Water Council and the Ministry of Health and Environment Protection shall cooperate for prescribing standards and requirements for different kinds of discharges.

Article 28

Sewerage networks

1. The sewerage network must be so planned as to remove and discharge sewage in appropriate places distant from inhabited areas.

2. The construction of sewage network must avoid the possibility that sewage channeled toward its final destination, incur contamination of surface and underground water, or sea water. Their construction will be the object of a concession issued by the water authority, in accordance with legal provisions.

3. The water authority may impose the construction of sanitary installations for the existing buildings if this is necessary to provide hygienic conditions.

4. Any person can undertake collection, transportation, processing and discharging of sewage in certain places.

The construction of objects and necessary installations for such activities shall be the object of a concession issued by water authorities.

5. No one is entitled to interfere with the sewage network except the concessionaire conduction such activity.

Article 29

The individual and collective discharging system

When several persons use a collective discharging system or channeling, the entity utilising the discharging and channeling system will be responsible towards water authorities.

In case of one discharger, the discharger, being either a family or a non-family will be personally liable towards water authorities.

Article 30

The control of waste water treatment facility

The water authority may undertake direct or indirect responsibility for the utilisation of waste water treatment facility when the holder of permission, authorization or concession is unable to do not want to fulfil conditions of permission, authorization or concession. The holder of the permission is obliged to reimburse the water authority for all costs incurred:

- a) to rectify or modify the equipment as defined in the permission, authorization or concession;
- b) the unpaid costs incurred by the use and maintenance of equipment.

CHAPTER VIII
PERMISSIONS, AUTHORIZATIONS AND CONCESSIONS FOR DISCHARGES

Article 31

Common provisions for permissions, authorizations and concessions

1. The application for permission, authorization and concession for discharges must contain details of the criteria that the discharger has to comply according to regulations in force. This will include a description of the cleaning equipment, the monitoring equipments and procedures to ensure its proper functioning and all restrictions with regard to the chemical and bacteriological composition of discharges.

2. The characteristics of discharge permissions, authorizations and concessions will be equal to those on the water use. They must, in any case, include conditions concerning processing, observation and evidencing equipments as well as specify waste water limits.

3. The discharge permissions, authorizations and concessions will be subject to charges for the administrative costs and recorded in the register of discharge permissions, authorizations and concessions.

4. The discharge permissions, authorizations and concessions will be issued upon the approval of the specialised ministries, designed by the Council of Ministers.

5. Permissions, authorizations and concessions for discharges incurring infiltration or the accumulation of substances in the surface waters, in the natural or artificial beds, in hydrogeological formations or in the underground water will be issued after a complex study conducted-within-one year from the application date.

The study will be carried out by qualified institutions, charged by the Council of the Ministers. If the study will confirm that no degradation of water resources quality will occur, the water authority will issue the permission, authorization or concession for this activity.

6. The reuse of waste water shall be subject to the administrative permissions. If the water will be reused by a different person than the original user, then each user must have a separate permission. The National Water Council shall define rules for the direct reuse of waste water based on the purification and quality processes as well as the purpose of reusing these waters.

Article 32

Administrative permissions

The administrative permissions for the construction, changing or transferring the enterprises or industries that discharge or may discharge waste water or sewage, may be issued upon the licence, permission, authorization or concession for the discharge.

Article 33

The refusal of permissions, authorizations or concessions

The water authorities have the right to reject permissions, authorizations and concessions for industrial activities or processes, whose discharges, apart from treatment and processing, impose a serious risk for the pollution of water reserves, the ecology and environment.

Article 34

Changing of permissions

The water basin council shall recommend to the National Water Agency, the temporary or permanent suspension or change of the permission, authorization or concession, when it is in the competence of this organ, if conditions under which it was issued have changed, or new conditions have emerged that would have meant the refusal of the permit, authorization or concession or issuing of permission with other terms and conditions.

Article 35

The suspending of activities

Water authorities have the power to cease immediately all activities incurring unauthorised discharges impairing the public interest.

Article 36 Charges for the administrative costs

The authorised discharge activities shall be subject to charges for the administrative expenses according to the criteria and fees established by the Council of Ministers.

CHAPTER IX THE HARMFUL EFFECTS OF WATER

Article 37 General provisions

The National Water Council will prepare, in cooperation with other concerned agencies, projects and programmes, including irrigation plans and crop cultivation practices, drainage, protection of river banks and reforestation to avoid the harmful impacts of water.

Article 38 Land areas

1. The water authorities shall impose, within areas subject to flooding, all necessary steps for protecting the people and property. In case of large land areas, the competent water authority may order the establishment of emergency works by authorising and formally requiring all necessary equipments and materials for this purpose from water users.

2. Any physical or judicial person must cooperate with the basin council in undertaking efforts against floods and other harmful effects of water, as set out in the Article 2, paragraph 17.

Article 39 Flooded lands

1. Lands which are subject to flooding from lakes, ponds, reservoirs, rivers, streams and other flows, will keep their previous legal status. In special cases, the National Water Council will set limits on using flooded areas or areas affected by floods when imposing risks to human life and property.

2. The storage of materials and substances which are dissolvable by water and also new constructions are prohibited in areas at risk from floods.

CHAPTER X PROTECTED AREAS AND SURFACES

Article 40 Areas of sanitary protection

1. In order to protect the water quality around the springs there will be determined areas of sanitary protection around the surface or underground source of water supplying the urban and rural population with potable water. Areas will be defined according to regulations to be prepared by the National Water Agency in cooperation with health institutions.

2. The protection areas will be comprised of:

a) one area of immediate protection which is under the control of the agency concerned with extraction, production and distribution of potable water;

b) one adjacent protection area, inside of which the construction of buildings, industry, agriculture and livestock activities, boring of wells and digging of channels, accumulation or discharging of pollution, sewage, chemical and toxic substances, the use of fertiliser and pesticides, burial of human and animal corpses, will be prohibited.

c) one remote protection area, inside of which activities provided under item "b" will be the object of an administrative permission.

3. The physical and judicial persons, whose interests are affected by the establishment of protection areas shall be compensated according to legislation in force.

Article 41 Areas of emergent protection

The protected areas or surfaces can be determined and established by the water authorities, anytime when surface and underground sources are seriously jeopardised in terms of quality and quantity when conflicts between water users are deepening, or when there is a threat from spread of diseases. The regime of these areas or surfaces as well as their borders will be established on basis that will change according to the case.

Article 42 Water resources

Upon the proposal of the basin council and approval of the National Water Agency certain areas such as basins, parts of basins, streams' rivers etc, can be announced as areas of special protection due to their nature features or ecological interest. The administration and protection regime of these; areas shall be defined through special bylaws and regulations.

Article 43 The coordination of urban development plans with water resources plans

Urban plans and studies must take into account the water resources plans of the National Water Council.

Article 44 Wetland

Marshes and flooded land as defined in article 2, paragraph 2, 3 and 4, including those created artificially, are deemed to be wetland. The National Water Council shall define their boundaries. All activities which affect or influence such lands shall take place upon permissions, authorizations and concessions.

Article 45 Hazardous areas for the health

The National Water Council shall define, in collaboration with the health and environment protection institutions, areas imposing danger to human life and health and announce them as harmful to the public interest thereby deciding over draining of land under water.

CHAPTER XI THE PROTECTION OF BANKS

Article 46 Temporary protection

The legal, public or private persons may introduce temporary protection measures in case of emergency. These activities shall take place upon the permission of water authorities.

Article 47
Protection of banks

The protection of banks by means of construction, reconstruction and maintenance of barriers and other layers and other works including those of biological nature will be a public task.

Article 48
The construction on banks

Objects serving for the protection of banks, walls and other works on banks such as bridges, stairs, fences, cable lines or pumps, buildings, hedges or streets, may not be constructed, changed or destroyed without the permission issued by water authorities.

Article 49
Prohibited activities on banks and beaches

1. On banks and bridges it is hereby prohibited to:

- a) change or displace plants or artificial cover;
- b) remove inert materials (sand, gravel, stones, etc.) or turf;
- c) construct parking lots for vessels and vehicles;
- d) establish dried places for nets;
- e) dig, drill or incur rinses.

2. The water authorities may regulate, restrict or cease the use of beach, shoreline, drifts, steep banks and every other surface designated to protect and maintain the shore, when this is required for the security and maintenance of the beach.

CHAPTER XII
WATERWORKS AND OBJECTS

Article 50
The construction

1. The construction of works and objects for using water resources and avoiding harmful effects of water shall be subject to administrative permissions or concession, when those are within framework of public services.

2. The physical or judicial person, being the author of construction, will notify the water authorities that issued the permission or concession within fifteen days from completion of the work or object.

Article 51
Powers of water authority

1. The water authority has the power to impose the installation of equipments for controlling and measuring the water found on private land as well as the facilities required for accessing in such installations, for the preparatory work and construction; to control and insure putting into operation within the time frame specified in the permission.

2. The water authority shall conduct periodical controls over the waterworks and objects. In order to do this, the authorised persons have the right to inspect works and objects and require related data and documentation.

CHAPTER XIII
WATER USERS AND DISCHARGERS ASSOCIATIONS

Article 52
Water users and dischargers associations

All water users and other state or private judicial persons using water from a single source that from the virtues of the-concession, discharge-the sewerage or used waters (industrial, agricultural, etc.), will establish water users and dischargers associations.

Article 53
Procedures for establishing and registering associations

The establishment and registration of water users and dischargers associations will take place according to the legal provisions and bylaws.

CHAPTER XIV
SERVITUDES

Article 54
Servitudes

The land owners and tenants will resolve problems about servitude according to the provisions of the civil code.

The disagreements about servitude will be sent to the court if both parties fail to find a solution.

Article 55
The activities on banks

In the private and state land close to the banks of rivers, streams, channels, lakes, pools, reservoirs, littoral lagoons and seas must necessarily retain:

a) a free land area with a width from 5 to 20 m from these banks as on the definition no. 5/a of Article 2 of this law, for public use. The width of such are can be extended further, near the rivers' pass, on tight environs of reservoirs, or when topographic and hydrological conditions of rivers, lakes or reservoirs make this a necessity for security of the people and property. The water authorities define the activities in these areas;

b) a land surface 100 to 200 m wide on which every activity is defined by the water authorities according to the definition No. 5tb of article 2 of this law.

Article 56
The rights of neighboring land owners

The owner of the land in which the servitude is set may participate in the construction of the water works in such land. In this case he/she must suffer:

- a) a part of the costs the constructing the work from which he/she will benefit;
- b) the modifications costs that might become necessary by exercising the right of the servitude;
- c) a part of costs for the utilisation and maintenance of the work

CHAPTER XV
FINANCIAL PROVISIONS

Article 57
Fees payable for the water use (price of water)

1. The Council of Ministers will define the fees payable for the utilisation of water on - various purposes. The decision of the Council of Ministers will take into account and will not be constrained by the following factors:

- a) type of water required for use;
- b) the purpose of using water;
- c) season of the year, during which water will be used;
- d) the quantity of received water;
- e) whether used water is consumable;
- f) the difference between planning, construction, utilisation, maintenance and depreciation costs of water equipment and expected incomes of the water user obtained from utilisation of this water equipment.
- g) adaptability of equipment for treating and removing water after its use on the benefit of people health, water quality and environment.

2. The Council of Ministers may, upon the proposal of water authorities, exonerate certain public or private physical and judicial persons, when such exoneration is to the interest and benefit of the public.

3. The fees and payments for using water will be collected by water authorities.

Article 58

Payments for the administrative costs

Everyone applying for permission, authorization or concession for using or discharging water, or a permission or concession for constructing waterworks and objects under this law, must pay for the administrative costs.

The competent water authority will collect these payments.

The financial means obtained from such payments and fees on the water use may only be published for the purposes of national water resources management, research and studies, statistics, water registration, cadastral records, preventive actions against floods, extension and maintenance of water resources, as well as other necessary investments in the field of water use.

Article 59

Financial incentives

1. The Government may provide financial incentives such as loans, tax exemptions for the water use for subjects engaged in studies or development of technology, processing, installations and new equipment that will reduce the water use and pollution. It may also give financial incentives to subjects supporting and promoting the forestation and other actions for protecting water resources.

2. These incentives may be extended to those who get engaged in desalinisation and sewage treatment, using upgraded processes and methods, or establishing water recycling systems, or conduct research activities on this field.

CHAPTER XVI VIOLATIONS AND SANCTIONS

Article 60

For violations provided under Article 14, item 1, paragraphs a, b, c, d, e, f, g and h, the violator will be fined up to Lek 1,000,000.

Violations provided under item 2 of the same article, paragraphs a and b, as well as under Article 26, item 3 will be fined up to Lek 2,000,000.

Article 61

For violations provided under Article 15, the violator will be fined up to Lek 1,000,000.

Article 62

For violations provided under Article 17, paragraphs a, b, c, and d, the violator will be fined up to Lek 100,000.

Article 63

For violations provided under Article 20, the violator will be fined up to Lek 500,000 and subject to forfeiture of equipments.

Article 64

For violations provided under Article 22, the violator will be fined up to Lek 100,000 and the activity suspended until the renewal of permission or concession. In case of concessions, the specified conditions in the contract shall apply.

Article 65

For violations provided under Article 24, the violators will be fined as in following:

item 1 a fine up to Lek 1,000,000 and forfeiture of equipments;

item 2 a fine up to Lek 1,000,000;

item 3 (failure to comply with the schedule) a fine up to Lek 100,000 and for repeated offenses a fine up to Lek 1,000,000;

item 4 a fine up to Lek 500,000 and for repeated offenses the activity will be suspended for a period of 2 months or the permission will be cancelled.

Article 66

For violations provided under Article 27, item 1 and Article 28, item 5, the violator will be fined up to Lek 500,000.

Article 67

For violations provided under Article 40, item 2, paragraphs a, b, c the violator will be fined up to Lek 100,000 and if the violation is potentially a crime, it will be subject to penal prosecution.

Article 68

For violations provided under Articles 48, 49 and 50, the violators will be fined up to Lek 200,000 and the activity will be suspended.

Article 69

Subjects can submit their grievances against decisions of water authorities to the district court within five days after decision is made. The court's decision will have a peremptory form.

Article 70

Arrangement of activities conducted before this law

The physical or judicial persons undertaking activities on water resources, or utilising inert materials according to Article 20 upon a permission or authorization obtained before the present law, may carry out their activity provided under their permission or authorization, by renewing them within 60 days from the establishment of basin councils.

Article 71

When permissions or authorizations issued before the present law fall in conflict with provisions of this law, they will be cancelled but without prejudicing the holders right to apply for a new permission or authorization.

Article 72

The Council of Ministers is hereby charged to issue bylaws in pursuance of this law.

Article 73

In the articles 3 and 75 of the Albanian Law No. 7796 date 17.D2.1994 "On Mining" as well as in the fourth group of table "A" of the minerals group, the words "sand" and "gravel" are hereby removed.

The second paragraph of Article 8 of the Law No. 7846, date 21.07.1994 "On the construction, administration and maintenance of irrigation and drainage schemes" is hereby removed.

Any provisions contrary to this law are hereby abrogated.

Article 74

This law will enter into force fifteen days after its announcement in the "Government Gazette".

Proclaimed by Decree No. 1469, dated on 18. 04. 1996 of the President of the Republic of Albania
SALI BERISIJA