



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 9103, date 10.7.2003**

ON THE PROTECTION OF TRANSBOUNDARY LAKES

Pursuant to Article 78 and 83 point 1 of the Constitution, at the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:

CHAPTER I

GENERAL DISPOSITIONS

Article 1

The law objective

This law aims at the environmental protection of the transboundary lakes in their natural state, guaranteeing the appropriate conditions for the development of life and ecosystems in these lakes, through the promotion of useful activities in compliance with the requirements of the sustainable development principle and stopping of activities that threaten them.

Article 2

Definition of terms

When interpreting this law:

1. "Lake administration" is the state administration created for the protection and management of the lake as a protected area.
2. "Habitat" is the term defined in Point 6 Article 3 of the Law no. 8906, date 6.6.2002 "On Protected Areas".
3. "Border of the general volume" is the volume of waters, taken from the lake, without creating problems to its water balance.
4. "Transboundary lakes" are natural reserves located in the border between

the Republic of Albania and neighbouring countries.

5. "Watershed" is the Albanian part of the watershed, where waters flow naturally towards the lake.

6. "Lake user fee" is the payment that legal and physical persons, public or private, Albanians or foreigners pay for their activities in the lake or its shores. This fee does not include the fee for water usage.

Article 3

Scope of the Law

This law is implemented in the transboundary waters and their respective watersheds of:

- a) the Albanian part of Shkodra Lake;
- b) the Albanian part of Ohrid Lake;
- c) the Albanian part of Prespa Lakes.

CHAPTER II

PROTECTION OF TRANSBOUNDARY LAKES

Article 4

Protection

1. All legal and regulatory acts on environmental protection issued in the Republic of Albania, as well as the international conventions, protocols and agreements that the Republic of Albania is a party to are obligatory to be enforced.

2. All

a) physical and legal persons, public or private, Albanians or foreigners, who use water, natural and biological assets of the lake and its watershed or exercise various activities in them;

b) physical and legal persons, public or private, Albanians or foreigners, whose activities are undertaken in the watershed and who can cause damages to the lakes through their activities,

are obliged to protect the transboundary lakes and implement the provisions of this law.

Article 5

Duties of state bodies

The Ministry of Environment, in cooperation with the relevant central and local state bodies and water authorities, and each of them in its direction organize the work for the environmental protection of the transboundary lakes, control the implementation of this law obligations and participate in:

- a) the development and implementation of the management plans of

transboundary lakes;

- b) the development and implementation of special monitoring programs;
- c) the development and implementation of the local plans for the rehabilitation of contaminated or damaged parts of the transboundary lakes;
- ç) the creation of the contemporary legal framework for their management and environmental protection;
- d) ensuring of and efficient use of the necessary financial means;
- dh) the continuous control to ensure the conservation of the natural state of the transboundary lakes and their flora and fauna.

Article 6

Legal Protection

1. The transboundary lakes and their respective watershed should be under the special protection of the state, because they are unique ecosystems of international values. This can be done by proclaiming them protected areas, based on the law no.8906, date 6.6.2002 "On protected areas" and law no.8093, date 21.3.1996 "On water reserves", as well as on other international environmental conventions, which the Republic of Albania has adhered to.

2. To ensure the unique protection of the whole ecosystem, the proposal for proclaiming every lake as a protected area, should take into account the status that the other part of the lake in the neighbouring country enjoys.

Article 7

Elements of the protection

The environmental protection of the transboundary lakes is achieved through:

- a) strict enforcement of the relevant legal frame;
- b) implementation of scientific, technical, technological, chemical, biological and statistical methods which ensure the quality and quantity of the natural indicators of waters for the protection and promotion of the survival of biodiversity;
- c) development and implementation of the management plan, including all the environmental components and activities that will be implemented in waters, fishery, forestry, agriculture, tourism, communication and industry;
- ç) development and implementation of the concrete monitoring programs;
- d) strict implementation of the requirements of the sustainable development principle;
- dh) ensuring of and fruitful use of the financial means.

Article 8

Lakes Administration

1. Lakes administrations will be established for the management and environmental protection of the transboundary lakes, as protected areas. They will be dependent on the relevant qarks (regions).

2. The composition, functions, responsibilities and duties of the administration

will be defined by a Council of Ministers' Decision, at the joint proposal of the Minister of Environment, Minister of Agriculture and Food, Ministry of Territory Adjustment and Tourism and Minister of Local Government and Decentralization.

3. The representatives of business community of the watershed and environmental non-profit organizations participate in the meetings of the local government bodies, where decision on lakes and their respective watersheds are taken.

Article 9

Regulatory framework

The lake administration prepares special regulations, necessary for the management and protection of the watershed and submits them for approval to the respective Qark Council.

Article 10

Ownership

1. The Albanian water part of the lakes is public immovable and mortmain property.

2. Immovable private properties like the agricultural land, refused lands, sites, meadows, forest pastures and forest lands, included in the lake watershed remain as such, even after its proclamation as protected area. Their owners enjoy all the rights guaranteed to them, by the Constitution and the relevant legislation.

CHAPTER III

USE AND EXPLOITATION

Article 11

Implementation of the sustainable development requirements

1. In implementing the requirements of sustainable development in the transboundary lakes, their shores and watersheds, the physical and legal persons, public or private, Albanian or foreigners undertake economical, commercial, tourism, social, sportive, scientific research activities, provided that they all are in compliance with the status of watershed protection and do not risk its biodiversity.

2. The activities of point 1, under this article can be implemented only when:

- a) they obtained an environmental permit;
- b) they are approved by the relevant central and local bodies;
- c) they are undertaken in consistence with the requirements of the watershed management plan.

3. The agricultural activities of the farmers that live in the territory of the lake watershed should take into account the requirements of the watershed management plan, particularly as regards land protection and use of chemicals.

4. Urban development and tourist constructions should be based on the local

construction tradition and realized in consistence with the requirements of the watershed management plan.

Article 12

Use of lake waters

1. Transboundary lake waters can be used only in a controlled way and within the scientifically defined levels, without damaging the natural conditions and their biological and ecological balances.

2. The aims of the use, the quantities and usage regime for each concrete case should comply with the agreements with the neighbouring countries on lake problems.

Article 13

Scientific research activities

1. The scientific research activities in transboundary lakes are implemented with the approval of the Regional Environmental Agencies (REAs) of the relevant Qark or of the Ministry of Environment. By a special regulation, the Minister of Environment classifies the scientific research activities that will be approved by the REAs and those to be approved by the Minister of Environment.

2. The scientific research institutes and other interested institutions or groups of researchers submit the activity programs they tend to undertake and on this bases, the approval of the activity is issued.

3. At the end of the scientific research activity, a final report is prepared, a copy of which should be handed over to the Ministry of Environment, which respects the copyright and preserves the confidential character of the report.

Article 14

Prohibited Actions

1. The following actions are prohibited in the transboundary lakes and in their watersheds:

- a) dumping or disposal of hazardous substances and wastes;
- b) untreated waste water discharges, urban, industrial, agricultural and human;
- c) depositing and dumping of wastes of any kind;
- d) construction and use of waste and mining or processing industrial waste dumping sites close to them;
- e) cement constructions on the lake shores, which interrupt the multiple communications of the water with the land;
- f) construction of buildings, installations and any other engineering platform in the shores or within the restricted area where construction is prohibited;
- g) excavation of sand, gravel and any other material from, lake shores or shallow waters, as defined in the amended law no.8093, date 21.3.1996 "On water reserves";

ë) opening of quarries, construction of lime ovens, installation of asphalt-cement plants close to urban areas and in sites which damage the landscape of the zone;

f) lake water exploitation without permitting and contrary to the conditions provided in the permit;

g) uncontrolled cutting of trees and forests

gj) inappropriate utilization and burning of pastures;

h) undertaking of fishery and hunting activities not within the approved seasons and with means and manners prohibited by law.

i) collection of medicinal, tanniferous and ether-oil plants with prohibited means and methods and in the prohibited periods.

j) collection of snails, frogs, tortoises, and reptiles with prohibited means and methods and in the prohibited periods.

k) seizing of rare and endangered fish, animal and bird species for trading purposes;

l) introduction to the lake and watershed of fish, animal, bird or plant species which are not authentic. .

2. The Council of ministers, at the proposal of the minister of Environment, approves the stopping of other activities in the transboundary waters, which may be encountered in the future practices.

CHAPTER IV

ENVIRONMENTAL PERMIT

Article 15

Environmental permit

1. The activities in the transboundary lakes, including construction, sportive, tourist, horticulture, aquaculture and hydrometeorological works can be implemented, only after they are issued an environmental permit and meet the conditions, defined by the Ministry of Environment, Water Authority, Council of Territory Adjustment of the Republic and local Territory Adjustment Councils.

2. The projects and activities that ask to be implemented in the transboundary waters, prepare the detailed report of the environmental impact assessment (EIA).

3. The development strategies and plans for various economical and social sectors, whose implementation will also cover transboundary lakes are subject the strategic environmental assessment, prior to their approval and implementation.

Article 16

Tariffs

1. Besides the administrative expenses for obtaining the environmental permit and other relevant licenses, the physical or legal person who will develop an activity in the transboundary lakes or on its shores, should pay the lake use fee. The fees are collected at the account of the local governments bodies and are for the lake

protection and rehabilitation. These fees are collected by the water authority.

2. The Council of Ministers , at the joint proposal of the Minister of Environment, Minister of Finance and Minister of Territory Adjustment & Tourism approve the tariff scales, specified according to the type of the activity

CHAPTER V

MONITORING AND MANAGEMENT

Article 17

Monitoring

1. Transboundary lakes and their watersheds are subject to the continuous monitoring to keep under control their quality and biodiversity.

2. The monitoring program of the transboundary lakes is part of the National Environmental Monitoring Program. It is prepared and implemented under the guidance of the Ministry of Environment, in cooperation with Directorate General of Forestry & Pastures (DGFP), Fisheries Directorate and other specialized agencies. There is a special program for each transboundary lake.

3. The monitoring programs include:

- a) identification of the indicators to be measured;
- b) identification of measurement methods and methodologies;
- c) frequency of measurements;
- d) methods and methodologies of analyses and data review and processing to achieve scientific conclusions;
- e) definition of rules and procedures for the monitoring expertise;
- f) approval of registers, which reflect the monitoring data.

4. Physical and legal persons that have been issued the environmental permit for implementing activities in the lakes, their shores and watersheds are obliged to monitor their own activity, according to the monitoring program, register the data in their individual register and publish them not less than once in three months. The expenses for the monitoring of the activity are borne by the physical or legal person himself.

5. The environmental Inspectorate and the administration for the protection of the zone, control the monitoring data register and when they are suspicious on their reliability, they order the monitoring expertise. The expenses for the expertise are borne by the physical or legal person himself.

Article 18

Inventory

1. The inventory of species and their habitats in the transboundary waters and watershed is prepared so that they are protected from endangerment or extinction and continue their normal life. Based on the inventory, a program of action and measures for the biodiversity and habitat protection is drafted and implemented.

2. The inventory is prepared under the supervision of the lake administration

and with the participation of the specialised bodies and institutions and environmental non-profit organizations.

3. The Minister of Environment approves by a separate regulation, the rules, criteria, methodologies and standard documents for conducting the inventory, which are prepared by the specialized scientific institutions.

Article 19

Filing

1. The regional filing is established for flora and fauna species of each transboundary lake, as part of the National Filing. The Filing is scientific documentation where the whole lake and watershed biodiversity is reflected. It is open for the public.

2. The criteria for the drafting of the establishment of the filing system, management and utilization rules will be processed by specialized central and local bodies and approved by a regulation of the Minister of Environment.

3. The administration of lake protection proposes, on case by case bases, to the Minister of Environment, National Water Council, DGFP, Forestry Department and local government bodies, temporary or permanent measures to enhance biodiversity protection.

Article 20

Management

1. The management of transboundary lakes is realized on the bases of the management plans prepared by the Ministry of Environment, in cooperation with relevant ministries, local government, research institutions and environmental non-profit organizations.

2. The management plans of transboundary lakes include:

- a) objectives of lake management;
- b) identification of duties and responsibilities of various state bodies, research institutions, environmental organizations and local communities for the management and protection of lakes.
- c) threatening processes and activities to the lakes;
- ç) measures to mitigate or reduce the identified threats;
- d) permitted activities in the lakes, their shores and watersheds;
- dh) terms for tourism and other services controlling;
- e) terms for the continuity of the traditional activities of the local inhabitants;
- ë) terms to share with the local communities the benefits from the proclamation and management of lakes as protected areas;
- f) terms for scientific research, inventory and monitoring;
- g) financial sources, including those that generate income;
- gj) other special conditions for a certain lake.

The management plans should comply with the international conventions on the lake protection and management, as well as be in compliance with the agreements signed with the neighbouring countries.

3. The conditions and criteria of the management plans are obligatory for all physical and legal persons, public or private, Albanian or foreigners, whose activities

are implemented in the lake and in the watershed area. The lake administration, REA, Directorate of Forest Services, Directorate of Fishery, Water Authority and the DGFP, each in its own direction, follows the priority implementation of the management plan requirements.

4. The stakeholders in drafting the management plans are obliged to review and update the management plan no later than once in two years. They should notify the neighbouring countries for any change or amendment made.

CHAPTER VI

CONTROLLING

Article 21

Controlling

1. To ensure the implementation of this law and other regulations requirements, the transboundary lakes, their shores and watersheds, as well as the activities that are implemented in them, are subject to a continuous and permanent environmental controlling.

2. The economical, commercial, tourist, social and sportive activities exercised in the lakes, their shores and watersheds, are comprehensively controlled, to investigate the potential adverse effects on the environment and particularly to assess the compliance with the requirements of the environment and other permits, issued to them, in accordance with the legislation in force.

3. The controlling is exercised by the Water Authority, lake administration, Environmental Inspectorate in cooperation with the Inspectorate of Fishery, Construction Police, Forest Police and Municipal Police, as well as by the agencies that have licenced these activities, according to the competences provided by law.

4. Within five days from the finalisation of the controlling, the Environmental Inspectorate publishes the results and measures to be taken for the improvement of the situation.

CHAPTER VII

SANCTIONS

Article 22

1. When the violations of this law provisions constitute a penal act, the Environmental Inspectorate and the lake administration can open a case for penal prosecution.

2. The following violations, when not constituting a penal act, are referred as administrative contraventions:

- a) undertaking of prohibited actions, defined in point 1, Article 14 of this law;
- b) exercising of activities without environmental permit;

- c) non-compliance with the terms and requirements defined in the environmental permits;
- ç) contamination and damages of the lake waters, by discharging into them, liquid, solid, and gaseous discharges, which damage water quality, biodiversity and beaches, is punished by a fine and licence revocation.
- d) violation of the requirements and rules for the operation of plants and installations for the treatment and purification of the waste water in the area, and for processing and disposal of solid waste;
- dh) failure to monitor the activities implemented;
- e) failure to keep monitoring registers;
- ë) failure to provide and publish the monitoring data;
- f) failure to notify the population of the water contamination, caused by discharges above admissible levels, potential health risks and protective measures to be taken;

Article 23

1. For the administrative contraventions, defined in Article 22, fine penalties are imposed as follows:

- a) for letters "dh", "e", "ë" and "f".... from 100 000 up to 300 000 lekë;
- b) for letters "b", "c" and "d"..... from 300 000 up to 500 000 lekë;
- c) for letters "a" and "ç"..... from 500 000 up to 1 000 000 lekë.

2. Besides the fine penalties, the Environmental Inspectorate can decide on the temporary or permanent closing down of the activity, depending on the level of pollution and damage caused.

Article 24

Complaint

1. The complaints relating to the decision of the Environmental Inspectorate can be made, within 10 days from the date the announcement or notification of the decision is taken at the Minister of Environment. The Minister responds in writing within 15 days from the depositing of the complaint.

2. The complaint against the decision of the Minister of Environment or when he does not respond within the timeframe of 15 days can be made within 30 days at the district court where the contravention has occurred.

Article 25

Transition and final dispositions

1. In compliance with the requirements of Article 6 point 1,8, Article 14, point 2, Article 16 point 2 of this law, the Council of Ministers is charged with the issuing of by acts and regulations.

2. The Council of Ministers is charged with the definition of the technical, administrative and financial measures to remove within 2004, from Lake Ohrid Watershed the dump of iron-nickel waste.

Article 26

Entry into force

This law enters into force 15 days after its publication in the official gazette.

Chairman
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