

L A W
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“ON ENVIRONMENTAL PROTECTION”

Pursuant to article 59 paragraph 1/d, 78, 81 paragraph 1 and 83 paragraph 1, of Constitution, upon proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER 1

GENERAL PROVISIONS

Article 1

The Law Objective

This law regulates the relation between the man and the environment, protects the environmental elements and processes and guarantees the material conditions for the sustainable development by completing the necessary legal frame for the implementation of the constitutional right to have an ecologically sound environment. The law aims at:

- a. The rational use of the environment, the reduction of the discharges into and pollution of the environment, prevention of its damage, rehabilitation and restoration of the damaged environment;
- b. The improvement of environmental conditions, related to the quality of life and protection of public health;
- c. The preservation and maintenance of natural resources, renewable and non-renewable, a rational and efficient management by ensuring their regeneration;
- d. The coordination of the state activities to meet the environmental protection requirements.
- e. The international cooperation in the field of environmental protection
- f. The promotion of public participation in the environmental protection activities
- g. The coordination of the economic and social development of the country with the requirements of environmental protection and sustainable development.
- h. The establishment and strengthening of the institutional system of environmental protection on national and local level.

Article 2

The field of application

The protection of environment from pollution and damage constitutes a national priority for all state institutions, physic and legal persons, foreign and nationals that

exercise their activities within Albanian territory.

Article 3

Definition of terms

For the purpose of this law:

1. "*Environment*" is the entity of interactions of biotic and non biotic elements, which enhance and feed the living life on earth, including the natural biophysical environment of air, soil, water, diversity of biologic ecosystems, human health, values of cultural, scientific, religious and social heritage.
2. "*Environmental protection*" means an activity aiming at the prevention, restriction of pollution and deterioration of environment as well as environmental regeneration, preservation and improvement.
3. "*Environmental pollution*" is the direct or indirect introduction of substances, vibrations, energy, heat, radiation, noise and biological factors in air, water and soil, which can change the environmental quality and damage the life.
4. "*Environmental damage*" means deformation of the physical, chemical and structural features of the natural ecosystem; reduction of biological activity and diversity of natural ecosystems; damage of ecological balance and life quality caused mainly by water, air or soil pollution and natural disasters, as well as from overuse of natural and mining resources.
5. "*Discharge in the environment*" is the discharge or release into the environment, in a direct or indirect way, of gaseous, solid or liquid substances, energy, vibrations and noises, from one or several stationary, movable or diffused sources.
6. "*Hazardous substances*" are substances, the production, transportation, storage, use or discharge in the environment, from their characteristics, damage or are likely to damage the human health, environmental quality, flora, fauna, biocenosis and biotopes, due to their properties.
7. "*Wastes*" are substances, objects or parts of them, determined by the relevant authority, which are no longer used or which the owner likes to carry away. These materials will be considered wastes, as long as the materials taken from them or the energy generated are not included on the production process.
8. "*Hazardous wastes*" are the erosive, toxic, corrosive, explosive, inflammable, carcinogenic, infective and radioactive substances that can alter the natural state of water, soil or air with grave consequences for human health and natural ecosystems.
9. "*Environmental indicator*" is a variable that provides information on an environmental phenomenon in a summarized and simple way, making it perceptible by giving a numerical value to the measurement and communication. The environmental phenomena related with the quality of the environment and its elements, discharges into the environment, environmental pollution and damage, biodiversity and its damage or conservation level, measures taken for environmental protection.
10. "*Environmental monitoring*" is the collection, assessment and generalization of the environmental information through a continuous and periodical surveillance of a set of qualitative and quantitative indicators that characterize

the environmental elements and their changes, due to the impact of natural and human factors.

11. "*Activity having an impact on the environment*" is any economic and social activity, which makes use of the environment or its elements or discharges into the environment substance and energy, by changing the environmental qualities.
12. "*Environmental impact*" is any change of the physical environment, including health, economical, social, aesthetic, natural and physical consequences.
13. "*Transboundary environmental impact*" is any impact on an area located in the jurisdiction of a country, when the activity is performed entirely or partially in an area under the jurisdiction of another country, which excludes the phenomena of global environmental impact (climate changes, international waters, biodiversity and soil).
14. "*Project*" means:
 - 1- implementation of the construction works, installations or schemes;
 - 2- intervention in the natural environment and landscape, including the exploitations of natural resources and mineral assets.
15. "*Environmental impact assessment*" (EIA) is the process undertaken to identify, foresee, interpret, measure, communicate and prevent the impact of a project on the environment, according to its alternatives, so that the best alternative to prevent or mitigate the adverse impacts is selected, prior to project approval and implementation.
16. "*Strategic environmental assessment*" is the process of assessing the possible impacts on the environment, of a policy, plan or program.
17. "*Environmental declaration*" is the official document issued by the Minister of Environment, after the review of the request and relevant documentation for the approval of the project, plan or program, according to paragraph 14, point 1 of this article. The declaration might refuse or approve the forwarded request, accompanying it with obligatory conditions to be implemented by the proponent and competent authorities.
18. "*Environmental permit*" is the official document, issued by the Ministry of Environment, after the review and consultation of the request and its relevant documentation, with all the concerned stakeholders. The permit approves the exercise of any activity having an impact on the environment, and determines the conditions and circumstances to be obligatory implemented, in order that pollution and damages on environment do not exceed the allowed norms.
19. "*Environmental quality norms*" are a series of requirements, to be met at a certain time, in a certain element of the environment, regarding the content of pollutants in various parts of air, water and soil, whose values should not exceed the allowed levels.
20. "*Pollution above environmental norms*" means the exceeding of the environmental quality norms.
21. "*Norms on environmental discharges*" refers to the highest admissible level of pollutant's content in the discharges, for a given period of time. Norms on discharges are applied at the points where the discharges run off the installation, without being diluted.
22. "*Natural resources*" are biotic and abiotic elements that are used or can be used by people to meet their needs.
23. "*Renewable sources*" are natural resources regenerated in a natural way or

which can be totally or partially regenerated with other ways. All the other sources are non-renewable.

24. "*Historical environmental damage*" refers to the pollution with hazardous wastes or substances in industrial areas and its surroundings, caused by the activities of the enterprises, which are actually operational, closed down, abandoned, privatized or given on concession and which continue to pose a risk to human health and the environment.
25. "*Sustainable development*" means development that meets the needs of the present without constraining or affecting the opportunities and capacities of the future generations to meet their own needs.
26. "*Sustainable use*" of natural and mineral resources ensures the meeting of present needs without jeopardizing the needs of future generations for these resources.
27. "*Best available techniques*" represent the most advanced and efficient phase in the development of an activity, which can be completely implemented from the practical and economical viewpoint.
28. "*Precautionary principle*" is the undertaking of necessary decisions and actions to reduce the environmental risk, prevent and reduce every future damage of the environment at the appropriate time.
29. "*Prevention principle*" is the selection and approval at an early stage of decision-making, of the most effective alternation to avoid the harmful impacts of an activity on the environment.
30. "*Recovery principle*" is the necessity to repair environmental damages, caused by physical and legal persons, and to regenerate and rehabilitate the damaged environment.
31. "*Polluter pays principle*" refers to the costs paid by the polluter for the improvement of the polluted environment and its restoration in an acceptable state. This is reflected in the costs of production, consumption of goods and services that cause pollution.
32. "*Installation*" is a static technical unit where one or more polluting activities, or other activities that have technical relation with the activities performed in a site and which can have an impact on the discharges and pollution of the environment. Installation or activity is existing when:
 - a) it is functioning and operating in compliance with the existing legislation before the entry into force of this law; b) it is in the process of providing an environmental permit, before the entry into force of this law, c) which has been accorded an environmental permit, but it is expected to be put into operation not later than one year after the entry into force of this law.
33. "*Dumping in the environment*" refers to every pouring, spreading, extraction, drilling, unloading, emptying, subsoil injection, sliding, rinsing, evaporation, depositing, discarding in the environment, including the abandoning or throwing of barrels, tankers, and other closed containers, from the use of products outside the production country.
34. "*Transfer*" is the movement outside the production country, of the pollutants for use, resource, storage, processing, energy recovery, recycling or disposal – the movement to the country of production of potential pollutants for processing, energy recovery, recycling and disposal.
35. "*Diffused sources*" refers to many small sources, which can emit pollutants

into soil, water and air, whose combined impact in the recipient environment is significant.

36. "*Environmental assessment*" is the periodical reassessment of environmental management and protection, performed by physical and legal persons for installations or activities that are granted environmental permits.
37. "*Environmental management system*" covers the institutional frame, policies, action plans, and technical-administrative measures for environmental protection, certified by international bodies like ISO and EMAS.
38. "*Public authority of environmental protection*" is the Ministry of Environment with its bodies and structures, environmental bodies in state institutions on central and local level, as well as any central or local body established subsequently to them.
39. "*Public authority of environmental management*" refers to the central and local governmental bodies, which are entitled by law to environmental management and its elements.

Article 4

Basic Principles of Environmental Protection

Environmental protection is based on these principles:

- a. Principle of sustainable development
- b. Principle of precaution
- c. Principle of prevention
- d. Principle of "polluter pays"
- e. Principle of environmental damage repairing, recovery and regeneration
- f. Principle of legal liability
- g. Principle of high level protection
- h. Principle of integration of environmental protection in sector policies
- i. Principle of public awareness and participation in environmental decision-making
- j. Principle of transparency in environmental decision-making

Article 5

Elements of Environmental Protection

The main strategic elements of environmental protection are:

- a. The prevention and reduction of pollution of water, air, soil and pollution of any kind;
- b. The conservation of biological diversity according to the country's natural and biogeographically background;
- c. The rational use of the natural and mineral resources and the avoidance of their over exploitation;
- d. The ecological restoration of the areas damaged by anthropic activities or other natural destructive phenomena;
- e. The preservation of ecological balance and life quality improvement.

Article 6

Regulation with special dispositions

The protection of air, of natural and mineral resources, of water, soil and forests with their relevant ecosystems, pastures, protected areas; the administration of hazardous substances and wastes, solid and liquid wastes, coastal areas and marine environment, the protection of nature and biodiversity are regulated by specific law.

CHAPTER II

ENVIRONMENTAL POLICIES

Article 7

State policy on the environment

1. The state policy of environmental protection aims at the implementation of the requirements of the Constitution of the Republic of Albania on the environment. All state bodies are committed for its formulation and implementation, each of them in their own line.
2. The national strategy, special sector strategies or strategies on environment elements, national and local action plans are documents of the state environmental policy.
3. The state bodies charged by the law with the management of environmental constituents, in the national or local sector policies like transport, energy, agriculture, tourism, industry, services, territory planning and economical and social development in general, ensure that the economical and social development is in harmony with the environmental protection and improvement of the quality of life.

Article 8

Environmental strategies and programs

1. The national strategy and action plan on environment and its elements, are approved by Council of Ministers' Decision, at the proposal of the Minister of the Environment. The strategy for environmental protection covers a period of at least a decade.
2. At the end of every year, the Minister of Environment submits the annual report on the implementation of the environmental strategy and action plan to the Council of Ministers for review.

Article 9

Sector strategies

1. The sector action plans and strategies of a national character are developed, in compliance with the principles and priorities of the national environmental

- strategy for every environmental element and priority sectors.
2. The strategies, plans and programs for the development of the economy and its individual branches on national regional or municipal level should ensure the integrated environmental management, according to the national environmental strategy.
 3. The approval of the documents of paragraph 1 and 2 of this article is made by Council of Ministers' Decision, only if the environmental declaration has been positive.

Article 10

Local environmental plans

1. Local government bodies develop action plans on environment, in compliance with the requirements of the national environmental strategy.
2. Line ministries assist the development and implementation of the local environmental plans, by providing the necessary information and technical expertise.
3. Local government bodies should involve the public and environmental or professional non-profit organizations and business organizations, in the development and approval of the programs and plans.
4. The chairmen of the municipalities should report to the Region Council about the implementation of the local environmental action plan, every year.

CHAPTER III

THE USE AND PROTECTION OF THE ENVIRONMENTAL CONSTITUENTS

Article 11

Equal protection

Environmental constituents are protected and preserve separately from and closely linked with each other in their interaction and integrity. The protection of environmental elements includes the equal protection of quality, quantity and resources, proportions and processes among them.

Article 12

Soil protection

1. Soil protection guarantees the sustainable protection of its natural functions. Soil protection includes the surface area and the subsoil layer, the soil, rocks and minerals, the natural or transitory processes and formats, its balance of water, air, and terrestrial flora and fauna.
2. Land use activities for the purposes of agricultural, livestock, aquaculture, subsoil and above subsoil transportation development, and exploitation of its

mineral and water resources, as well as any other activity installed on it, should not contaminate the soil above admissible levels and cause harmful changes in the soil quantity, quality and its related ecosystems.

3. Depositing of substances and wastes into the soil, should be done so as to avoid its pollution and damage.
4. The physical and legal person, who has used the soil, is obliged to make the necessary adjustment to rehabilitate the area or to restore it to the previous state.

Article 13

Protection of humus layer

1. The humus layer is put under special protection.
2. The Minister of Environment in cooperation with the Ministry of Agriculture and Food defines the criteria, regulations and measures for the protection of the humus layer.

Article 14

Water protection

1. Water protection includes surface and ground waters, their sources, quality and quantity, beds and banks of surface waters and aquifer formations.
2. Water protection should ensure the prevention of the further destruction of the surface water quality and exceeding of the respective quality norms, recovering of contaminated surface water quality, and achievement of the water quality objectives, prevention of destruction of ground water quality, rehabilitation of the contaminated ground waters, improvement of the balance of extraction level and natural regeneration of ground waters, protection of water flora and fauna.

Article 15

Criteria on the use of water resources

The main environmental criteria for using water resources are:

1. The speed of natural flow, course of the flow, circulation, the bed and banks of waters can be changed only through maintaining appropriate ratio of the water biocenoses and ensuring conditions for its functioning.
2. The activities related with water use and especially with hydraulic and hydro technical interventions should ensure that waters:
 - Remain a landscape forming factor and cause no sliding and preserve water ecosystems
 - Are able to raise marine and terrestrial fauna and flora
 - Provide conditions for enabling their further use, from the qualitative and quantitative aspect.
3. Special protection will be provided for natural sources, which supply drinking water, waters used by food industry, waters used for mineral and

medicinal use and other waters, which are significant for nature conservation as well as for recreational purposes and medical treatment use. The Minister of Environment through the specific cooperation with the Minister of Health, Minister of Industry and Energy, Minister of Agriculture and Food, Minister of Territory Adjustment and Tourism and Minister of Culture, Youth and Sports, will approve the criteria for the above categorization of waters and define the rules, procedures and measures for their use and environmental protection.

4. Water use, discharges into water and discharge of treated or untreated wastewater should endanger neither the natural processes conditions, nor the qualitative and quantitative regeneration.
5. Water extraction, its return to the waters of origin and the inter-basin transfer should not affect the reserves, should not change unfavorably the quality and biological assets of the water source and recipient environment and should not risk the water self cleaning process.
6. The industrial activities that discharge waste water, should provide for stations for waste water treatment since project design and construct it before the activity becomes operational.

Article 16

Air protection

1. Air protection includes the atmosphere, its processes, content and climate and is regulated by a special law.
2. Air protection should ensure the protection of health of plants and animals, their communities and habitats, natural and cultural values from the negative impacts, the prevention of the damages and threats to the society from the aggravated quality of the atmospheric air, reduction of ozone layer depletion and climate changes deriving from human activities, protection of the atmospheric air in undamaged areas and its improvement in other zones of biocenoses and biodiversity conditions. It should also ensure that their functions for guaranteeing the sustainable development of the population in their natural environment are not risked.
- 3.

Article 17

Ozone Layer Depletion Equipments

1. The import and the production of equipments that make use of substances that deplete the ozone layer are not allowed.
2. The list of equipments that are not allowed to be produced and imported for using ozone layer depletion substances, as well as the rules for the procedures of their substitution in the existing equipments are approved by the Council of Ministers, based on the proposal of the Minister of Environment.

Article 18

Protection of biodiversity

1. The protection of biodiversity includes all the living organisms, their biocenosis and habitats.
2. The flora and fauna can be used only if there is no damage in the natural processes, the biocenosis and biodiversity's conditions, and their functions to ensure the sustainable development of the populations in their natural environment are not endangered.

Article 19

Protection of human built environment

1. Protection of built environment from human activity includes residential areas, individual constructions and technical engineering structures, historical and cultural monuments, tourist areas, green and forest zones within and around the residential centers.
2. Human built environment is based on national, regional and local development plans that ensure the environmental protection, the tourist, the historical and cultural values, the carrying capacities from the environmental point of view as well as the function and aim of their construction.

Article 20

Waste management

Waste management aims at the prevention, reduction and limitation of the harmful impacts of wastes on human health and the environment. Waste management aims at:

- 1- the prevention of the creation and the treatment of wastes, using advanced techniques and technologies that ensure:
 - a) The sustainable use of resources;
 - b) The production of products that do not create risks of waste and pollution;
 - c) The appropriate final disposal of hazardous substances, found in the wastes as well as opportunities for their recycling or processing.
- 2- the recycling, reusing and regeneration of wastes in other processes.

Article 21

Obligations of legal persons for wastes

Physical and legal persons whose activity creates or elaborates wastes are obliged to use processes and techniques that:

- o Pose no risk to human health, water, air, soil, plants and animals;
- o Cause no additional noise or stink;
- o Cause no irreversible damage to nature or to the special purpose of the area,

where they operate.

Article 22

Importation of hazardous substances and waste

1. The importation of hazardous substances and wastes, as well other waste or residues, to the Republic of Albania, for the purpose of storage, depositing or disposal, is banned.
2. The Council of Ministers approves the list of hazardous substances and wastes and other wastes and residues, whose importation is banned, according to point 1 of this Article, based on the Minister of Environment proposal.
3. The importation of any kind of waste for use, elaboration or recycling purposes is made according to the rules, procedures, quantities and deadlines approved by the Council of Ministers, on Minister of Environment's proposal.

Article 23

Transit transportation

The transit transportation of hazardous wastes and substances through the territory and inland waters of the Republic of Albania is allowed only if it is provided for in international acts where the Republic of Albania is a Party. In such cases, the permit for transit transportation is issued by the Council of Ministers, in compliance with the safety regulations, approved by it and proposed by the Minister of Environment, in cooperation with the relevant ministers, depending on the type of hazardous substances and wastes.

Article 24

Hazardous substances

Special law regulates the production, use, storage and transportation of the hazardous substances, as well as the management of hazardous technologies.

Article 25

Environmental charges and taxes

1. The use of environmental elements to meet individual needs is free of charge, with the exception of cases when the law provides for otherwise.
2. The use of environmental constituents for profit purposes is subject to the payment of the charge for the use of natural or mineral resources, as provided for in special laws.
3. Physical and legal persons who use produce with high pollution potential and who discharge into the air, water and soil, are subject to environmental taxes.
4. The products and pollutants, on which the environmental taxes will be applied, the type and extent of the taxes, as well as the procedures and rules of tax

collection and its use for environmental protection are regulated by special law.

CHAPTER IV

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Article 26

EIA Process

1. The public and private projects of legal and physical persons, national or foreigners, which apply to exercise activities in the territory of the Republic of Albania and can have a significant impact on the environment should be subject to the process of environmental impact assessment, before the approval and implementation of the construction.
2. The physical or legal person who aims at realizing a project or activity, firstly communicate with the local government bodies, the public and local environmental non-profit organizations, by presenting to them in not less than two variants: the type of activity that he/she will perform, the capacity, technology, environmental impacts and measures to mitigate these impacts. The proponents will reflect these communication and preliminary attitudes of the local government bodies, public and non-profit organizations, in the documentation accompanying their request.
3. The documentation accompanying the request for approval of the project contains: the project description, information on the location, the technical project, the descriptions of measures to avoid, reduce or rehabilitate the possible negative impacts on the environment, necessary data to identify and measure these impacts, several alternatives and other information required by the competent authority. The proponent is responsible for the reliability of the documentation, he has handed over to the authorities.
4. After the preliminary screening of the request and accompanying documentation, the competent body, whenever deemed necessary requires its completion by the proponent and officially accepts it for review, only after he is convinced that the relevant documentation complies with the law.
5. The projects that are subject to this process, the criteria for their selection, the procedures of asking and undertaking the process of EIA, the procedures for reviewing the relevant documentation, the decision making and follow-up on the implementation of approved projects, as well as public participation in this process, are established by special law.

Article 27

EIA in transboundary context

1. In cases when projects subject to EIA may have an impact on the environment of the neighboring country, the Republic of Albania implements the principles of the UNECE Convention on EIA in Transboundary context, to

- which it is a party, as well as other general principles and norms of the international environmental law.
2. Special law regulates the procedures of EIA in transboundary context.

Article 28

Strategic Environmental Assessment (SEA)

Policies, plans and programs on the development of transport, energy, tourism, industry, services, territory adjustment, and economic and social development in general, are subject to the strategic environmental assessment. Special legal dispositions regulate its procedures.

Article 29

Projects of national security

1. Projects that represent state confidentiality in the field of national defense and security, subject to the EIA or SEA processes, are excluded from public consultation to guarantee the confidentiality protection.
2. The body that proposes and implements the project is responsible for the implementation of the environmental declaration or permit's conditions, by which the approval is declared.

Article 30

Competent Authority

The Ministry of Environment is the competent authority for screening the request and documentation prepared during the EIA and SEA process, as well as for issuing the decision through the environmental declaration and granting the environmental permit.

Article 31

Documentation screening experts

1. The Ministry of Environment, when necessary, appoints physical or legal persons, native or foreign, as outside experts to screen and assess the EIA and SEA processes documentation. They should have experience in the forecasting and identifying the impacts on the environment and should not have any contracting relationship with the proponent. The competent authorities assess their opponent evaluation.
2. The rules and levels of remuneration for experts are defined by the Council of Ministers, upon proposal of the Minister of Environment and Minister of Finance.
3. The Minister of Environment approves the requests of physical and legal persons to be recognized as experts for EIA and environmental auditing,

according to the rules, procedures and criteria, approved by the Council of Ministers.

Article 32

Covering of costs

The proponent covers all the costs related with the performing of the EIA and SEA process.

Article 33

Concerned parties

- 1) All the concerned parties take part in the EIA and SEA process, especially the local government bodies, the public and environmental non-profit organizations.
- 2) During this process, at an appropriate period of time, the competent authority makes available to the public, for consultation, the documentation submitted by the proponent.
- 3) The competent authority takes into account the opinion of the local authorities, public and non-profit organizations during the decision-making process

CHAPTER V

PERMITTING OF ACTIVITIES THAT AFFECT THE ENVIRONMENT

Article 34

Obligation to obtain a permit

1. In order to develop an activity, which affects or is likely to affect the environment, the physical and legal persons, native or foreign, are obliged to obtain the approval of this activity from the competent authority, as defined by this law.
2. The physical and legal persons should submit the request and relevant documents in order to get the approval for their activity.
3. The approval of the request is made by the environmental declaration, environmental permit, consent or authorization, according to the cases specified in this law.
4. The environmental declaration, the environmental permit, the consent and the authorization, are official documents that establish the conditions and the circumstances that must respect the approved activity in order to prevent and mitigate its impacts into the environment.

Article 35

Environmental Declaration

1. The Minister of Environment, after screening the documentation and consulting with all relevant stakeholders for the projects, strategies, plans of development, announces the official stand with the environmental declaration.
2. The environmental declaration describes the technical reasoning and legal support, provides the relevant arguments and measures to be taken to avoid, reduce greater impacts on the environment.
3. If the environmental declaration is negative, the relevant competent bodies do not approve the project, strategy or plan of development. If the environmental declaration is positive, the approval given by these bodies is in accordance with the content and conditions of the environmental declaration.
4. In case the approved project does not start its implementation within two years from the issue date of the approval, the environmental declaration becomes invalid and the application procedure starts from the very beginning.
5. If the project implementation is performed in compliance with the environmental declaration and construction permit, the competent authority issues the relevant environmental permit, in compliance with the requirements of this law.
6. The environmental declaration is published.

Article 36

Environmental permit

1. The exploitation of mineral richness and natural resources, the operation of installations for their utilization and technological processing and other activities, which have an impact on the environment and require an environmental permit are defined by a Council of Ministers' Decision, at the proposal of the Minister of Environment.
2. The environmental permit should be issued also to the extension and reconstruction activities, if they represent essential changes of their operation conditions, as well as to the closing down or dismantling of activities and installations. The Minister of Environment proposes new activities that should be granted an environmental permit.
3. The environmental permit is issued, rejected, reviewed and amended by the Minister of Environment, only according to the conditions previewed by this law. The Minister of Environment, upon proposal of the Chief Inspector of Environment, omits the environmental permit.
4. If the activity does not start, within one year from the date of the approval of the environmental permit, the permit is invalid and the application procedures start from the beginning.

Article 37

The documentation to obtain an environmental permit

1. The documentation to apply for an environmental permit and the elements of

- the environmental permit are defined by a Council of Ministers' Decision.
2. The determination of conditions and requirements defined in the environmental permit is based on the discharge norms, quality standards and best available technologies, which guarantee less amounts of discharges into the environment, the effective use of resources and energy and better protection of the environment.

Article 38

Deadlines for screening the request for environmental permit

1. The environmental permit is issued within 3 months from the submission of the request and is valid from the time the activity starts until the conditions, on which the permit was issued, do not change.
2. The competent authority can extend the time of issuing the permit up to 6 months, where the undertaking of very specialized expertise is necessary. If the authority that approves the permit, does not respond within the above deadline, the permit is regarded as approved.
3. The extension of the deadline, because of lack of data in the submitted documentation, is not calculated to the effect of point 1 and 2 of this Article.

Article 39

Concerned parties to the process

1. The process of issuing an environmental permit is open to all concerned parties, including States, in the case of transboundary impact on the environment.
2. The Ministry of Environment notifies and guarantees the access for all interested parties to application procedure to know the documentation, the declaration and the permit, for a period of one month.
3. The decision of permit issuing or rejection is published.
4. The physical and legal persons, the public and non-profit organizations can appeal against the decision in the district court, 10 days after the environmental permit is published.

Article 40

Renewal of the environmental permit

1. The environmental permit for mineral and natural resources exploitation is renewed every three years.
2. For other activities, the environmental permit is renewed not later than 5 years from the date of issue.

Article 41

Amendment of the environmental permit

1. The bodies that are responsible for issuing the environmental permit, can review,

modify or deprive the operators of the environmental permit, if:

- a. New ecological elements unknown at the time when the permit was issued are introduced;
- b. New environmental provisions are approved that require clearly its amendment;
- c. Pollution above admissible levels is identified;
- d. Essential changes have occurred to the activity;
- e. Improvements in the best available technologies are made to allow for significant reduction of environmental discharges and which are not very costly;
- f. Using other better techniques changes the requirement of technical safety.

2. The environmental permit, granted to a physical or legal person, who has not complied with the requirements of a Decision of the Environmental Inspectorate, will not be renewed as long as these requirements are not met.

Article 42

Change of property

When the activity having an environmental permit is transferred into the property or use of a new legal and physical person, the latter should implement the requirements of the existing environmental permit.

Article 43

Service fee

1. Legal and physical person, who obtains an environmental permit, will pay a service fee, fixed by the Minister of Environment. The amount of the fee should be deposited in the bank account of the body that issues the permit.
2. Projects or other initiatives, performed in the field of environmental protection, performed by physical and judicial persons or in the frame of aids given to Albania, are excluded from the payment of the service fees for the environmental permit and benefit fiscal facilities. These activities are defined case by case, in joint guidelines of the Minister of Environment and Minister of Finance.

Article 44

Obligation to have the environmental permit

1. The activities and that affect the environment cannot start to operate without having an environmental permit.
2. Legal and physical persons cannot start their activity other than in compliance with the conditions and requirements set in the environmental permits.
3. The activities having an impact on the environment when operate without an environmental permit are suspended, closed down, partially or totally stopped by the Environmental Inspectorate.

Article 45

Consent and authorization

1. The activities of local character having an impact on the environment, but not included in the Council of Ministers' Decision, referred to in point 1, Article 36 of present law, are approved by the Regional Environmental Agencies, in cooperation with local government bodies. The approval for these activities is given in the form of consent or authorization.
2. According to this article, the Minister of Environment approves the list of activities, the format of application, the rules and procedures for giving the consent or authorization from the regional environmental agencies.

Article 46

General obligations

1. During the implementation of the activities, the physical and legal persons should ensure:
 - a. The implementation of all possible measures that prevent pollution discharges and environmental pollution.
 - b. The prevention and reduction of waste and wherever their use is not technically or economically possible, their neutralization, by avoiding and reducing their impact on the environment.
 - c. Prevention of industrial accidents and limitation of their consequences.
 - d. Restoration of the site in satisfactory environmental conditions, after the conclusion of the activity.
 - e. Information provision about every planned change of the technological line.
 - f. Informing of the Regional Environmental Agency, not less than once in three months about the results of self-monitoring and at any time, about all accidents or emergency situations, having an adverse effect on the environment.
 - g. Meeting of the requirements of the Environmental Inspectorate when controlling their activities.
 - h. Informing of the public on the state of the environment and environmental profile of their activity.
 - i. Keeping of registers on environmental discharges, water use and energy and applied techniques.
2. The requirements of this article are implemented as follows:
 - a) For new activities and installations, 1 year after this law enters into force
 - b) For existing activities, not earlier than 2 years and not later than 5 years after this law enters into force.
3. The Ministry of Environment in cooperation with the line ministries performs awareness campaigns to make the law requirements known.

Article 47

Certified Environmental Management Systems

1. The state promotes and encourages the implementation of the certified environmental management systems by the physical and legal persons.
2. To the physical and legal persons that implement certified environmental management systems, are created procedural facilitations during the EIA process and the permitting procedure. The Minister of Environment defines these facilitations by special guidelines.

Article 48

Environmental assessment

1. The physical and legal persons carry out, by their own expenses, the environmental assessment of the activities they exercise not less than once in three years. The environmental assessment must respect the methodology approved by the Minister of Environment.
2. At the end of the environmental assessment of its activity, the physical and legal person publishes the results and informs the local authorities and the regional environmental agencies.
3. In the cases when an activity, having the environmental permit, pollutes or damages the environment, the state bodies, the central or local ones, the public and the non-profit environmental organizations, ask to the Minister of Environment to order the environmental assessment of the activity.
4. The Minister make known his attitude within 30 days from the receiving of the request. Within 10 days from the declaration of his attitude, people can appeal to the district court against it.

CHAPTER VI

PREVENTION AND REDUCTION OF ENVIRONMENTAL POLLUTION

Article 49

Prevention of industrial accidents

1. Physical and legal persons, who use hazardous substances in their activities, are obliged to establish the system of accident prevention and control, in order to prevent the consequences for human life, health and environment.
2. The identification of activities which use hazardous substances, the criteria for the establishment of accident prevention and control system, the measures to be taken, the obligations of physical and legal persons, the controlling bodies and their competences are regulated by a Council of Ministers' Decision. The decision is taken upon joint proposal of the Minister of Environment, Ministry of Labor and Social Affairs, Ministry of Health and Ministry of Local Government and Decentralization.

Article 50

Environmental norms

1. Norms on environmental use, environmental quality and discharges into the environment are established to control and prevent the pollution and damage of the environment.
2. Depending on the features of the environment to be protected, nature of pollution, emergency facing and the practical ability to comply, the environmental norms are: national, specific for the areas that require special protection and temporary.
3. The norms on environmental quality, discharges into the environment and use of the environment are regulated with a Council of Ministers' Decision, at the proposal of the Minister of Environment and Minister of Health.
4. The Minister of Environment in cooperation with respective ministers and local government, sets specific norms for areas requiring special protection.
5. The definition of the norm values, as the admissible level for the use of the environment and its elements; the quantity, quality, concentration of substances and energy released into the environment, are based on the EU Directives, on the objectives of the national environmental state policy and on the best available techniques.
- 6.

Article 51

Temporary discharge norms for existing installations

1. For existing installations, the physical and legal persons submit to the Ministry of Environment, the program they will implement to comply with the new norms, within 1 year from entry into force of these norms.
2. On the bases of this program, the Ministry of Environment decides on the deadlines for the implementation of the approved norms, which cannot be longer than 5 years, from entry into force of these norms.
3. For physical and legal persons who do not submit the program, the deadline for the enforcement is 2 years after from entry into force of these norms.
4. During these time periods, the physical and legal persons apply the temporary environmental norms, which lead to progressive improvement of enforcement.
5. If physical and legal persons do not meet the conditions, and requirements of this Article, their activity is suspended until enforcement is achieved.
6. The temporary norms and modalities for establishing them are approved by the Council of Ministers upon proposal of the Minister of Environment.
7. If after the compliance with the temporary norms, there occur phenomena that seriously risk human health and damage the environment, the Environmental Inspectorate decides on the suspension or the permanent closure of the polluting activity or plant.

CHAPTER VII

MONITORING AND DATAS

Article 52

Environmental monitoring

1. The environmental monitoring, including the monitoring of environmental quality, pollution and damage, biodiversity, natural phenomena and discharges into the environment, is obligatory.
2. Monitoring of environmental quality, its pollution and damage, biodiversity, includes soil, water, air, flora and fauna and their relations to health.
3. The monitoring of natural phenomena includes meteorological, hydrological, seismological, radiation, erosion phenomena, and other natural geophysical phenomena.
4. The monitoring of discharges includes all types and kinds of discharges, caused by different activities of physical and legal persons.

Article 53

National Monitoring Program

1. The Ministry of Environment, in cooperation with other central and local bodies, prepares the National Monitoring Program, and also coordinates and controls the work for its implementation. Based on the data on pollution levels, it proposes concrete measures for the protection of cleanness of air, water, soil and the country's genetic fund.
2. Environmental monitoring is performed in accordance with the national Monitoring Program, which determines the indicators of environmental quality, discharges, pollution or damage, natural phenomena, biodiversity, methodologies of sampling, measurements, data processing, as well as their reporting and publication.
3. The monitoring of natural phenomena and environmental quality is the duty and responsibility of state bodies and is supported by the State Budget.
4. The national monitoring networks should be set up in accordance with national and international standards.
5. Accredited laboratories should perform the laboratory measurements and test.
6. The monitoring of discharges, pollution and damage of the environment, caused by human activities, and when deemed necessary even the natural phenomena resulting from them, should be performed and covered by the physical and legal persons, who run these activities and plants, in accordance with the environmental permits.
7. The Ministry of Environment controls the monitoring quality, the measurements, the application of methodologies, the qualification of the specialists participating in it, the used equipment and the reliability of results.
8. The rules and procedures for the development and implementation of the national program and establishment of the monitoring networks are defined

by a Decision of the Council of Ministers, at the proposal of the Minister of Environment.

Article 54

Environmental information

1. Information on the state of the environment includes:
 - a. Data on the state of environmental elements;
 - b. Data on the development of the economical sectors, which affect the environment, and their direct factors, which exercise pressure on the environment;
 - c. Data on the environmental impacts;
 - d. Data on activities, undertaken for the protection of the environment;
 - e. Data on the state and exploitation of the natural, biological, mineral and energy resources;
 - f. Data obtained from the national monitoring program implementation;
 - g. Data on environmental discharges, on environmental quality and natural phenomena.
2. The information is accompanied with explanations on the likely negative impacts with delayed effect on the environment and human health and with recommendations on the citizens' action in cases of verification of the negative impacts.

Article 55

Gathering of information

1. The information on the state of the environment is received and collected by the Ministry of Environment and its Regional Agencies, other ministries and central institutions, and local government bodies.
2. The environmental information is requested, drafted and submitted according to rules, defined by the Minister of Environment. The legal and physical persons should submit the information, within 15 days after the receipt of the request.

Article 56

Publication of information

1. The state bodies that collect the environmental data and information publish them through mass media or other appropriate means in an easy and understandable form for the public.
2. The state bodies and physical or legal persons, as soon as they observe any environmental pollution or damage, should inform the population about negative environmental changes, the measures taken for their limitation or avoidance, as well the actions to be undertaken from the citizens to protect their health and safety.
3. The physical and legal persons inform the buyer or consumers, at the time of

sale or service provision, in writing or orally, about the hazardous components of their goods or services, as well as about the negative impacts on environment and health.

4. The information which contains confidential data on national security or national commercial confidentiality, is administered according to the requirements of the Law No. 8457, date 11.2.1999, on "Information classified as state secret".

Article 57

National environmental information system

1. To ensure the collection, processing and publication of the environmental information, the Ministry of Environment establishes the National Environmental Information System. Its establishment and operation are regulated with a special law.
2. The National Environmental Information System is open to the public.
3. The Ministry of Environment prepares every two years the Status of Environment Report and presents it to the Council of Ministers for approval. The approved report is published through the written press or through the electronic media.
4. The Ministry of Environment publishes periodically its official bulletin and prepares other publications on environment.

Article 58

Pollutants registers

1. The Ministry of Environment prepares the National Register on the discharges, releases and transfers of pollutants into the environment, the use of water, energy, mineral and natural resources.
2. The National Register is compiled on the bases of the regular reporting of the operators, legal or physical persons, the relevant bodies responsible for the collection and processing of the environmental information.
3. The National Register is administered by the Ministry of Environment and is accessible to the public.
4. The data of the national registers are submitted in the format that ensures the identification of the contribution of the discharges, releases and transfers on the environment for every installation and pollutant, their location and destination in air, water and soil.
5. The format, content, deadlines and way of completing the national register, as well as the rules of its use and publication, are defined by an order of the Minister of the Environment.
6. The physical and legal persons regularly register the data in specific registers, approved by the Ministry of Environment. Based on these records, they report to the Regional Environmental Agencies and publish their data every three months.

CHAPTER VIII

ENVIRONMENTAL CONTROL

Article 59

State of environment control

1. The control on the state of the environment consists on the supervision of natural and human elements and factors, observation and registration of their changes, as well as supervision of the sources and causes of these changes.
2. The data collected as result of the control, serve for the verification of the environmental law enforcement, for the generation of data on the state of environment, revision or depriving of environmental permits and taking of other relevant measures, defined under this law.
3. The control is exerted permanently, continuously and repeatedly, in accordance with the parameters, sources and causes of environmental pollution or damage.

Article 60

Bodies that exercise control on the environment

1. The control of the state of the environment is the duty of the Environmental Inspectorate, of the employees assigned by the Minister of Environment, and Regional Environmental Agencies.
2. Forest Police, Construction Police, Sanitary Inspectorate, Plant Protection Inspectorate, Fishery Inspectorate, Hydrocarbons Inspectorate, Zoo- Veterinary Inspectorate and the controlling bodies of local governments, according to the relevant territorial units, exercise controls on the bases of the normative acts that regulate the specific activities of these bodies.

Article 61

Regulation of the activity of the environmental control bodies

1. The organization and activity of the environmental inspectorate, is regulated by a Decision of the Council of Ministers, at the proposal of the Minister of Environment. The coordination with other control bodies, the exchange of information, and undertaking of joint inspections are regulated by joint regulation among the relevant ministers.
2. The parameters of environmental assessment, the scope and methodologies of control, the detailed plans and interventions of a special character are prepared by the environmental inspectorate and Regional Environmental Agencies and are approved by the Chief Environmental Inspector, according to the regulation approved by the Minister of Environment.
3. For purposes of inspection and sampling, during the control, the environmental inspectors are authorized to enter in all sites and surroundings

- of the activity, subject to the environmental control.
4. The physical and legal persons during the controlling on their activity should create all the necessary conditions for the normal performance of the control.

Article 62

Control expenses

The physical or legal person, who has caused the environmental pollution or damage, covers the control expenses for the state of the environment, when the environmental pollution or damage is verified.

Article 63

Control Decision

1. On the bases of the control made, the Environmental Inspectorate decides, on a case by case bases, to close down, to suspend, to partially or totally stop the activity of the physical and legal persons, who have caused environmental pollution or damage and defines the relevant tasks for the improvement of the situation. The control results and decision are published.
2. The Minister of the Environment defines the rules on the management of this process.

CHAPTER IX

DUTIES OF THE STATE BODIES RELATED TO ENVIRONMENT

Article 64

Environmental institutional network

1. All the specialized bodies, entitled by law with the environmental protection in the Republic of Albania, represent the environmental institutional framework of the country.
2. The environmental institutional framework comprises of the Ministry of Environment, REA-s, Environmental Inspectorate, environmental bodies under the main central and local authorities, as well as inter-ministerial organisms, approved by the Council of Ministers to follow on important environmental issues.
3. The governmental central and local bodies, as legitimate administrators of various environmental elements, realize the protection of the environment through the implementation of this function.

Article 65

Definition and division of competences

The state bodies carry out the duties in the field of environmental protection by defining and clearly dividing their competences among central and local bodies as well as by extending in the long run the competences of the local government bodies.

Article 66

The Minister of Environment

Besides the responsibilities defined in the Constitution, the Minister of Environment exercises these additional competences in the field of environment:

1. Requests the Prime minister to suspend the approval of sector strategies and plans, which do not comply with the environmental declaration.
2. Consults the relevant ministers on the determination of environmental funds in each ministry and their rational use on national level.
3. Represents the country on the international activities, inter-governmental or inter-state organizations and programs, in the field of environmental protection.
4. Approves the approaches and methodologies for the development of the basic environmental protection activities.

Article 67

The Ministry of the Environment

As a central institution specialized in environmental protection and as a technical supporting body to the Minister of the Environment, the Ministry of Environment performs these main duties:

1. Cooperates and coordinates with central and local government institutions, with the public and non—profit organizations, to increase the level of enforcement of the environmental legislation.
2. Prepares the bilateral or multilateral draft agreements, protocols, projects and programs of cooperation with governments, with international bodies and organizations for the environmental protection and follows their implementation.
3. Studies the country needs for specialists and coordinates the qualification and specialization activities of the personnel dealing with environmental protection, in cooperation with the Ministry of Education and Science.
4. Supports projects about the scientific research, the improvement of the state of the environment, the introduction of ecologically clean technologies and the promotion of non-profit organizations activities.
5. Assists the local government bodies on environmental protection and on the preparation of the local environmental action plans.

Article 68

Experts' councils

1. In support of the activity of the Ministry of Environment, the following structures are established and operate:
A- The National Environmental Council
B- Councils on sector environmental policies
2. The councils are composed of personalities in the field of environment, representatives of research and education institutions, ministries, other central institutions, members of NGO-s etc.
3. The composition, the duties and the function, of this Council, as well as the expenses for its establishment and functioning are approved by the Council of Ministers upon the proposal of the Minister of Environment.

Article 69

Regional Environmental Agencies

1. The Regional Environmental Agencies (REA-s) are specialized bodies in environmental protection, depending on the Ministry of Environment and which operate on prefecture level.
2. While implementing the objectives and priorities of the Ministry of Environment, the REA-s:
 - Realize the enforcement of legislation for the protection of the environment on local level;
 - Assist the local government bodies in the field of environmental protection and management within their jurisdiction; cooperate with the local government for the development of local environmental actions plans, programs and projects;
 - Promote the use of clean technologies and introduction of environmental management systems;
 - Are involved in the process of the approval of the environmental permit and declaration, by performing the duties defined by the Minister of Environment in a special regulation. They provide the environmental consent and authorization for local activities
 - Develop and submit for approval in Prefecture's Council the biannual report on the state of the environment in the prefecture; this report is published after the approval.
 - Undertake awareness activities for the protection of the environment and cooperate with the community, the public and environmental NGO-s and professional business organizations.
3. The detailed rules for the organization, location and operation of the REA-s are defined by the Council of Ministers, upon the proposal of the Minister of the Environment.

Article 70

Environmental Inspectorate

1. The Environmental Inspectorate functions within the Ministry of Environment, as a specialized body on environmental control.
2. The Environmental Inspectorate is composed by: the Chief Inspectorate, inspectors of the Ministry of Environment and inspectors of the REA-s. The inspectors of the Ministry of Environment exercise their control activity in all the territory of the Republic of Albania, while the inspectors of the REA-s operate within the prefecture's territory.
3. The Chief Inspector of Environment, who is nominated by the Minister of Environment, leads the Environmental Inspectorate's activity.
4. The Minister of Environment defines the criteria for the nomination of the inspectors upon proposal of the Chief Inspector.
5. The Chief Inspector nominates and dismisses the inspectors.
6. The inspectors take extra remuneration for duty's difficulty, over their usual salary, based on a certain percentage of the charges they collect. The scale of this percentage is defined by Council of Minister's Decision, upon joint proposal of the Minister of Environment and the Minister of Finance.

Article 71

Main duties of the Environmental Inspectorate

1. The Environmental Inspectorate:
 - a) Exerts continuous control on the environment and the polluting activities in order to guarantee the protection of the environment through the enforcement of the environmental legislation and the conditions of the environmental permit and declaration.
 - b) Requests the participation of the local government authorities, of the representatives of the municipalities, of the non-profit environmental organizations and of the medias during the controls on the environment.
 - c) Creates the environmental file for every activity dotted with an environmental permit. The Minister of Environment defines the detailed rules on the format, content and the administration of the environmental file.
 - d) Assists the physical and legal persons to realize the self-monitoring, the verification and the implementation of the integrated management systems and controls their implementation.
 - e) Orders for the implementation of obligatory measures to be taken for the improvement of the state of environment, for the mitigation of the pollution and the damage of the environment.
 - f) Informs regularly the local authorities on the state of environment, on the approved activities, projects and installations, according to the dispositions of this law.
 - g) Controls the pollutant's register, the inner, technical and technological regulations and other documents related to the activity and the risks of pollution.
 - h) Imposes sanctions, according to this law and other legal acts that protect

- special constituents of the environment.
- i) Publishes the results of every exerted control.
 2. The control activity of the Environmental Inspectorate is reflected in standard documents approved by the Minister of Environment.
 3. The Minister of Environment defines the detailed rules for the functioning of the Environmental Inspectorate.

Article 72

Public medias

The public medias assist in:

1. the protection of national interests in the field of environmental protection;
2. the rising of the contemporaneous knowledge and culture on the environment;
3. the realization of the public's right to be informed on the state of the environment;
4. the diffusion of the technical and scientific achievements in the field of environment and of the national activities in this field.

Article 73

The local government authorities

The local government authorities represent the most important governmental structure for the administration and the protection of the environment that they have under jurisdiction, by implementing the responsibilities, rights and duties given to them by the law No.8652, of 31.07.2000 "For the organization and the functioning of the local government". In the field of environmental protection, they have the following duties:

- a. realize the implementation of the environmental legislation;
- b. draft local plans for the environmental protection and plans for the territory adjustment;
- c. publish the programs and measures for the protection of the environment;
- d. inform the public on the state of environment and local activities that are subject to the environmental impact assessment;
- e. promote and support the activities of the non-profit organizations for the environment, by drawing their opinion in the environmental decision-making process;
- f. define the sites for the collection and elaboration of the production and human life wastes, in accordance with the environmental criteria and development plans;
- g. organize the deposit of the wastes and hazardous substances as well as the protection of green areas in urban centers and around them;
- h. administer the urban wastes, the waste water treatment and solid wastes plants;
- i. discipline the transport and the constructions in the urban environment.

Article 74

Duties of the central institutions for the environment

For the implementation of this law, the central institutions have the following duties:

- a. integrate the environmental protection in the sector policies and strategies, having obtained before their approval the opinion of the Ministry of Environment;
- b. cooperate with the Ministry of Environment for the drafting and the implementation of the environmental legal framework, for the introduction of the best available and clean technologies, for the drafting and implementation of the environmental strategy and the relevant action plan, for the rehabilitation of the polluted and damaged areas and for the exchange of the data on the state of environment;
- c. publish the data they have on environment;
- d. cooperate with the local government authorities for the solution of the environmental problems;
- e. organize the implementation of the national monitoring program of the environment for the legal persons in their dependence.

Article 75

Environmental organisms in the governmental bodies

1. In the line ministries and in the local government are set up the structures for the protection of environment;
2. The Council of Ministers approves the organization, function, duties and responsibilities of this organisms, upon proposal of in line ministries and the Minister of Environment.

Article 76

National committees and inter-sector groups

1. Committees and inter-sector groups are established for the drafting and implementation of national strategies, programs and action plans for environment. Representatives of central and local institutions, scientific research institutes, non-profit environmental organizations and professional business organizations compose these bodies.
2. The compositions, functions and responsibilities of the committees and groups are defined by Council of Minister's Decision.

CHAPTER X

ROLE OF THE PUBLIC

Article 77

The right to environmental information

1. The public and non-profit organizations are informed about the state of the environment through the publications of the information made by the state bodies and physical and legal persons, as well as by requesting data from the state bodies.
2. The Minister of Environment defines the rules and procedures for the publication and provision of the environmental bodies by the environmental protection bodies.

Article 78

Public participation in environmental decision-making

1. The decision-making bodies ensure the participation and active role of the public and non-profit organizations during the decision-making process.
2. The Minister of Environment defines the rules and procedures that realize the participation of the public in the decision making of environmental bodies.
3. Everybody has the right to complain at the environmental state bodies about any activity that utilizes, threatens, damages or pollutes the environment. Further to taking measures, the state bodies should respond in writing to every request of this kind, within 1-month period, from the receiving date.
4. According to the conditions previewed by the law No.7866, of 6.10.1994 "For the referendums", the public and the non-profit organizations have the right to request the holding of general or partial referendums for environmental matters.

Article 79

Non-profit organization for environmental protection

1. Environmental non-profit organizations enjoy the right to be opponent to and to cooperate with the environmental protection bodies.
2. The Minister of Environment defines the obligatory rules and procedures for environmental bodies to accomplish the rights of these organizations especially as regards:
 - a) The formulation of policies, strategies and development plans and environmental protection programs;
 - b) The preparation and implementation of the management plans for various areas;
 - c) The preparation and implementation of monitoring programs;
 - d) The environmental control;
 - e) The EIA process and approval of the environmental permit;

- f) The preparation of legal and environmental normative acts

Representatives of non-profit organizations participate as members in councils and committees created for the environmental management and protection.

- 3. The Ministry of Environment supports the projects of non-profit organizations, according to the regulations approved by the Council of Ministers, upon proposal of the Minister of Environment.

Article 80

Professional business organizations

- 1. Professional business non-profit organizations present their views in institutional way for the management and protection of the environment. They participate in the preparation and implementation of programs of development, management and protection of the environment.
- 2. The Minister of Environment defines the rules and procedures for the communication of the public environmental institutions with the professional business organizations.

Article 81

Access to justice

In case of any threats, damage or pollution of the environment, the citizen, the public and non-profit organizations have the right to:

- 1) Ask the relevant state bodies, to take appropriate measures within the set deadlines and in accordance with their authority provided for by the law.
- 2) Have legal standing before a court of law against the public body or physical or legal person that has damaged the environment or are likely to damage it, in compliance with the provisions of the Code of Civil Procedures.

CHAPTER XI

SANCTIONS

Article 82

- 1. When the violations of this law constitute a penal act, the Environmental Inspectorate asks for penal proceeding.
- 2. The violations listed below, when not constituting a penal act, are regarded as administrative contraventions in the field of environmental protection:
 - a. The transit transportation, without permission, of hazardous wastes and substance through the territory and inner territorial waters of the Republic of Albania;
 - b. The importation of hazardous wastes and substances for the purpose of storage, depositing and disposal;

- c. The violation of the defined safety rules during the transit transportation of hazardous wastes and substances;
- d. The non-sending or submission of the information and data on the state of the environment within the deadlines;
- e. The non-accompanying of the information on the state of the environment with the recommendations on the citizens' actions, in the case of foreseen negative consequences on the environment.
- f. The non-informing of the population by the physical and legal persons on the occurring of environmental the pollution or damage, on the measures taken to reduce or eliminate them and on the citizens' actions.
- g. The non-provision of the buyers or consumers with the relevant information of the hazardous goods and services and on the likely negative effects or impacts;
- h. The opposing to or avoidance of the environmental auditing, by the physical or legal persons, when it has been ordered by the Minister of Environment;
- i. The violation of the EIA procedures by the experts;
- j. The undertaking of economic or social activities having an impact on environment, without an environmental permit;
- k. The violation of the relevant rules and guidelines of the Minister of the Environment about particularly endangered zones;
- l. The exceeding of the admissible levels of pollutant substances;
- m. The violation of the rules for the collection, deposit, storage, transportation and systematization of hazardous wastes and substances defined by the Minister of Environment.
- n. The abandon of activities, installations, plants and the non-making of the arrangements to bring the environment in the previous state or the non-accomplishment of the conditions for the rehabilitation of the environment, after the closure of the activity;
- o. The disrespect of the obligations during the making operational of the installations and activities.

Article 83

1. For the administrative contraventions previewed by the article 82 of this law, penalties are given as below:
 - a) for the letters "a", "b", "c" and "m" from 500 000 to 1 000 000 lek;
 - b) for the letters "j", "k", "l", "n" and "o" from 300 000 to 500 000 lek;
 - c) for the letters "d", "e", "f", "g", "h" and "i" from 10 000 to 300 000 lek.
2. Besides the penalties, the sequestration of means and substances that pollute or damage the environment is decided. In addition, depending on the level of the pollution or damage already caused, the temporary or permanent interdiction of the permit is decided. For every case of opposition to the application of above measures, the Environmental Inspectorate cooperates with the State Police.

Article 84

1. The Environmental Inspectorate has the right to set penalties for the administrative contraventions, as previewed by the article 83 of this law.
2. It can be an appeal against the decision for penalty, within 10 days from its notification, at the Minister of Environment, who has to respond to the appellation within 15 days from its deposit.
3. It can be an appeal against the decision of the Minister of Environment or to his non-response within the deadline of 15 days, at the Tirana District Court.

Article 85

The penalties for the administrative contraventions, according to this law, are deposited at the incomes account of the State Budget within 30 days from the day of the ultimate decision. For every day of delay, after the fulfilling of this deadline, till another deadline of 30 days, the transgressor should pay, apart the penalty, the sum equal to 10 percent of the penalty.

Article 86

1. The Chief Inspector or the Minister of Environment order the suspension or the permanent closure of the activity of the subject the do not respect completely and within the legal deadlines the measures and the sanctions decided by the Environmental Inspectorate. This measure is taken also against the subject that within the calendar year commit the same contravention. The suspension or the permanent closure is undertaken according to the danger that the activity represents for the environment and health.
2. Against the decision for the suspension or the closure of the activity from the Chief Inspector or the Minister of Environment it can be an appeal to the district court within 5 days from the day of the receipt of the notification.

Article 87

Environmental Funds

1. The income from penalties shall be used as financial support for the following activities:
 - a) Elimination of pollution and damage sources;
 - b) Designing of projects for the rehabilitation of ecologically damaged and polluted areas;
 - c) Scientific research, performance of studies and training of specialists;
 - d) Remuneration of environmental employees, experts and institutions of relevant fields who screen the documentation of the EIA.

- e) To afford the administrative expenses related to the control, to the EIA and to the monitoring programmes.

2. The income generated from tariffs of services are used in accordance with joint guidelines of the Minister of Finance and Minister of the Environment

Article 88

Other necessary acts

1. The Council of Ministers is charged to approve the sub-legal acts in application of the articles: 17/2, article 22/2, article 31/2, article 36/1, article 53/8, article 68/4, article 69/3, article 70/6, article 75/2, article 76/2 and article 79/3 of this law.
2. The Minister of Environment is charged for the extraction of the orders and guidelines in application of article 13/2, article 15/3, article 43/2, article 47/2, article 50/4, article 55/2, article 63/2, article 71/2 and 3, article 77/2, article 80/2 and article 87/2 of the present law.

Article 89

Abrogation

With the entry into force of this law, the law No. 7644, date 21.1.1993, "On Environmental Protection", Law No. 8364, date. 2.7.1998 "On some supplements and amendments to the Law No. 7644, date 21.1.1993 "On Environmental Protection", law No.8825, date 5.11.2001 "On some supplements and amendments to the law No.7664, date 21.1.1993 "On Environmental Protection"" and any other normative act which contradicts this law, is abrogated.

Article 90

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

Promulgated by the decree No.3490, date 9.10.2002 of the President of the Republic of Albania, Mr. Alfred Moisiu.