

REPUBLIC OF ALBANIA

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No. 8905, dated 6 June 2002

ON PROTECTION OF MARINE ENVIRONMENT FROM POLLUTION AND DAMAGE

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

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

PURPOSE

The purpose of this law is the protection of the marine environment of the Republic of Albania from pollution and damage, through prevention and deterrance of such harm caused by human activity in the sea and in the coastal zone as may corrupt the quality of water, may damage sea and coastal resources, endanger the fauna and flora, threaten human health and generally obstruct normal life in this environment.

Article 2

Definitions

For the purposes of this law:

1. "Marine environment" is the sea space of the Republic of Albania together with the fauna and flora, sea wealth, resources of the sea bed and sea subsoil including the coastal line, beaches, ports, harbors and land territories, the laggons and river deltas and lake stream running into the sea.

2. "Resources of the sea and coast" mean every mineral resource, biological variety, archeological and paleontological findings of the marine environment.

3. "Pollution" is the introduction by humans, directly or indirectly, of substances or energy in the marine environment that is harmful to the sea and coastal resources, corrupting to the quality of water, hazardous to human health and obstructive to sea faring and fishing.

3.1 "Large scale pollution" means complex and extensive pollution, the

elimination of which requires comprehensive measures and cleaning operations.

3.2 "Small scale pollution" means pollution of limited extent, the elimination of which can be handled with local means and resources.

4. "Dumping into the sea" means the dumping of substances and garbage from ships, sea platforms and installations, and from the coast.

5. "Sea sinking" means the advertant sinking into the sea of the ships, platforms, installations and every manner of cargo and equipment.

The sinking of materials foreseen in the international law and conventions which the Republic of Albanis is a party to is not considered sea sinking.

6. "Hazardous substances" means the substances the production, transportation, conservation, use or discahrge of which in the marine ennvironment, by their very properties, is harmful to human health, corrupting to the qualities of the marine environment, the flora, fauna and quality of life in general.

7. "Waste" means all kind of waste deriving from human activity, except for the substances listed in the annexes attached to this law.

8. "Polluted waters" means:

- a) Sewage waters;
- b) Liquid waste from any source;
- c) Hospital liquid waste;
- d) Every other waste dumped in sewage.

9. "Human activity" means:

- a) Sailing and transportation by ship or any other vessel;
- b) Exploitation of resources of the sea and seabed;
- c) Economic, trading and service activities on the coast;
- d) Maintenance, repair, and any other related operations involving ships, sea platforms and installation located on the sea and coast;
- d) Scientific research of marine resources, including in the sea bed and subsoil;
- dh) Geological, seismological, oceanographic studies, sample drawing and drilling.

10. "Platform" and "Pontine" means structures deployed on the sea for study, research or utility purposes.

11. "Installations" means equipment deployed in the sea such as pipes, cables, lines, etc., to facilitate the carrying out of activities.

12. "Sea burning" means the free thermo-destruction of waste and any burning substance in the waters of the marine environment.

Article 3

Protection

1. The marine environment constitutes an integral part of the territory of the Republic of Albania. The protection of the marine environemnt is subject to all the environmental laws and bylaws of the Republic of Albania and the international conventions, protocols, agreements which the Republic of Albania is a party to.

2. The cleanliness of the marine environment, its protection from pollution and damage is a duty of central and local governmental structures, civic organisations and citizens.

3. Especially obligated to protect the marine environment and to implement the provisions of this law are:

- a) legal and physical entities, public or private, national or foreign, that utilise the marine environment or carry out their activities in this environment;
- b) every deployment on the sea coast;
- c) every vessel deployed or sailing the sea;
- d) aeronautical craft flying over the marine environment.

CHAPTER II

ADMINISTRATION AND CONTROL OVER UTILISATION OF THE MARINE ENVIRONMENT

Article 4

Administration

1. The marine environment of the Republic of Albania is inalienable state property.

2. The administration of the marine environment is the responsibility of governmental bodies entrusted by law. No authority other than those recognised by law may authorise the utilization or exploitation of the marine environment.

Article 5

Utilisation and exploitation

1. The sea environment may be utilised and exploited for economic, trading, scientific, social, portual, tourist and military activities.

2. Utilisation and exploitation is the attribute of governmental structures, physical and legal entities, national or foreign, provided that the terms and conditions stipulated by law are fully observed.

Article 6

Forbidden activities

1. The following activities are forbidden in the sea environment:

- a) the dumping of hazardous poisonous and explosive substances and waste;
- b) the dumping of substances and solid matter defined in Annex I attached to this Law;
- c) the discharge of hydrocarbons and polluted waters;
- d) the discharge of solid substances and material of any kind and nature, with the exception of fishing vessels and equipment and the materials and resources needed for the construction of ports, pontines and other structures, in accordance with blue prints approved by the Ministry of the Environment and conditions set by

this Ministry.

- e) the dumping of waste and all manner of substance from the ships, platforms, installations and the coast;
- f) the transportation of hazardous substance and waste;
- g) the sinking of ships, cargoes and merchandise of all type and manner;
- h) the sinking and abandonment of any installation that used to serve for various activities;
- i) the construction and operation of equipment shedding ionian radiation;
- j) the burning of substances and materials of any kind;
- k) the entrance into ports with unclean vessels of any kind, make and loading capacity.

2. Waste defined in Annex II attached to this Law may be dumped into the sea only upon authorisation of the Ministry of Environment.

Article 7

Control authority

Control of sea environment and sea activity is exercised directly by the Inspectorate of Protection of the Environment, by portual authorities, by licensing authorities and other structures as defined by law.

Article 8

Object of Control

1. Control by the Environment Inspectorate is permanent and continuous.

Control is exercised over the condition and qualities of the marine environment, with regard to natural and human elements in such environment, for purposes of monitoring and recording change.

2. The Inspectorate exercises control over the impact produced by the various activities in the marine environment and enforces the implementation of the environmental law and the terms and conditions stipulated in the environmental permit.

3. For purposes of carrying out its duties, the Inspectorate interacts with portual authorities, the Fishing Inspectorate, the State Police and the Coast Guard of the Republic of Albania.

CHAPTER III

COLLECTION AND DISPOSAL OF WASTE

Article 9

Waste management regulation

1. The collection and disposal of waste created in the marine environment by economic and social activities and by anchored or sailing ships is subject to the provisions of this law and the by-laws ensuring its implementation.

2. Regulation governing the management of waste in the marine environment is designed jointly by the Minister of Environment, the Minister of Transports & Telecommunications and the Minister of Territorial Regulation and Tourism.

Article 10

Collection

Sea platforms, ships of gross tonnage above 400 BRT, and any activity taking place in the marine environment, are obligated:

- a) to carry waste collection containers in accordance with the type and proportions of the installation and activity;
- b) to use filters that separate water from used hydrocarbons;
- c) to record in a diary book the operations dedicated to collection and disposal of waste;
- d) to create internal monitoring systems and publicize the monitoring data.

Article 11

Waste disposal undertaking

1. Physical and legal cleaning entities are licensed to dispose of waste and used hydrocarbons discharged from the activities taking place in the marine environment.

2. The physical or legal entities administering marine waste are obligated to obtain an environmental license.

3. Licensing is subject to employment of the best available cleaning technologies.

Article 12

Turning in waste

1. Physical or legal entities operating activities in the marine environment and ships about to enter the port, turn in waste and used hydrocarbons to the licensed cleaning undertaking.

2. Before asking permission to enter the ports of the Republic of Albania, the captain of the ship is obligated to submit to port authorities a declaration on the hygiene of garbage containers.
3. Port authorities check the vessel to verify the truthfulness of the captain's declaration and the containers' condition.
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CHAPTER IV

POLLUTION MANAGEMENT

Article 13

Notification of pollution

1. Persons detecting pollution in the marine environment are obligated to give proper notification to the port authority or the closest governmental authority.
2. Ship captains, platform operators or persons of equal rank in any marine environment activity are obligated to notify port authorities immediately upon detecting pollution caused by hydrocarbons or hazardous substances.
3. Notification should include:
 - a) Name and other personal data of the notifier;
 - b) Coordinates of pollution;
 - c) Happening and detection time;
 - d) Description of pollution;
 - e) Source and cause of pollution;
 - f) Type and amount of pollutant;
 - g) Condition of the weather and the sea
4. The Port Authority upon verification of the truthfulness of notification, informs the Ministry of Transports and Telecommunications, the Ministry of Environment and the local government in the territory of which the pollution has taken place.

Article 14

Pollution elimination

1. The physical or legal entities causing pollution to the marine environment are obligated to clean up the polluted zone and return it to its previous condition. They are obligated to indemnify damages, as well.
2. In the first instance, the obligation to take steps to eliminate the pollution they may have caused falls upon the captain of the ship, the operator of the platform and persons of equal rank in other activities taking place in the marine environment.

Article 15

Cleaning operations

In the event of large scale pollutions, a cleaning operation is mounted in

accordance with the requirements of Law No. 8756 dated 26 March 2001 "On civil emergencies".

Article 16

Pollution caused by the military

1. In circumstances of marine environment pollution by military ships or installations, the Inspectorate of Environment notifies the Ministry of Defense which is obligated to launch measures for cleaning the polluted zone.

2. When pollution is caused by foreign military ships which sail, anchor or otherwise participate in military exercises in the marine environment, the diplomatic channels submit due notice to responsible state with requirements for cleaning pollution and indemnifying damages.

Article 17

Wartime pollution

The pollution and damage of the marine environment by ships, aircraft and other foreign military craft involved in war operations, constitute issues of primordial importance in post war negotiations with the warring state having caused the pollution. Requests for restitution of the marine environment to its previous condition and indemnification of damages shall be submitted during such negotiations.

CHAPTER V

SANCTIONS

Article 18

Forbidden activities

1. The Inspectorate for Protection of the Environment is entitled to institute charges against subjects involved in activities forbidden by Article 6 of this Law if and when such activities qualify as criminal offences.

2. In cases when violations qualify as administrative infringements, the Environmental Inspectorate authorises the immediate termination of the activity and the confiscation of the craft and equipment causing the pollution. Small scale pollution as defined by Article 2, subpoint 3.2 is fined with 10 thousand to 100 thousand leks; large scale pollution as defined by Article 2, subpoint 3.1 is fined with 500 thousand to 1 million leks; sea dumping from the coast is fined with 100 thousand to 500 thousand; hazardous waste dumping as defined by Article 6 is fined with 500 thousand to 1 million leks; polluted waters discharge as defined by Article 2 point 8 is fined with 100 thousand to 500 thousand leks.

Article 19

Other forbidden activities

1. For the purposes of this law, the following activities, when not a criminal offence, qualify as administrative breaches and are punished respectively:

a) with fines of 100 thousand to 1 million leks and the suspension of activity for up to three months, within which time limit the undertaking should obtain an environmental license, in case of activities operated without said license;

b) with fines of 100 thousand up to 1 million leks, depending on the type and scale of pollution; the obligation to reconstitute the zone to its previous condition; and with suspension of the activity for as long as it takes to eliminate pollution when the case is one of pollution and damage to the marine environment.

c) suspension by the Environmental Inspectorate for one month, within which time the undertaking must take steps to fulfill the requirements, in cases of non-compliance with the requirements of Article 10 of this Law, notwithstanding the possession of the environmental license.

d) with fines of 100 thousand up to 1 million leks, depending on the type and scale of pollution, in cases when the captain of the ship, the operator of the platform or persons of equal rank in other activities, fail to provide due notice of pollution;

2. The Environmental Inspectorate is empowered to administer and execute fines, to suspend or terminate activities, in the manner provided by this article.

3. The Inspectorate for Protection of the Environment may institute charges if and when the violations qualify as criminal offences.

Article 20

By-Laws

The Council of Ministers and relevant ministries are hereby charged with drafting by-laws for purposes of implementation of this law.

Article 21

This Law enters into force 15 days following its publishing in the Official Gazette.

CHAIRMAN
Servet Pëllumbi

Annex I

SUBSTANCES AND WASTE FORBIDDEN TO BE DUMPED INTO THE SEA

1. Mixtures of organic-halogen components and mixtures that may form similar substances in the marine environment, except for non-toxic substances and those that transform immediately, once into the sea, into biologically harmless substances, provided that the latter substances do not corrupt the taste of sea life used for human consumption.

2. Mixtures of each of the above substances and mixtures that may form such substances in the sea environment, except for non-toxic substances or substances that transform immediately once in the marine environment into harmless substances, provided that the latter do not corrupt the taste of sea life used for human consumption.

3. Mercury and mercury mixtures.

4. Cadmium and cadmium mixtures.

5. Solid plastic materials that materially hamper fishing or sailing, damage beaches or obstruct other lawful utilisation of the sea.

6. Raw petroleum and hydrocarbons deriving from petroleum and any other mixtures containing the above that is loaded for dumping into the sea.

7. Radioactive waste of the high, medium and low calibre.

8. Acid and alkaline mixtures with concentrations that may seriously damage the quality of sea water.

9. Materials of any aggregate condition produced for biological and chemical war purposes, except for those that do not corrupt the taste of sea life and do not threaten human life.

Annex II

The following waste may be dumped into the sea only upon authorisation of the Ministry of Environment:

1.1. Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimonies and respective compounds.

1.2. Cyanides and fluorites.

1.3. Pesticides and their by products similar to those not included in Annex I.

1.4. Organic-synthetic chemicals, except for those mentioned in Annex I, which may produce harmful consequences for sea life or may corrupt the taste of sea life used for human consumption.

2.1. Acid and alkaline mixtures.

2.2. Acid and alkaline mixtures not contained in Annex I.

3. Barrels, metal waste and other heavy waste that may sink at the bottom of the sea and may create serious obstacles to fishing and sailing.

4. Compounds that, despite their non-toxic nature may become harmful due to the size of dumping, may have the potential to considerably reduce the opportunities of exploiting the sea for entertainment, or may endanger human or sea life, or hamper sailing.

5. Radioactive waste or other radioactive substances not included in Annex I.