

The European Union's IPA 2013 Programme for Albania



Technical Assistance for Institution Building of the Ministry of Environment in Enforcing Environmental and Climate Acquis

(EuropeAid/135700/DH/SER/AL)

Draft 3 Law on “Climate Change”

This project is funded by the European Union





Project Title:	Technical assistance for institution building of the Ministry of Environment in enforcing environmental and climate Acquis
Project Acronym:	IBECA
Project Number:	Europe Aid/135700/DH/SER/AL
Project starting date:	22 nd June 2015
Project duration:	36 months
Contracting Authority:	Delegation of the European Union to Albania ABA Business Centre Rruga Papa Gjon Pali II, Tirana, Albania. Mr. Kai Nagel, Sector Manager, Environment & Energy Tel: +355 4 222 8320, Fax: +355 4 223 0752 e-mail: Kai.Nagel@eeas.europa.eu
Beneficiary:	Ministry of Tourism and Environment Norbert Jokl Str, ish ATSH, Tirana, Albania. Evisi Kopliku Director, Department of Integration, Coordination, Agreements and Assistance Tel: +355694397595 e-mail: Evisi.Kopliku@turizmi.gov.al
Contractor:	Agrotec SpA Lungotevere Michelangelo, 9 - 00192 Roma, Italia Kastriot Koshaj Project Manager Tel: +39 063609381, Fax: +39 0636093861 e-mail: info@agrotec-spa.net
Title of the Document:	Draft 3 of the Law on "Climate Change"

DISCLAIMER

This report has been prepared by a project team working for Agrotec. The findings, conclusions and interpretations expressed in this document are those of Agrotec alone and should not in any way be taken to reflect the opinions and policies of the European Commission.

Author of the Draft Law:

Prof.Ass.Dr.MSc. Narin PANARITI – Deputy Team Leader – narin_panariti@yahoo.co.uk
Elena STEFANONI – Legal Expert – elena.stefanoni@yahoo.com

Date of Report: 20th June 2018

Table of Contents

CHAPTER I - General Provisions	6
Article 1 - Purpose.....	6
Article 2 - Scope	7
Article 3- Definitions	7
Article 4 - Principles	9
CHAPTER II - Mitigation and adaptation	10
Section 1 - GHG emissions from stationary installations.....	10
Article 5 - GHG inclusive environmental permit	10
Article 6 - Information to be included in application for GHG inclusive environmental permit	10
Article 7 - Conditions for the granting of the environmental permit inclusive GHG emissions	11
Article 8 - Requirements/conditions of the environmental permit related to GHG emissions.....	11
Article 9 - Changes relating to installations	11
Article 10 - Monitoring and reporting of GHG emissions from stationary installations.....	12
Article 11 - Verification and accreditation.....	12
Section 2 - GHG emissions from transport sector	12
Article 12 - International aviation monitoring and reporting plans.....	12
Article 13 - Verification of reports on international aviation and accreditation of verifiers.....	13
Article 14 - CO2 emissions from international shipping	13
Article 15 - CO2 emissions from road transport activities.....	13
Section 3 - GHG emissions from other sectors	14
Article 16 - Energy sector	14
Article 17 - Construction sector	14
Section 4 - GHG emissions from the use of certain products.....	14
Article 18 - Fuels and renewable sources of energy, including biofuels.....	14
Article 19 - Ozone depleting substances (ODS)	14
Article 20 - Fluorinated gases.....	15
Section 5 - Removal of GHG emissions by sinks	15
Article 21 - Forest and agriculture (Land use, land-use change and forestry).....	15
Article 22 - Carbon dioxide capture and geological storage.....	16
Section 6 - Strategies for mitigation and adaptation.....	17

Article 23 - Nationally Determined Contribution (NDC)	17
Article 24 - Low Carbon Development Strategies (LCDS)/Climate Change Mitigation Strategy	17
Article 25 - Nationally Appropriate Mitigation Actions (NAMAs)	17
Article 26 - National Adaptation Strategy and Plan (NAP).....	17
Section 7 - Measurement, reporting and verification (MRV)	18
Article 27 - Measurement, reporting and verification (MRV).....	18
Article 28 - Monitoring and reporting GHG emissions and other information relevant to climate change.....	18
Article 29 - National Communications (NC) and Biennial Update Reports (BURs).....	19
CHAPTER III - Competent authorities.....	19
Article 30 - Institutional setup and inter-ministerial coordination.....	19
Article 31 - Policy integration and international cooperation	20
CHAPTER IV - Capacity building, education, training, public awareness and participation.....	21
Article 32 - Capacity building	21
Article 33 - Education and training	21
Article 34 - Public information and awareness.....	21
Article 35 - Public participation.....	21
CHAPTER V - Green investments and Financing	22
Article 36 - Promoting environment/climate friendly investments	22
Article 37 - Technology transfer/ low carbon-technology	22
Article 38 - Private Sector initiative/involvement.....	23
Article 39 - International and national funds on climate change	23
CHAPTER VI - Final provisions	23
Article 40 - Information Management.....	23
Article 41 - Compliance with this Law.....	24
Article 42 - Reporting on implementation of section 1 and 2 of this Law	24
Article 43 - By-Laws.....	24
Article 44 - Specific by-laws which continue to be effective	24
Article 45 - Repeals	25
Article 46 - Offences.....	25
Article 47 - Entry into force.....	25
Annex I: Greenhouse Gases	26

Annex II: Categories of Activities and Gases Subject to GHG Requirements/Conditions..... 27

Annex III: List of aviation activities excluded from the obligations of under this Law 30

Annex IV: The non exhaustive list of issues to be covered in the NDC document 31

Annex V: The non exhaustive list of issues to be covered in the LCDS..... 32

ANNEX VI: The non exhaustive list of issues to be covered in the NAMA document 33

Annex VII: The non exhaustive list of issues to be covered in the NAP document 35

Annex VIII: The non exhaustive list of issues to be covered in the National Communications (NC) 36

Annex IX: The non exhaustive list of issues to be covered in the Biennial Update Reports (BURs) 37



**REPUBLIC OF ALBANIA
ASSEMBLY**

DRAFT LAW

Draft 3, dated 13.01.2017

ON CLIMATE CHANGE¹

Based on articles 78 and 83, paragraph 1, of the Constitution, upon proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

CHAPTER I - General Provisions

Article 1 - Purpose

The Purpose of this Law is to create the legal bases for policy integration and effective measures that enable:

- a. fulfilment of the obligations of the RoA under the United Nations Framework Convention on Climate Change in order to contribute to the achievement of its ultimate objective through the

¹ *This Law transposes partially:*

- DIRECTIVE 2003/87/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (CELEX 32003L0087) amended by:
- Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (CELEX 32004L0101)
- Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (CELEX 32008L0101)
- Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (CELEX 32009L0029)

- promotion of reduction of the country's GHG emissions and maintenance and enhancement of carbon sinks and reservoirs,
- b. adaptation to climate change at the national and/or local level; and
 - c. the demonstration of the country's achievements as per above, while applying methodologies in line with the Convention's and EU models.

Article 2 - Scope

This Law and its implementing by-laws set up the institutional framework and arrange the rules for monitoring, reporting and verification of GHG emissions at the level of sectors / resources and at the national level in accordance with national commitments, the country's budget and international funding.

Article 3- Definitions

For the purpose of this Law the following terms shall have the following meaning:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. "Climate change" means a change of climate which is attributed directly or indirectly to human activities that alter the composition of the global atmosphere and which are in addition to natural climate variability observed over comparable time periods.
3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. "Emissions" means the release from anthropogenic activities of GHGs and/or their precursors into the atmosphere over a specified area and period of time.
5. "Reservoir" means a component or components of the climate system where a GHG or a precursor of a GHG is stored.
6. "Sink" means any process, activity or mechanism which removes a GHG, an aerosol or a precursor of a GHG from the atmosphere.
7. "Source" means any process or activity which releases a GHG, an aerosol or a precursor of a GHG into the atmosphere.
8. "Convention" means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992, which entered into force for RoA on 1 January 1995 and where RoA is a non Annex I Party.
9. "Kyoto Protocol" means the Kyoto Protocol to the United Nations Framework Convention on Climate Change, which entered into force for RoA on 30 June 2005.
10. "Carbon dioxide (CO₂) capture and geological storage (CCS) is a bridging technology meant to contribute to mitigating climate change. It consists of the capture of CO₂ from industrial installations, its transport to a storage site and its injection into a suitable underground geological formation for the purposes of permanent storage.

11. “GHGs” – Greenhouse Gases” means the gases constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation. The list of the GHGs emitted by anthropogenic activities that are covered by this Law is given in Annex I.
12. “Environmental permit inclusive GHG emissions” means the environmental permit that contains GHG related conditions issued in accordance with the requirements of the Law on Environmental Permits and the provisions of Section 1.
13. “Installation” means a stationary technical unit where one or more activities listed in Annex II are carried out and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution.
14. “Ton of carbon dioxide equivalent” means one metric ton of carbon dioxide (CO₂) or an amount of any other GHG listed in Annex II with an equivalent global-warming potential.
15. “Combustion” means any oxidation of fuels, regardless of the way in which the heat, electrical or mechanical energy produced by this process is used, and any other directly associated activities, including waste gas scrubbing.
16. “Policies and measures” means all instruments which aim to implement commitments related to the mitigation of Climate Change, by limiting anthropogenic emissions of GHG and protecting and enhancing its GHGs sinks and reservoirs and which may include those that do not have the limitation and reduction of GHG emissions as a primary objective.
17. “Climate-friendly investments” are defined as low-carbon or climate-resilient investments aligned with the transition to a low-carbon economy that limits global warming to 2°C – EU policy/ that are aligned with the emissions reductions required to meet the EU policy target of limiting global warming to 2°C.
18. “Technology transfer” means a broad set of processes covering the flows of know-how, experience and equipment for mitigating and adapting to climate change amongst different stakeholders such as governments, private sector entities, financial institutions, non-governmental organizations and research/education institutions.
19. “Integration” means the integration of mitigation and/or adaptation objectives, strategies, policies, measures or operations such that they become part of the national and regional development policies, processes and budgets at all levels and stages.
20. “Adaptation” means human-driven adjustments in ecological, social or economic systems or policy processes, in response to actual or expected climate stimuli and their effects or impacts.
21. “Mitigation” means all efforts made to reduce or prevent emission of GHGs, including using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices or consumer behavior.
22. “NAMAs” – Nationally Appropriate Mitigation Measures” are the implementing tool of the LCDS. These are measures taken for climate change mitigation in the frame of the sustainable development national actions. NAMAs are supported and enabled by technology, financing and capacity building through a monitoring, reporting and verification (MRV) process.
23. “Operator” means any person who operates or controls an installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the installation has been delegated.

24. "Aircraft operator" means the person who operates an aircraft at the time it performs an aviation activity that is subject to this Law or, where that person is not known or is not identified by the owner of the aircraft, the owner of the aircraft.
25. "Commercial air transport operator" means an operator that, for remuneration, provides scheduled or non-scheduled air transport services to the public for the carriage of passengers, freight or mail.
26. "Person" means any natural or legal person.
27. "Public" means one or more persons and, in accordance with national legislation or practice, associations, organizations or groups of persons.
28. "Minister" is the Minister in charge of environment protection.
29. "Ministry" is the Ministry in charge of environment protection.
30. "NEA" is the National Environment Agency.
31. "NDC" is the document indicating the level of national policy integration efforts planned by the country in regard to its own contribution to the global stabilization of climate change, which goes beyond the current undertaking of the country.
32. "CDM" is the Clean Development Mechanism under Kyoto Protocol.
33. "LGU" is the Local Government Unit.
34. "National Inventory System" means a system of institutional, legal and procedural arrangements established within the RoA for estimating anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex I, and for reporting and archiving inventory information.
35. "Greenhouse gas inventory" is a type of emission inventory that includes greenhouse gas emissions from source categories, as well as removal by carbon sinks.
36. "IGewe" is the Institute for Geoscience, Energy, Water and Environment.

Article 4 - Principles

1. Without prejudice to the principles set in the Law "On environmental protection", in its actions to achieve the objective of the Law and to implement its provisions, the RoA shall be guided, inter alia, by the following principles:
 - a. Principle of common but differentiated responsibilities. This means that the policies and measures to be taken at national level should be proportionate to its real responsibilities and capabilities in that regards, appropriate for the specific conditions of the country and in coordination and complementary to those taken at international level.
 - b. Precautionary principle. This means that measures must be taken primarily to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects.
 - c. Principle of efficiency. This means that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost.
 - d. Principle of integration. This means that policies and measures to protect the climate system against human-induced change should comprise all economic sectors and cover all relevant sources, sinks and reservoirs of GHGs and adaptation. Mainstreaming of climate change should be made into all existing and future sectorial and inter-sectorial policy and practise.

- e. Principle of sustainable development. This means that national policies and measures to protect the climate system against human-induced change integrated with national development policy and programmes should lead to sustainable economic growth and development.
- f. Principle of international cooperation and funding. This means that efforts to address climate change may be carried out cooperatively and in cooperation with other interested countries and, additionally to the state budget, be supported by international or bilateral funding sources.

CHAPTER II - Mitigation and adaptation

Section 1 - GHG emissions from stationary installations

Article 5 - GHG inclusive environmental permit

1. Without prejudice to the Law on Environmental Permits, on protection of air quality and on the VOCs, starting 6 years after the publication of this Law in the Official Gazette operators of installations carrying out activities listed in annex II that emit the GHGs listed therein, for the specific activity, cannot carry on with their activities unless they have been issued by NEA a GHG inclusive environmental permit. This permit shall have the class A or B as defined in the Law “On Environmental Permits”. In case an activity of Annex II is not subject to the Law “On Environmental Permits” it shall become subject to its requirements, too.
2. Within 5 years after the publication of this Law in the Official Gazette, any operator of any existing installation referred in paragraph 1 must have applied for an extension to their existing environmental permit related to their GHG emissions.
3. Within 5 years after the publication of this Law in the Official Gazette, any operator of any new installation referred in paragraph 1, that applies for an environmental permit shall also provide the information on its GHG emissions as per the requirements of article 6.
4. Within 4 years after the publication of this Law in the Official Gazette, the Minister, approves by Ministerial Order the format of application for a GHG inclusive environmental permit.

Article 6 - Information to be included in application for GHG inclusive environmental permit

1. Without prejudice to the requirements of the Law “On Environmental Permits” for information, any operator of any installation referred in paragraph 1 of article 5, applying for an environmental permit as per paragraph 2 or 3 of article 5 shall also provide information on:
 - a. the installation and its activities including the technology used;
 - b. the raw and auxiliary materials, the use of which is likely to lead to emissions of gases listed in Annex II;
 - c. the sources of emissions of gases from the installation listed in Annex II; and
 - d. the measures planned by him to monitor and report GHG emissions in accordance with the regulation referred to in Article 11
2. The non-technical summary of the application for a GHG inclusive environmental permit shall include the details referred in paragraph 1.

Article 7 - Conditions for the granting of the environmental permit inclusive GHG emissions

1. The NEA shall issue a GHG inclusive environmental permit for all or part of an installation if the operator can show that he has taken the necessary measures for monitoring and reporting GHG emissions, as per the requirements of the regulations referred in articles 11 and 12 (monitoring, reporting and verification).

Article 8 - Requirements/conditions of the environmental permit related to GHG emissions

1. Any environmental permit of any operator of any installation carrying out activities listed in annex II that emit the GHGs listed therein, for the specific activity, issued after application under the paragraphs 2 or 3 of article 5 is not requested to include an emission limit value for emissions of the gas specified therein.
2. The environmental permit referred in paragraph 1 shall contain the following information:
 - a. Name and address of the operator;
 - b. a description of the activities and emissions from the installation;
 - c. a GHG emissions monitoring plan;
 - d. GHG emissions reporting requirements;
3. Requirements/conditions related to the GHG emissions in the same environmental permit may cover one or more installations on the same site operated by the same operator.
4. The monitoring plan referred in letter c of the paragraph 2 must be done in accordance with the requirements of the regulation referred to in Article 10.
5. The NEA may allow operators to update the monitoring plans without changing the requirements/conditions related to the GHG emissions.
6. Without prejudice to the paragraph 5, operators shall submit any updated monitoring plans to the NEA for approval;
7. Within 4 years after the publication of this Law in the Official Gazette, the Minister, approves by Ministerial Order the format of the GES inclusive environmental permit.

Article 9 - Changes relating to installations

1. The operator shall inform the NEA of any planned changes to the nature or functioning of the installation, or any extension or significant reduction of its capacity, which may require updating the requirements/conditions of the environmental permit related to the GHG emissions.
2. Significant change of the capacity, as referred in paragraph 1, means a change in operation, which, according to the assessment of the NEA, meets the threshold quantity of the production capacities or outputs of an installation, identified in Annex II of this law.
3. Where appropriate, the NEA shall update GHG inclusive the environmental permit.
4. Where there is a change in the identity of the installation's operator, the NEA shall update the environmental permit to include the name and address of the new operator.

Article 10 - Monitoring and reporting of GHG emissions from stationary installations

1. Council of Ministers, upon proposal of the Minister, approves the regulation for the monitoring and reporting of CO₂ and other GHG emissions from the activities of certain stationary installations and the international aviation.
2. The activities referred in paragraph 1 are those listed in Annex II.
3. Within 5 years after the publication of this Law in the Official Gazette, following the regulation referred in paragraph 1 and in accordance with that, each operator of an installation carrying out any of the activities listed in Annex II has the obligation to monitor the emissions from that installation during each calendar year, and report to the NEA after the end of that year.
4. The Ministry shall take measures to coordinate the operators reporting requirements of GHG emissions with any other reporting requirements in order to minimize the reporting burden on businesses.

Article 11 - Verification and accreditation

1. Any report prepared by any operator pursuant to the regulation referred in Article 10 shall be verified.
2. The operator shall send the GHG emission report for verification to a verifier accredited in accordance with the regulation referred in paragraph 4, before submitting it at NEA.
3. NEA shall not accept the emission report referred in paragraph 2, in case it has not been verified by an accredited verifier, as per the request of the regulation referred in paragraph 4.
4. Council of Ministers, upon proposal of the Minister, shall approve the regulation for the verification of CO₂ and other GHG emission reports from certain industrial activities and international aviation and their ton-km reports and the accreditation of verifiers.

Section 2 - GHG emissions from transport sector

Article 12 - International aviation monitoring and reporting plans

1. Within 5 years after the publication of this Law in the Official Gazette, Each aircraft operator with a valid operating licence granted by the Ministry in charge of transport for the flights, which depart from or arrive in an aerodrome situated in the territory of the RoA, except for those referred in Annex III of this Law, has the obligation to submit to the NEA a monitoring plan for the CO₂ emissions from aviation activity and its activity in ton-km carried during that calendar year and report to NEA after the end of that year in accordance with the requirements of the regulation referred in article 10, paragraph 1 regarding the international aviation.
2. The NEA shall approve the monitoring plans in accordance with the rules set in the regulation referred in Article 10, paragraph 1 related to international aviation.
3. Within 5 years after the publication of this Law in the Official Gazette, each aircraft operator shall monitor the emissions of CO₂ and its activity in ton-km carried during that calendar year and report to NEA after the end of that year in accordance with the requirements of the regulation referred in article 10, paragraph 1 related to the international aviation.

Article 13 - Verification of reports on international aviation and accreditation of verifiers

1. Any report submitted by any aircraft operator pursuant to paragraph 3 of the article 12 shall be verified.
2. Any aircraft operator shall send the GHG emission report and the ton-km report for verification to a verifier accredited in accordance with the requirements of the regulation referred in paragraph 4 of the article 11, regarding the international aviation before submitting it at NEA.

Article 14 - CO₂ emissions from international shipping

1. Without prejudice to the measures requested by the Law “On air quality protection” and the by-laws related to the quality of certain liquid fuels for use in the marine transport measures should be taken for the control and reduction of the CO₂ emissions and their contribution to the climate change.
2. Measures to control and/or reduce GHG emissions from international shipping include those for:
 - a. Monitoring, Reporting and Verification of CO₂ emissions and of other relevant information from ships arriving at, within or departing from ports under the jurisdiction of RoA;
 - b. Ship Operational Energy Efficiency;
 - c. Ship Energy Efficiency Management Plan (SEEMP);
 - d. Ship Fuel Management Plan.
3. The Council of Ministers, upon proposal of the Minister in charge of transport and the Minister, approves the rules to implement the measure under paragraph 2 letter a.
4. The Minister in charge of transport and the Minister in charge of energy promote the implementation of measures under paragraph 2 letter b, c and d, and as appropriate, may jointly issue the relevant guidelines.

Article 15 - CO₂ emissions from road transport activities

1. Without prejudice to the Law on Ambient Air Protection and the related by-laws for the reduction of air emissions from mobile sources, measures should be taken to control and reduce their CO₂ emissions and contribution to the climate change. In that regard, the Council of Ministers, upon proposal of the Minister in charge of transport, approves Decisions on the:
 - a. monitoring and reporting of data on the registration of new passenger cars, relevant for the estimate of reduction of CO₂ emissions from light-duty vehicles;
 - b. monitoring and reporting of CO₂ emissions from new passenger cars;
 - c. monitoring and reporting of CO₂ emissions from new light commercial vehicles; and
 - d. Availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars.

Section 3 - GHG emissions from other sectors

Article 16 - Energy sector

The Ministry in charge of energy shall promote measures for the production of renewable and/or carbon free energy, as well as measures for energy conservation and efficiency in all economic sectors, as an important means to reduce the GHGs emissions and mitigate their climate change impacts. Such measures are regulated by this Law, Energy Efficiency Law, Renewable Energy Source Law, and other specific legislation.

Article 17 - Construction sector

Quality and standards adopted for the production of construction materials, building codes and energy performance in buildings are regulated by specific legislation. They should be approved taking in consideration their insulation potential to both help reduce the energy consumption and adapt to climate change.

Section 4 - GHG emissions from the use of certain products

Article 18 - Fuels and renewable sources of energy, including biofuels

1. Without prejudice to the Law on Ambient Air Protection and the related by-laws on the quality of fuels aiming the reduction of emissions of air pollutants, measures should also be taken to reduce their CO₂ emissions and contribution to the climate change.
2. In that regard, the Council of Ministers, upon proposal of the Minister in charge of energy and the Minister shall approve a Decision on the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce GHG emissions.

Article 19 - Ozone depleting substances (ODS)

1. Measures regarding the protection of the ozone layer are covered by this Law and other specific legislation.
2. Measures to protect the ozone layer from thinning include the phasing-out of ozone depleting substances, which simultaneously contribute to the reduction of GHG emissions.
3. The ozone depleting substances must be replaced by ozone-friendly alternatives, which are climate-friendly, as well.
4. The phasing out of ozone depleting substances and their replacement by ozone and climate friendly alternatives may be reported as measures taken for the reduction of GHG emissions, too, and reported accordingly.

Article 20 - Fluorinated gases

1. Measures must be taken to reduce, stabilize and regulate their use, production, import and export of Fluorinated gases ('F-gases'), a family of man-made gases, used to replace ozone depleting substances, while being powerful greenhouse gases, whose emissions is rising strongly.
2. Council of Ministers, upon proposal of the Minister and the Minister in charge of industry approves decisions on the
 - a. reduction and stabilization of fluorinated GHGs;
 - b. format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases;
 - c. minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;
 - d. minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases;
 - e. minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear
 - f. minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment
 - g. emissions from air-conditioning systems in motor vehicles;
 - h. form of labels and additional labeling requirements as regards products and equipment containing certain fluorinated greenhouse gases;
 - i. standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases;
 - j. standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;
 - k. minimum requirements for training programs and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases;
 - l. format for notification of the training and certification programs;

Section 5 - Removal of GHG emissions by sinks

Article 21 - Forest and agriculture (Land use, land-use change and forestry)

1. When designing and developing the mitigation policies and actions in the field of forestry and agriculture, the Ministry, in cooperation with the Ministry in charge of agriculture and/or the respective LGUs, as appropriate, shall aim for emissions reduction and carbon capture in the agricultural, forest, other land uses and preservation of ecosystems sectors. In particular they

should engage to:

- a. Curb and revert deforestation and degradation of forest ecosystems, expand the areas of vegetation and the organic carbon contained in the soil, by applying sustainable management practices in agricultural areas;
 - b. Foster conservation, sustainable management of forests, and enhancement of forest carbon stocks;
 - c. Strengthen the programs for sustainable management and restoration of forests, wetlands, and coastal-marine ecosystems;
 - d. Include, gradually, more ecosystems into conservation plans, such as units of sustainable forest management and reduction of emissions from avoided deforestation and degradation;
 - e. Strengthen the fight against forest fires;
 - f. Promote synergies among programs and subsidies for environmental and agricultural activities in order to strengthen the fight against forest fires;
 - g. Design and provide economic incentives for carbon absorption and conservation in natural protected areas and ecological conservation zones.
2. The LGUs shall inform on an annual basis the Ministry about deforestation and forest degradation activities occurred within the territory under the respective jurisdiction.
 3. The Ministry shall keep record of areas subject to deforestation and forest degradation due to agricultural expansion, conversion to pasture, infrastructure development, destructive logging and fires.
 4. Council of Ministers, upon proposal of the Minister and the Minister in charge of agriculture shall approve a Decision on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities.

Article 22 - Carbon dioxide capture and geological storage

1. Any operator of any installation listed in Annex II of this Law who emits CO₂ may choose to reduce such emissions by capturing and storing carbon dioxide in geological formations underground, in accordance with the requirements set in the Decision referred in paragraph 2.
2. Council of Minister, upon proposal of the Minister and the Minister in charge of mining, approves a Decision on the carbon capture and geological storage of CO₂ in the territory of the RoA.
3. Rules for the approval of installations, sites and infrastructure for capture, pressure, transport, injection and storage of CO₂ in geological formations are defined in this Law, its by-laws and in the Environmental Protection Law, Environmental Impact Assessment Law and Environmental Permits Law.

Section 6 - Strategies for mitigation and adaptation

Article 23 - Nationally Determined Contribution (NDC)

1. NDC shall be reviewed and if necessary revised every 5 years, and if possible, shall be updated, with a view to enhancing the level of ambition and in line with the national circumstances.
2. The Ministry shall coordinate with other line ministries and other actors it defines, as appropriate, the preparation of the NDC.
3. The Minister approves national guidelines and methodologies for the NDC drafting and process, in accordance with those approved or recommended by the Convention and in line with the national circumstances.
4. A non exhaustive list of issues to be covered by the NDC is indicated in Annex IV.
5. The guidelines referred in paragraph 4 shall ensure methodological consistency, including on baselines, from the communication and implementation of NDC.
6. Council of Ministers, upon proposal of the Minister, shall approve the NDC document before it is submitted to the Convention.

Article 24 - Low Carbon Development Strategies (LCDS)/Climate Change Mitigation Strategy

1. In order the country's development goals be met, while following a less carbon intensive pathway as indicated in the NDC document referred in article 23, all the line ministries whose competences fall in areas of state responsibilities that have an impact on the climate change shall formulate and implement sectorial Low Carbon Development Strategies (LCDS) or update the existing sectorial strategies by integrating mitigation issues.
2. The Ministry shall coordinate the process of their integration under the umbrella of a National LCDS/Climate Change Mitigation Strategy or shall update the existing National Development Strategy by integrating mitigation issues based on the sectorial strategies referred in paragraph 1.
3. The strategies referred in paragraph 1 and 2, must be followed by implementation plans and be nationally appropriate.
4. Without prejudice to other strategy formulation requirements, the strategies referred in paragraph 1 and 2 and/or their updates shall be built as much as possible on the non exhaustive list of issues to be covered by the LCDS as indicated in Annex V.

Article 25 - Nationally Appropriate Mitigation Actions (NAMAs)

1. Council of Ministers, upon proposal of Minister approves the rules for the examination and evaluation of the NAMAs implementing the Convention.
2. NAMA documents shall build as much as possible on the non exhaustive list of issues indicated in Annex VI.

Article 26 - National Adaptation Strategy and Plan (NAP)

1. In order the country's development goals are met, while addressing the climate change impacts, all the line ministries whose competences fall in areas of state responsibilities that are impacted by the

climate changes shall update the existing sectorial strategies by integrating adaptation challenges and responses in respect to vulnerability to climate change and implement them. It shall reflect necessary responses to reduce climate change impacts within the strategies for relevant sectors.

2. The Ministry shall coordinate the process of updating of the existing National Development Strategy by integrating the adaptation issues based on the sectorial adaptation strategies referred in paragraph 1.
3. Without prejudice to other strategy formulation requirements, strategies referred in paragraph 1 and 2 and/ or their updates and implementing plans shall be built as much as possible on the non exhaustive list of issues indicated in Annex VII.

Section 7 - Measurement, reporting and verification (MRV)

Article 27 - Measurement, reporting and verification (MRV)

1. MRV refers to the domestic measurement or estimation, reporting at both national and international level and verification at both national QA/QC and international oversight of emissions/removals or other performance metrics set in the environmental permits, GHG inventories, NAMAs, NCs and BURs, and their related reporting.
2. MRV works for emissions, action and support.
3. A MRV system shall be established to increase transparency of mitigation efforts. MRV is meant to:
 - a. Measure both the efforts made to address climate change and the impacts of implementing the NAMAs, including the level of GHG emissions by sources and removals by sink, emission reductions and other benefits, as referred in article 25 on NAMAs;
 - b. Report the measured information in a transparent and standardized manner through the National Communications and the BURs, as referred in article 29 on BURs;
 - c. Verify and assess the accuracy, completeness, consistency, and reliability of the reported information by an independent process.
4. MRV in the RoA shall function as a bottom up system, with original data collection starting at the level of the individual operators, aircraft and ships operators which are subject to this Law, including the responsible institutions, being fed into the relevant line ministries as defined in the specific by-laws requested by this. It shall address international requirements at the same time.
5. The rules for monitoring, reporting and verification have been set under article 10, 11, 12, 13, 14, 15, 18 of this Law.

Article 28 - Monitoring and reporting GHG emissions and other information relevant to climate change

Council of Ministers, upon proposal of the Minister, shall approve a regulation on Monitoring and reporting GHG emissions and other information relevant to climate change at the national level. This decision shall establish the National System for Inventory of GHGS and the national procedures for collecting, processing, reporting, verifying and archiving the required data and information that are

operational in a sustainable manner and on a continuous basis. Such document may elaborate in more details the duties and responsibilities of the line ministries, beyond the ones given in article 30.

Article 29 - National Communications (NC) and Biennial Update Reports (BURs)

1. The Ministry shall organize and coordinate with the line ministries and other institutions it defines, as appropriate, the work for the compilation of the National Communications (every four years, or in accordance with any further decision on frequency from the Convention) and, whenever the financial support is available, the Biennial Update Reports (every two years), as reporting obligations to the Convention.
2. The National Communication and the Biennial Update Reports shall be drafted taking into account the national development priorities, objectives and circumstances.
3. The National Communication shall be built as much as possible on the non exhaustive list of issues indicated in Annex VIII. It shall be provided in one single document, with an executive summary that outlines the information contained in the full document.
4. The scope of BURs is to provide an update of the situation to the most recent submitted National Communication. It shall be built as much as possible on the non exhaustive list of issues indicated in Annex IX.
5. The Biennial Update Reports can be submitted either as a summary of parts of the National Communication in the year when National Communication is submitted or as standalone reports.
6. Both documents referred in paragraph 1 shall be translated into English.
7. Both documents referred in paragraph 1 shall be presented in an accurate, consistent, comprehensive, transparent and comparable, timely, as well as flexible manner, taking into account specific national circumstances. They may also include a presentation of information on support required for the preparation and improvement of National Communications.
8. The Council of Ministers/Minister approves the National Communication and the Biennial Update Report before they are submitted to the Convention.
9. Both documents referred in paragraph 1 shall be made public through the Ministry website.

CHAPTER III - Competent authorities

Article 30 - Institutional setup and inter-ministerial coordination

1. In order to facilitate effective coordination among all relevant stakeholders from the public and private sectors and ensure a high quality, continuous and timely MRV and submission of the National Communication and the Biennial Update Reports, as well as addressing any other climate change action, the following institutional arrangements are made:
 - a. The Ministry is the focal point to the Convention and the institution responsible for the overall coordination and management of the MRV system, including the process of and the preparation of National Communications and BURs.

- b. NEA is the National Competent Authority for all the activities related to the establishment and maintenance of the GHG National Inventory System, as part of the Environmental Information System.
 - c. All the line Ministries whose competences fall in areas of state responsibility that impact or are impacted by the climate changes, have the obligation to collect and keep their activity data, specific/thematic aggregated indicators and climate related information, as appropriate, and to prepare and share with the Ministry their written contribution, pursuant to the requirements of the regulation and procedure referred in article 28. They cooperate effectively till the finalization and approval of all documents.
 - d. INSTAT has the obligation to make available to the ministry all socio-economic, population and other related data.
 - e. All the public and private institutions, whose activities fall in the areas of state responsibility referred in paragraph 2 shall collect, organize and keep their own climate related data together with the relevant reports, as appropriate and share them with the relevant line ministry.
 - f. Other line ministries and public and private institutions, not engaged with the areas of state responsibility referred paragraph 2 shall contribute, as appropriate, upon request of the Ministry.
 - g. IGEWE/IGJEUM and other public or private research institutes and academia that carry out climate related measurements, research or studies, share their data with the ministry/NEA.
 - h. LGUs shall collect, organize and keep their own climate related data together with reports on the measures taken or planned to be taken for mitigation and adaptation to climate change, as appropriate, and share them with the ministry and the relevant line ministry.
 - i. The Minister, based on the latest documents approved or promoted by the Convention and on the specific socio-economic country circumstances, approves the National Guidelines for the preparation of the NC, the BURs, uncertainty estimation and other methodologies needed for the implementation of this law, including the methods/ tiers, emission factors, activity data, GHGs to be covered, etc. that are relevant/appropriate for the country.
 - j. All the institutions referred under this article provide technical and scientific support to the minister to comply with letter i of this paragraph.
2. The areas of state responsibility referred in letter c include energy industries, manufacturing industries, construction, fuels, mining and geology, forests, agriculture and husbandry, water management, waste management, health, transport, infrastructure (including road and railroad infrastructure, ports, airports, pipelines, dikes, water and sewerage), urban planning, land management, tourism, education, natural emergencies and disasters. In order to promote and support the coordination between the line ministries and ensure their input into other national processes and plans, the Prime Minister, upon proposal of the Minister, shall approve an Order on the establishment and functioning of the inter-Ministerial working group in the area of climate change.

Article 31 - Policy integration and international cooperation

1. All the line Ministries and LGUs shall ensure the mainstreaming of climate change mitigation and adaptation into their legislation, national, sectoral, local development plans, programs and projects.

2. All the line Ministries and LGUs shall cooperate for the implementation of strategies, plans, programs and projects to address climate change in the context of sustainable development.
3. All the line Ministries shall cooperate with the international community in the implementation of the Convention and shall encourage bilateral and multilateral initiatives aimed at exchanging and sharing information on policy design experiences and existing good practice to contribute to the development of low-carbon economies and to support and broaden climate action.

CHAPTER IV - Capacity building, education, training, public awareness and participation

Article 32 - Capacity building

1. All the line Ministries shall promote and support in an effective, efficient, integrated and programmatic manner capacity building activities for themselves, for LGUs, financial institutions, the private sector and NGOs on mitigation and adaptation in their areas of state responsibility.

Article 33 - Education and training

1. The Ministry in charge of education, in cooperation with the Ministry shall take measures that promote and support the drafting and implementation of educational programs in the field of environment and climate change at all educational levels and develop and implement programs to strengthen capacities.
2. The Ministry shall propose/be consulted on the educational content of textbooks and other didactic materials in the field of environment and climate change and participate in scientific and research, education and training-focused initiatives both at the national and international levels.
3. The Ministry in charge of education, in cooperation with the Ministry and the Ministry in charge of labour, shall take measures that promote and support the development and implementation of programs for the continues education in the field of environment and climate change.

Article 34 - Public information and awareness

1. All the line ministries shall carry out informational campaigns, to sensitize and rise awareness of the population regarding the adverse effects of climate change and for concrete possible measure to take to reduce emissions and adapt to climate change with the aim to achieve the purpose of this Law and national strategic goals.

Article 35 - Public participation

1. All the line ministries, when preparing/updating their climate related legislation and strategies, shall promote the participation of a wide range of stakeholders, including LGUs, national and international organizations, civil society and the private sector, as appropriate.
2. The right of the public to participation in decision-making process of the public authorities related to environment shall be set out in other specific Laws.

CHAPTER V - Green investments and Financing

Article 36 - Promoting environment/climate friendly investments

1. All the line ministries shall develop policies that mobilize substantial, transparent and predictable public and private sector investment in low-emission climate-resilient and encourage the enterprises, institutions, social groups and individuals to follow and adopt technological progress, technological innovation, science and technology application of the results, education development and economic industry, pursuant to the provisions of this law.
2. All the line ministries shall update national policies/ documents to encourage investments in climate-friendly projects, support research and promote best practice, with the following priorities:
 - a. Energy: Renewable, distribution, distribution management, energy storage, products/tech. that support smart grid, data centers on using renewable energies;
 - b. Energy efficiency: green commercial buildings, green residential mortgages, energy efficiency technologies and products, industrial retrofits,
 - c. Transport: public transport, electric vehicle infrastructure, cycling rental schemes and infrastructures, low emission vehicles;
 - d. Water: storm-water adaptation investments, investments to deal with rainfall volatility, water treatment and recycling, waterways adaptation;
 - e. Waste management: methane capture, waste to energy;
 - f. Land use: sustainable forestry and supply chains, sustainable agriculture and supply chains;
 - g. Adaptation infrastructure: adapting infrastructure to increased heat stress, ports re-development to address sea level raise, storm surge protection.

Article 37 - Technology transfer/ low carbon-technology

1. All the line ministries and the other competent authorities as identified in chapter III of this Law for their own specific competence:
 - a. shall discourage the transfer of obsolete technologies, encourage scientific and technological researches, as well as the development, transfer, and deployment of technologies, equipment, and processes for climate change mitigation (reduction of GHG emissions) and adaptation (to reducing vulnerability) to climate change, so to significantly improve environmental performance and to support sustainable development.
 - b. encourage the establishment of international cooperation aimed at providing assistance in transferring know-how, techniques and management skills, developing appropriate institutions and networks, ensuring the participation of private and public stakeholders;
 - c. adopt appropriate standards and promote voluntary agreements between bodies and organisations representing certain interests, groups of operators and individual operators and the relevant authority in order to stimulate the development of efficient technologies
2. Research, innovation, technological development and technology transfer projects defined in paragraph 1 of this article, shall be in accordance with priorities and needs established by the LCDS/

sectorial development strategies/ National Climate Change Strategy and environment and climate programs.

Article 38 - Private Sector initiative/involvement

In order to achieve the goals set for the national GHG emissions reduction in the NDC all the line ministries shall promote the private sector involvement and partnership with the public sector.

Article 39 - International and national funds on climate change

1. All the competent authorities under this Law shall promote the development of local and national projects and programs, as well as participation in regional and international projects and programs aimed to achieve the national GHG emissions reduction targets and climate adaptation.
2. The Ministry in charge of coordination of foreign aid shall cooperate with the Ministry and the line ministries as defined in article 30 paragraph 2 to ensure the mainstreaming of climate issues into other projects and programs, so to benefit from international respective funds.
3. The environmental fund, referred in the Law on Environmental Protection, shall also be used to support the implementation of mitigation and adaptation actions to combat climate change, pursuant to the provisions of this Law and the climate change priorities of the national policy documents.
4. The CDM mechanism of Kyoto Protocol, may be used as a framework for the implementation of project activities that reduce anthropogenic emissions in the in RoA.
5. Council of Ministers, upon proposal of the Minister, approves a decision on the establishment of the National Designated Authority for the CDM in the frame of the Kyoto protocol.

CHAPTER VI - Final provisions

Article 40 - Information Management

1. NEA shall publish the list of installations in the territory of RoA that are included in annex II part A within 6 months after the publication of this Law in the official gazette.
2. Within 5 years after the publication of this Law in the Official Gazette, the Ministry in charge of transport shall publish a list of aircraft operators under the administration of the RoA, which performed an aviation activity under this Law; and before 1 February of each subsequent year, update the list to include aircraft operators which have subsequently performed an aviation activity.
3. NEA shall keep and update a data registry with information on the installations included in Annex II of this Law.
4. This register and the list of installations referred in paragraph 1 and the list of aircraft operators as referred in paragraph 2 is part of its environmental information system.
5. The information referred to in paragraph 3, shall include all decisions and reports on the results of the GHG emissions monitoring, reporting and verification.

6. Decisions relating to the reports of GHG emissions required under the environmental permit and held by the NEA shall be immediately disclosed and made available to the public in an orderly manner ensuring non-discriminatory access in accordance with the Decision “On the public right for access into environmental information”.
7. Part of the data, as defined in this article and, which by the legislation “On information” are classified as “State Secret” or are subject of the legislation in force “On the personal, professional or commercial data”, shall not be made public and shall not be transferred from one authority to another, except when it is otherwise provided by the respective legislation in force.

Article 41 - Compliance with this Law

1. Operators of installations included in annex II Part A of this Law shall take all the necessary measures to comply with this Law and its related by-Laws within 5 years after the publication of this Law in the Official Gazette at the latest.
2. Operators of aircrafts that are subject to this Law shall take all the necessary measures to comply with this Law and its related by-Laws within 5 years after the publication of this Law in the Official Gazette at the latest.
3. Operators of ships that are subject to this Law shall take all the necessary measures to comply with this Law and its related by-Laws within 5 years after the publication of this Law in the Official Gazette at the latest.

Article 42 - Reporting on implementation of section 1 and 2 of this Law

1. Each year the Ministry shall prepare a report on the implementation of the GHG requirement/conditions and monitoring and reporting requested by this Law and its relevant by-laws.
2. The first report shall be prepared 1 year after the date referred in article 5, paragraph 1.
3. The Minister approves a Ministerial Order on a questionnaire or outline for the drafting of the report.
4. The Minister approves the report referred in paragraph 1 by a Ministerial Order.

Article 43 - By-Laws

2. The Council of Ministers approves the sublegal acts referred to articles, within 4 years from the date of its publication in the Official Gazette.
3. The Minister approves the sublegal acts referred to article of this Law, within 4 years from the date of its publication in the Official Gazette.

Article 44 - Specific by-laws which continue to be effective

1. DCM No. 865, dt. 10.12.2014 “On the reduction and stabilization of the fluorinated GHG” shall continue to be in power as if approved based on article 20 of this Law.
2. DCM No. 762, dated 16.9.2015 “On the approval of the document for the Intended National Determined Contribution for the achievement of the objectives of UNFCCC” shall continue to be in power as if approved based on article 23 of this Law.

3. Prime Minister Order No. 155, dated 25.04.2014 "On establishment and functioning of the inter-Ministerial working group in the field of climatic change" shall continue to be in power as if approved based on article 30 of this Law.
4. DCM No.1553, dated 26.11.2008 "On the establishment of the National Designated Authority under the Clean Development Mechanism, in the frame of the Kyoto Protocol" shall continue to be in power as if approved based on article 39 of this Law.

Article 45 - Repeals

Annex of Decision of Council of Ministers no.1189, dated 18.11.2009 "On the rules and procedures for the drafting and implementation of the national environmental monitoring program", paragraph Ç.1 on "Environmental indicators of environmental pressure" related to climate change, letters a and b shall be repealed.

Article 46 - Offences

In addition to the offenses defined in the Law "On Environmental Permits", the following violations of this Law that do not constitute criminal offenses, are considered as administrative offenses and are punished as follows:

- a. Carrying an activity referred to in Article 5, paragraph 1 of this Law, after the due date, without an environmental permit that includes the emissions of GHG, is punishable by a fine as if the activity was carried without an environmental permit under the Law "On Environmental Permits", Article 29, paragraph a point i or ii;
- b. Failure to comply, with the obligation for GHG emissions monitoring and reporting to NEA under article 10 and 11 of this Law or its by-Laws, shall be punished by a fine according to the Law "On Environmental Permits", Article 29, paragraph b;
- c. Failure to notify the NEA about the changes provided for in Article 9, for which an update of the GHG inclusive environmental permit may be needed, related to the GHG emissions, shall be punished by a fine under the Law "On Environmental Permits", Article 29, letter c.

Article 47 - Entry into force

This Law enters into force from the publication in the Official Gazette.

Annex I: Greenhouse Gases

Referred in article 2, point 11

1. Carbon dioxide (CO₂)
2. Methane (CH₄)
3. Nitrous Oxide (N₂O)
4. Sulphur Hexafluoride (SF₆)
5. Nitrogen trifluoride (NF₃)
6. Hydrofluorocarbons (HFCs)
 - HFC-23 CHF₃
 - HFC-32 CH₂F₂
 - HFC-41 CH₃F
 - HFC-125 CHF₂CF₃
 - HFC-134 CHF₂CHF₂
 - HFC-134a CH₂FCF₃
 - HFC-143 CH₂FCHF₂
 - HFC-143a CH₃CF₃
 - HFC-152 CH₂FCH₂F
 - HFC-152a CH₃CHF₂
 - HFC-161 CH₃CH₂F
 - HFC-227ea CF₃CHFCF₃
 - HFC-236cb CF₃CF₂CH₂F
 - HFC-236ea CF₃CHFCHF₂
 - HFC-236fa CF₃CH₂CF₃
 - HFC-245fa CHF₂CH₂CF₃
 - HFC-245ca CH₂FCF₂CHF₂
 - HFC-365mfc CH₃CF₂CH₂CF₃
 - HFC-43-10mee CF₃CHFCHF₂CF₃ or (C₅H₂F₁₀)
7. Perfluorocarbons (PFCs):
 - PFC-14, Perfluoromethane, CF₄
 - PFC-116, Perfluoroethane, C₂F₆
 - PFC-218, Perfluoropropane, C₃F₈
 - PFC-318, Perfluorocyclobutane, c-C₄F₈
 - Perfluorocyclopropane c-C₃F₆
 - PFC-3-1-10, Perfluorobutane, C₄F₁₀
 - PFC-4-1-12, Perfluoropentane, C₅F₁₂
 - PFC-5-1-14, Perfluorohexane, C₆F₁₄
 - PFC-9-1-18, C₁₀F₁₈

Annex II: Categories of Activities and Gases Subject to GHG Requirements/Conditions

Referred in section 1

1. Installations or parts of installations used for research, development and testing of new products and processes and installations exclusively using biomass **are not covered** by this Law.
2. The thresholds values given below generally refer to production capacities or outputs. Where several activities falling under the same category are carried out in the same installation, the capacities of such activities are added together.
3. When the total rated thermal input of an installation is calculated, the rated thermal inputs of all technical units which are part of it, in which fuels are combusted within the installation, are added together. These units could include all types of boilers, burners, turbines, heaters, furnaces, incinerators, calciners, kilns, ovens, dryers, engines, fuel cells, chemical looping combustion units, flares, and thermal or catalytic post-combustion units. Units with a rated thermal input under 3 MW and units which use exclusively biomass shall not be taken into account for the purposes of this calculation. "Units using exclusively biomass" includes units which use fossil fuels only during start-up or shut-down of the unit.
4. When the capacity threshold of any activity in this Annex, that already holds an environmental permit, is found to be exceeded in an installation, for all units in which fuels are combusted, other than units for the incineration of hazardous or municipal waste, the environmental permit shall include GHG emissions related requirements/ conditions as per the requirements of article 5 of this law.

	Activities	Greenhouse gases
1.	Combustion of fuels in installations with a total rated thermal input exceeding 20 MW (except in installations for the incineration of hazardous or municipal waste)	Carbon dioxide
2.	Refining of mineral oil	Carbon dioxide
3.	Production of coke	Carbon dioxide
4.	Metal ore (including sulphide ore) roasting or sintering, including pelletisation	Carbon dioxide
5.	Production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2,5 tones per hour	Carbon dioxide
6.	Production or processing of ferrous metals (including ferro-alloys) where combustion units with a total rated thermal input exceeding 20 MW are operated. Processing includes, inter alia, rolling mills, reheaters, annealing furnaces, smitheries, foundries, coating and pickling	Carbon dioxide
7.	Production of primary aluminium	Carbon dioxide and perfluorocarbons
8.	Production of secondary aluminium where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
9.	Production or processing of non-ferrous metals, including production of alloys, refining, foundry casting, etc., where combustion units with a total rated thermal input (including fuels used as reducing agents) exceeding 20 MW are operated	Carbon dioxide
10.	Production of cement clinker in rotary kilns with a production capacity exceeding 500 tones per day or in other furnaces with a production capacity exceeding 50 tones per day	Carbon dioxide
11.	Production of lime or calcinations of dolomite or magnesite in rotary kilns or in other furnaces with a production capacity exceeding 50 tones per day	Carbon dioxide
12.	Manufacture of glass including glass fiber with a melting capacity exceeding 20 tones per day	Carbon dioxide
13.	Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a	Carbon dioxide

	production capacity exceeding 75 tones per day	
14.	Manufacture of mineral wool insulation material using glass, rock or slag with a melting capacity exceeding 20 tones per day	Carbon dioxide
15.	Drying or calcinations of gypsum or production of plaster boards and other gypsum products, where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
16.	Production of pulp from timber or other fibrous materials	Carbon dioxide
17.	Production of paper or cardboard with a production capacity exceeding 20 tones per day	Carbon dioxide
18.	Production of carbon black involving the carbonization of organic substances such as oils, tars, cracker and distillation residues, where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
19.	Production of nitric acid	Carbon dioxide and nitrous oxide
20.	Production of adipic acid	Carbon dioxide and nitrous oxide
21.	Production of glyoxal and glyoxylic acid	Carbon dioxide and nitrous oxide
22.	Production of ammonia	Carbon dioxide
23.	Production of bulk organic chemicals by cracking, reforming, partial or full oxidation or by similar processes, with a production capacity exceeding 100 tones per day	Carbon dioxide
24.	Production of hydrogen (H ₂) and synthesis gas by reforming or partial oxidation with a production capacity exceeding 25 tones per day	Carbon dioxide
25.	Production of soda ash (Na ₂ CO ₃) and sodium bicarbonate (NaHCO ₃)	Carbon dioxide
26.	Capture of GHGs from installations covered by this Directive for the purpose of transport and geological storage in a storage site permitted under the respective national legislation	Carbon dioxide
27.	Transport of GHGs by pipelines for geological storage in a storage site permitted under the respective national legislation	Carbon dioxide
28.	Geological storage of GHGs in a storage site permitted under the respective national legislation	Carbon dioxide

Annex III: List of aviation activities excluded from the obligations of under this Law

Referred in article 12

<p>(a) flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a country other than a Member State, where this is substantiated by an appropriate status indicator in the flight plan;</p> <p>(b) military flights performed by military aircraft and customs and police flights;</p> <p>(c) flights related to search and rescue, fire-fighting flights, humanitarian flights and emergency medical service flights authorized by the appropriate competent authority;</p> <p>(d) any flights performed exclusively under visual flight rules as defined in Annex 2 to the Chicago Convention;</p> <p>(e) flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made;</p> <p>(f) training flights performed exclusively for the purpose of obtaining a license, or a rating in the case of cockpit flight crew where this is substantiated by an appropriate remark in the flight plan provided that the flight does not serve for the transport of passengers and/or cargo or for the positioning or ferrying of the aircraft;</p> <p>(g) flights performed exclusively for the purpose of scientific research or for the purpose of checking, testing or certifying aircraft or equipment whether airborne or ground-based;</p> <p>(h) flights performed by aircraft with a certified maximum take-off mass of less than 5 700 kg;</p> <p>(i) flights performed on routes where the capacity offered does not exceed 30 000 seats per year;</p> <p>(j) flights which, but for this point, would fall within this activity, performed by a commercial air transport operator operating either:</p> <ul style="list-style-type: none"> — fewer than 243 flights per period for three consecutive four-month periods, or — flights with total annual emissions lower than 10 000 tones per year. <p>Flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a Member State may not be excluded under this point; and</p> <p>(k) flights which, but for this point, would fall within this activity, performed by a non-commercial aircraft operator operating flights with total annual emissions lower than 1 000 tones per year.</p>	<p>Carbon dioxide</p>
---	-----------------------

Annex IV: The non exhaustive list of issues to be covered in the NDC document

Referred in article 23

1. National contribution to mitigation of climate change: national and sectoral goals, including quantified information for all relevant goals adding up to NDC target. This will include the formally-committed mitigation target, as well as other sectoral or regional goals, and sustainable development priorities.
2. Adaptation to climate change;
3. Information on the planning process and the means of implementation, including implementation of national plans where NDC is based: how these goals will be achieved, including fully-specified policies, measures, mandates, as well as enabling frameworks to support NDC implementation and longer-term goals; how costs will be met, including through government spending, international public and private financing, or through policy mandates that require households and businesses to bear costs (e.g., Renewable Portfolio Standards, vehicle efficiency standards).
4. International support needed for the process in terms of
 - a. finance,
 - b. technology transfer, and
 - c. capacity building.

Annex V: The non exhaustive list of issues to be covered in the LCDS

Referred in article 24

1. Description of the socio-economic, demographic and geographical context for low carbon development;
2. Assessment of existing GHG emissions by sector and expected emissions in the mid-and long term;
3. Assessment of technology options in priority sectors;
4. Analysis of implementation opportunities for options for low carbon development in relevant sectors;
5. Choosing the right options to be implementing in the short, medium and long run so to satisfy the objectives set in the NDC, as referred in article 23;
6. Coordination and synergy with international/multilateral environmental agreements, processes and financing possibilities.

ANNEX VI: The non exhaustive list of issues to be covered in the NAMA document

Referred in article 25

Introduction	<p>a. Brief description of the general context of the country, and overview of national development and climate change policies;</p> <p>b. Brief description of the relevant existing legal, regulatory and institutional framework for implementation of the NAMA;</p>
Overview of NAMA	<p>c. Description of objectives and mitigation measures;</p> <p>d. Relevance to the national development plans/strategies, as well as national and/or sectorial mitigation goals;</p> <p>e. Description of relevant existing mitigation initiatives and synergies with the NAMA;</p> <p>f. Brief description of the transformational impact including its sustainability;</p>
National benefits	<p>g. Description of the benefits in terms of development (economic, social and environmental);</p> <p>h. Cost-effectiveness in achieving national benefits;</p>
GHG emission impacts	<p>i. Description of BAU scenario;</p> <p>j. Description of estimated impacts on deviation in GHG emissions from BAU;</p> <p>k. Description of the transformational impact of NAMA implementation;</p> <p>l. Cost-effectiveness in achieving GHG emission impacts;</p>
Action Plan NAMA	<p>m. Description of detailed activities to implement the mitigation measures included in the NAMA;</p> <p>n. Work plan for the detailed activities;</p> <p>o. Plan for the involvement of stakeholders, including their role in the implementation of the activities and institutional arrangements;</p>
MRV	<p>p. Description of key parameters to assess progress of implementation of the NAMA;</p> <p>q. Description of key parameters to assess the national benefits and GHG emission impacts;</p> <p>r. Description of methodology to estimate GHG emission impacts, and arrangements for measuring and reporting;</p>
External non-financial support required	<p>s. Description of the technical and capacity-building needs, based on the identified barriers to implementing mitigation measures (described in the Annex);</p>

Financial resources required	<p>t. Cost of implementing the NAMA;</p> <p>u. Incremental cost, to be sourced from international funding, to implement the NAMA;</p> <p>v. Description of arrangements to finance the implementation of the NAMA, including domestic finances and international funding.</p>
Annexes	
Identification of barriers	<p>a. Pre-feasibility study to implement mitigation measures;</p> <p>b. Analysis of barriers (financial, legal, regulatory, institutional, capacity, technology, etc.) that impede achievement of the NAMA objective;</p> <p>c. Description of solutions and necessary steps to eliminate barriers;</p>
Verification process	d. Description of verification process of NAMAs in the country.

Annex VII: The non exhaustive list of issues to be covered in the NAP document

Referred in article 26, paragraph 3

1. Analysing current climate and future climate change scenarios;
2. Assessing climate vulnerabilities and identifying adaptation options at the sector, local, national and other appropriate levels;
3. Reviewing and appraising options;
4. Choosing the right options to be implementing in the short, medium and long run;
5. Coordination and synergy with other international/multilateral environmental agreements, processes and financing possibilities;
6. Identifying adequate approaches for mainstreaming climate change adaptation into policies and strategies of line ministries;
7. Specify financing needs for adaptation and potential sources to cover the costs;
8. Approaches for capacity development, outreach and public involvement;
9. Coordination and synergy with other international/multilateral environmental agreements.

Annex VIII: The non exhaustive list of issues to be covered in the National Communications (NC)

Referred in article 29, paragraph 3

1. A national inventory of anthropogenic emissions by sources and removal by sinks of all GHGs to the extent its capacities permit, using comparable methodologies;
2. A general description of steps taken or envisaged to implement the Convention, including national or, where appropriate, regional programmes containing measures to mitigate, and to facilitate adequate adaptation to, climate change;
3. A description of the existing institutional arrangements;
4. Actions implemented to facilitate mitigation;
5. Actions implemented to facilitate adaptation to climate change. That information shall include the main objectives and the climate change impact category addressed, such as flooding, sea level rise, extreme temperatures, droughts, and other extreme weather events;
6. New findings on climate change and vulnerabilities in Albania;
7. Progress and obstacles in mainstreaming mitigation and adaptation into other sectors and the National Strategy for Development and Integration;
8. Progress and obstacles in achieving goals and indicators in mitigation and adaptation;
9. Constraints and gaps, and related financial, technical and capacity needs for both mitigation and adaptation;
10. The inventory sectoral and sub-sectoral tables and excel worksheets of the IPCC completed for each activity category with the relevant data, as per request of the methodology used.
11. Information on the level of uncertainty associated with inventory data and their underlying assumptions, together with the description of the methodologies used, if any, for estimating these uncertainties.
12. Any limitations related to the data and information availability and of the document produced.
13. Any other information that is considered relevant to the achievement of the objective of the NDC and of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends, transfer of technologies, research and systematic observations, education, training and public awareness, capacity building, information and networking;
14. Recommendations for future steps and measures on both mitigation and adaptation issues.

Annex IX: The non exhaustive list of issues to be covered in the Biennial Update Reports (BURs)

Referred in article 29, paragraph 4

- a. Information on national circumstances, including national development priorities, and sustainable development objectives and institutional arrangements relevant to the preparation of the National Communications on a continuous basis, including legal or official arrangements, established, or reinforced, to sustain the process of the preparation of national communications and biennial update reports on a regular basis;
- b. The national inventory of anthropogenic emissions by sources and removal by sinks of GHGs defined in the Minister's Guideline/ National Regulation for the preparation of the NC and BUR, as per article 29, paragraph 7, including a national inventory report;
- c. Information on mitigation actions and their effects, including associated methodologies and assumptions;
- d. Constraints and gaps, and related financial, technical and capacity needs, including a description of support needed and received;
- e. Information on the level of support received to enable the preparation and submission of Biennial Update Reports;
- f. Information on domestic MRV;
- g. Information on NAMAs, as below;
 - i. information on planned NAMAs: objective and description of NAMAs, including information on the emission sources covered in the NAMA (i.e. sectors and gases) and quantitative goals; steps envisaged to implement the NAMA; progress indicators to track the implementation of the NAMA; methodologies and assumptions related to estimation of GHG impacts of the NAMA; and barriers to implementing NAMAs, and related financial, technical and capacity needs, including a description of the support needed.
 - ii. Information on NAMAs under implementation or already implemented: progress of NAMAs under implementation, including the underlying steps taken as well as further steps envisaged; and results achieved from implementing NAMAs, including outcomes of NAMAs as well as impacts in terms of GHG emissions reduction. Outcomes of NAMA refer to direct outputs of implementation, e.g. policies to promote energy efficiency measures or capacity of renewable energy established, etc.
 - iii. Information on support: international support needed and received, to develop or implement NAMAs
- h. Reporting tables, sectoral and sub-sectoral worksheets completed with the relevant data, as per request of the methodology used.
- i. Summary information tables of inventories for pervious submission years.
- j. Any limitations related to the data and information availability and of the document produced.
- k. Any other information that is considered relevant to the achievement of the objective of the Convention and suitable for inclusion in its Biennial Update Reports.