



Technical Assistance for Strengthening the Capacity of the Ministry of Environment, Forests and Water Administration in Albania for Law Drafting and Enforcement of National Environmental Legislation

Draft

LAW

“ON SOME AMENDMENTS IN THE LAW No.9587, DATED 20.7.2006 “ON THE PROTECTION OF BIODIVERSITY” AS AMENDED*

Draft 2

Version 1

7 November 2013

* *This law partially transpose:*

1. *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, as amended by directive 97/62/EC, directive 2006/105/EC and Regulation (EC) 1882/2003 (OJ L 206, 22.7.1992, p. 7);*
2. *Directive 2009/147/EC on the conservation of wild birds (OJ L207, 20.1.2010.).*



REPUBLIC OF ALBANIA

ASSEMBLY

LAW

No. _____, date _____

**“ON SOME AMENDMENTS TO THE LAW NO.9587, DATED 20.7.2006 “ON THE
PROTECTION OF BIODIVERSITY, AS AMENDED”***

Based on the articles 78 and 83, item 1 of Albanian Constitution, at the proposal of Council of Ministers,

ASSEMBLY

OF

REPUBLIC OF ALBANIA

DECIDED:

To make the following additions and changes to the law no.9587, dated 20.7.2006 “On the protection of biodiversity” as amended:

Article 1

Article 1, after paragraph 2, will be added by paragraph 3, 4 and 5 with this content:

* *This law partially transpose:*

3. *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, as amended by directive 97/62/EC, directive 2006/105/EC and Regulation (EC) 1882/2003 (OJ L 206, 22.7.1992, p. 7);*
4. *Directive 2009/147/EC on the conservation of wild birds (OJ L207, 20.1.2010.).*

3. To ensure the establishment of a network to enhance the conservation of the natural habitats and of wild fauna and flora in the Albanian territory;
4. To design measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest;
5. To ensure a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics.

Article 2

In article 2, will be made these amendments:

1. Paragraph 12 will be amended as follows:
“Environmental permit” are respectively the environmental permits of type A, B or C according to the meaning given in the law no.10448, date 14.7.2011 “On environmental permits”.
2. Paragraph 35, will be amended as follows:
“Ministry” is the ministry responsible for environment.
3. Paragraph 36, will be amended as follows:
“Minister” is the minister responsible for environment.
4. Paragraph 37 will be repealed.
5. After paragraph 42 will be added paragraph 43, 44, 45, 46 and 47 with these contents:
 43. “**Local Government Unit (LGU)**” has the same meaning given according to the Law no.8652, date 31.07.2000 “On organization and functioning of local government” as amended;
 44. “**Natura 2000**” means an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats;
 45. “**Site of Community Importance**” means a site which, in the bio geographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type or of a species and may also contribute significantly to the coherence of Natura 2000, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned;
 46. “**Special areas of conservation (SACs)**” has the same meaning as in the law no. 8906, dated 6.6.2002 "On Protected Areas" as amended;
 47. “**Special protection areas (SPAs)**” means an area where wild birds classified as rare and vulnerable and as regularly occurring migratory species are strictly protected;

Article 3

In article 3, paragraph 1, letter “a” after “...state or private property” will be added “especially in the Representative Network of Albania Protected Areas.”

Article 4

In article 5, the title “Ministry of Environment, Forest and Water Administration” will be replaced by the title “Ministry of Environment”.

Article 5

Anywhere in law the name “Ministry of Agriculture, Food and Consumer Protection” will be replaced with the name “Ministry of Agriculture, Rural Development and Water Administration”.

Article 6

In article 16, will be made these additions:

1. In paragraph 1 after “...drafting the management plans..” will be added “and action plans...”.
2. After paragraph 1 will be added paragraph 1/1 with this content:
“1.1 The minimum criteria for the management plans of ecosystems, habitats and protected landscapes that are outside the representative network of protected areas will be stipulated by guidelines of the Minister.”

Article 7

After Chapter IV will be added Chapter IV/I “On the management and protection of Natural habitat types, animals, including wild birds, as well as plant species of community interest”

Article 8

After article 17, will be added article 17/1, 17/2, 17/3, 17/4 and 17/5 with this content:

“Article 17/1 Conservation of natural habitats and habitats of species

1. Without prejudice to Law nr.9868, dated 4.2.2008 “On some additions and changes in Law no.8906, dated 6.6.2002 “On Protected area”, Special areas of conservation (SACs) comprising natural habitat sites referred in article 17/4, letter “a” and habitats of species referred in article 17/4, letter “b”, as well as Special protection areas (SPAs) for Wild Birds referred in of article 17/4, letter “e” of this law must be designated to contribute to the creation of a coherent European ecological network.
2. In addition to the provisions of articles 4/3 and 7 of the Law nr.9868, dated 4.2.2008 “On some changes on law no.8906, dated 6.6.2002 “On protected area” and of articles 27, 28, 29, 30, 31 of law no.8906, dated 6.6.2002 “On protected area” a coherent ecological network of special areas of conservation and special protection areas shall be set up and denominated under the title Natura 2000.

“Article 17/2

Designation and management of natural habitats and habitats of species

1. The Ministry shall select a list of Sites of Community Importance (SCI), identifying the occurrences of habitat types of article 17/4, letter “a” and species of article 17/4, letter “b” in each of its biogeographic regions in order to propose to European Commission a list of sites which host those habitat types and species. The national list of sites of community importance together with a description of the characteristic features of the specific sites shall be prepared according to Standard Data Forms foreseen in the Decision of Council of Ministers No. 897, dated 21.12.2011 “On approval of rules for the designation of special areas of conservations”.
2. The Ministry supervises the conservation status of natural habitats and species, referred in article 17/4, letter “c” taking special attention to priority natural habitats and priority species and promotes researches as well as scientific work in order to achieve the objectives.
3. The Ministry must establish a system to monitor the incidental capture and killing of species referred in article 17/4, letter “c” and further research or conservation measures taken as required avoiding significant negative impact on species concerned.
4. The Minister through guidelines shall define measures, including continuing surveillance, to ensure that the taking in the wild and/or exploitation of species referred in article 17/4, letter “d” may be subject to management measures and is compatible with maintaining their favourable conservation status.
5. The Minister through an order shall approve a list of Special protection areas (SPAs) identifying the relevant zones to ensure the protection of the national species, according to article 17/4, letter “e”.

Article 17/3
Accompanying measures

The Ministry shall:

- a) take all necessary measures and appropriate steps to avoid deterioration and/or disturbance of natural habitats, the habitats of species in SACs as well as of wild birds in SPAs;
- b) make cooperation agreement with relevant international authorities including the NGOs to ensure the effective implementation of this Chapter;
- c) ensure that the information transmitted by LGU on the conservation status of nature is appropriately examined;
- d) ensure that the formalities relating to the designation of SCIs are simple and expeditious in order to create an incentive for the establishment of protected areas;
- e) ensure in accordance with the legislation in force and that any party involved in dealing with nature contribute in the conservation and restoration status giving eventually compensation for eventual damage caused.

Article 17/4
The lists of natural habitats types, plants, animals and birds

The Council of Ministers by proposal of Minister will approve:

- a. the list of natural habitat types of community interest whose conservation requires the designation of special areas of conservation;
- b. the list of animal and plant species of community interest whose conservation requires the designation of special areas of conservation;
- c. the list of animal and plant species of community interest in need of strict protection;
- d. the list of animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures;
- e. the list of vulnerable species that need special conservation measures;
- f. the identification principles of species to be subject of research on the protection and management of wild birds.

Article 17/5
Reporting

1. The Ministry shall prepare, a status report concerning the implementation of the measures taken under this chapter every six year. This report shall include in particular the conservation measures referred to in article 17/2 and 17/3, as well as an evaluation of the impact of those measures on the conservation status of the natural habitat types of letter “a” and the species in letter “b” of article 17/4 and the main results of the surveillance referred in article 17/2, paragraph 4. Such report shall be made accessible to the public.

2. The Minister through Ministerial Order shall approve a format to be used to draft the report.

Article 9

In article 26, after paragraph 3 will be added paragraph 3/1 with this content:

“The Minister through guidelines shall approve the minimum criteria for the management plans of habitats of special protected species.

Article 10

Sub legal acts

1. The Council of Ministers approve the sub legal acts for the implementation of article 8 of this law.
2. The minister approves the sublegal acts for the implementation of article 6, 8 and 9 of this law.

Article 11

Entry into force

This law enters into force 15 days after publication in the Official Journal.

CHAIRMAN

ILIR META