



REPUBLIC OF ALBANIA
THE ASSEMBLY

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No _____, dated _____

ON ENVIRONMENT PROTECTION¹

Pursuant to the Article 78 and 83 item 1 of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

¹ This Law transposes the environmental protection principles from the Treaty and which are common to a large number of environmental *acquis* directives. It also transposes a number of definitions, which are again common to a number of environmental directives.

The Law transposes Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage as amended by Directive 2006/21/EC and Directive 2009/31/EC. It also provides the clear legal basis and framework for further transposition drafting of the large number of environmental directives that are relevant to the protection of the environment from human activities.

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I. GENERAL PROVISIONS

Article 1 The goal of the law

1. This Law aims at ensuring a high level of environmental protection, with a view to protecting, preserving and improving the environment, preventing and reducing risks to human health and lives, ensuring and improving the quality of life, to the benefit of both present and future generations.

Article 2 The Environmental Protection objectives

1. The environmental protection objectives are:
 - a. Preservation, protection and enhancement of biodiversity;
 - b. preservation, protection and improvement of environmental sustainability;
 - c. prudent and rational use of nature and its resources;
 - d. preservation and restoration of cultural and aesthetic landscape values;
 - e. protection and improvement of environmental conditions; and
 - f. protection and improvement of the quality of life and human health.

Article 3 The Scope of the Law

1. This law establish the basic principles, requirements, responsibilities, rules and procedures for ensuring a high level of environment protection in the Republic of Albania.

Article 4 Definition of Terms

1. For the purposes of the present Law, the following terms have the following meanings:
 - a. **“Environment”** means the natural surroundings: air, soil, water and sea, climate, plant and animal world, in the totality of their mutual interactions, and cultural heritage as a part of the man-made environment.
 - b. **“Environmental quality”** means the ambient state of environment or a component thereof expressed through physical, chemical, biological, aesthetic and other indicators;
 - c. **“Carrying capacity”** means the environment's capacity to accept changes caused by external factors, at the same time preserving its natural features;
 - d. **“Natural habitats”** means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural
 - e. **“Biodiversity”** means the totality of living organisms, encompassing the diversity within and among species and ecosystems of a given area;
 - f. **“Intervention into the environment”** means any temporary or continuous human action that might disturb environmental stability or biodiversity, or bear other adverse impacts on the environment;

- g. **“Emission”** means the direct or indirect release as a result of human activity of substances, vibrations, heat or noise from individual or diffuse sources into the air, water or land;
- h. **“Operator”** means any natural or legal person who operates or controls the installation or to whom decisive economic power over the technical functioning of the installation has been delegated in accordance with the legislation in force;
- i. **“Pollution”** means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;
- j. **“Polluter”** means any natural or legal person whose activity directly or indirectly causes pollution;
- k. **“Hazardous substance”** means a substance or group of substances that are toxic, persistent and liable to bio-accumulate, and other substances or groups of substances which are of similar concern;
- l. **“Substances”** means chemical elements and their compounds as they occur in their natural state or as produced by industry;
- m. **“Environmental risk”** means the probability of a given intervention to cause, directly or indirectly, damage to the environment or endanger human lives and health;
- n. **“Environmental damage”** means the harm done to or loss of the natural function of integral environmental parts, caused by the loss of its respective integral parts and/or human-induced internal disturbance of relations and the natural course of affairs;
- o. **“Threatened environment”** means the state created by a large-scale pollution in a given area, for which, in compliance with the present or a special Law, special measures are prescribed, in order to restore the previous state or create a new environmental state, rehabilitate a natural community or regenerate a natural resource with a view to improving the quality of life;
- p. **“Public”** means one or more natural or legal persons, their associations, organisations or groups;
- q. **“Public authority”** means:
 - a. Central and Local government or other public administration, including public advisory bodies, at national, regional or local level;
 - b. any natural or legal person performing public administrative functions, including specific duties, activities or services in relation to the environment; and
 - c. any natural or legal person having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person falling within (a) or (b).
- r. **“Ministry”** means the Ministry in charge of Environment Protection;
- s. **“Minister”** means the Minister of the Ministry in charge of Environment Protection.

2. ENVIRONMENTAL PROTECTION PRINCIPLES

Article 5 Sustainable Development Principle

1. Public Authorities, each within the scope of their competence, in the process of preparation and implementation of the legal framework, strategies, policies, plans and programs shall promote economic and social development of the society safeguarding natural assets so as to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Article 6 Prevention and Precautionary Principles

1. Measures and activities of environmental protection shall be taken at an early stage so as to prevent or where that is not possible, to minimise the occurrence of adverse effects.
2. In determining specific measures and activities of environmental protection, a precautionary approach shall be taken so that where there are threats of serious or irreversible damage to the environment the lack of scientific certainty shall not prevent or postpone cost-effective measures to be taken to prevent environmental damage.

Article 7 Principle of Preservation of Natural Assets

1. Public Authorities, each within the scope of their competence, through the preparation and implementation of the legal framework, strategies, policies, plans and programs shall improve the quality of natural resources: air, water, sea, soil, forests, biodiversity and landscape diversity.

Article 8 Substitution and/or Compensation Principle

1. Efforts must be made to replace any intervention that might bear adverse impacts on the environment by another one representing a lower risk or threat.
2. Efforts must be made to ensure the use of best practices as well as the use of products, equipment and devices and application of production processes which are most environmentally friendly.
3. Public Authorities, each within the scope of their competence, through the preparation and implementation of the legal framework, strategies, policies, plans and programs shall promote the use of environmental best available techniques.

Article 9 Principle of Integrated Approach

1. A high level of environmental protection and the improvement of its quality are obligatory conditions for the initiation and implementation of all activities whose objective is balanced economic development and shall be ensured in accordance with the principle of sustainable development.
2. The purpose of the principle of integrated approach is the prevention of environmental risk and/or the reduction of environmental risk to the environment as a whole.
3. Public Authorities, in the process of developing and adopting physical planning documents shall take into account the vulnerability of the environment, the relation towards landscape balance and values,

relation towards non-renewable and renewable natural assets, cultural heritage and material assets and the totality of their mutual interaction as well as the interaction between existing and planned projects.

Article 10 Principle of Joint Responsibility and Cooperation

1. When endorsing the Environmental Protection Strategy, programmes, intervention plans and regulations, when issuing permits or implementing financial policy, control or other environmental measures, co-operation between and joint actions of public authorities are essential.
2. The Republic of Albania shall ensure cooperation and solidarity in resolving global and intergovernmental environmental issues especially through international agreements, by cooperating with other countries for issues related to notifying other countries on transboundary environmental effects, ecological accidents as well as through international exchange of environmental information.
3. The authorities under paragraph 1 of the present Article ensure the manner and conditions of joint actions of citizens and institutions with the purpose of an integrated and even achievement of environmental protection objectives.

Article 11 Polluter Pays Principle

1. The natural or legal person whose actions or inactions result in environmental damage or the risk of environmental damage shall be financially liable and shall bear the costs arising from such environmental damage or risk. Such costs may include the costs of damage assessment, assessment of necessary measures and the costs of removing the damage to the environment, including any remediation and compensation costs.

Article 12 Principle of Access to Information and Public Participation

1. Every person have the right to timely information on environmental pollution, on the measures undertaken and on the related free access to the environmental data, in accordance with this Law, legislation referred herein and the Law No. 8503, dated 30.6.1999 “On the Right of Information on Official Documents”.
2. During the institutional solving of environmental protection issues, the relevant public authorities shall ensure that the public and interested parties have an effective opportunity to participate in the procedures for: identifying the state of environment, developing and adopting strategies, plans and programmes pertaining to environmental protection and specific environmental components and in developing and adopting regulations and general acts pertaining to environmental protection, and decision-making in environmental permitting; in compliance with the provisions of this Law and legislation referred herein.

Article 13 Principle of Promotion of Activities for the Environment Protection

1. The public authorities shall, in accordance with their respective scopes of competence, promote activities pertaining to environmental protection which prevent or reduce environmental pollution as well as projects in the environment which reduce the use of substances, raw materials and energy, or which pollute the environment to a lesser extent.

2. The public authorities, which scope of work includes the environmental protection area, shall promote public information and education on environmental protection and sustainable development and shall work on developing environmental awareness as a whole.
3. The public authorities may under their respective scopes of competence conclude agreements with polluters and their associations on voluntary measures for the purpose of additional reduction of environmental burdening.

3. ENVIRONMENTAL COMPONENTS

Article 14 General Provision

1. Environmental components shall be protected from pollution both individually and in conjunction with other environmental components, taking into account their mutual interrelations and effects.

Article 15 Air Protection

1. Air protection includes protection measures for air quality with the aim of avoiding or reducing the adverse effects on human health, quality of life and the environment as a whole, air quality preservation and prevention and reduction of pollution causing ozone layer damage and climate change.
2. Specific measures for implementing air protection are set in this Law and in the specific legislation.

Article 16 Water Protection

1. Water protection includes water protection measures for inland surface waters, groundwaters, transitional waters, coastal waters, and the sea as a whole with the aim of avoiding or reducing the adverse effects on human health, water eco systems, quality of life and the environment as a whole.
2. Specific measures for implementing water protection according to water categories as defined in paragraph 1 of this article, are endorsed by this law and in the specific legislation.

Article 17 Soil Protection

1. Soil protection includes the preservation of healthy and ecological functions of the soil, prevention of soil damage, monitoring the status of the soil and changes in its quality as well as remediation and restoration of damaged soil.
2. Protection of humus includes protection of soil capability to produce as well as its improvement and rehabilitation.
3. Specific measures for implementing soil and humus protection are set in this Law and in the specific legislation.

Article 18 Nature and Forest Protection

1. Nature protection refers to the conservation of ecosystems and landscape with the aim of avoiding or reduction of the harmful effects to human health, environment as well as the improvement of the quality of life.
2. Forest protection includes measures for protection of natural and semi-natural forest stands, forest complexes as well as the protection of forest soil, water streams and sources, flora and fauna in a forest region and gene and seed stands of indigenous tree varieties with the aim of avoiding or reduction of the harmful effects to human health, environment as well as the improvement of the quality of life.
3. Specific measures for implementing nature and forest protection are set in this Law and in the specific legislation.

Article 19 Climate Change

1. Climate change refers to changes caused by anthropogenic influences in the climate system.
2. The Government promotes efforts on climate change to reduce and stabilise emissions of greenhouse gases.
 3. The Government promotes the development and safe use of carbon capture and storage.
 4. The Government promotes the use of renewable energy and of energy efficiency.
 5. Specific measures for implementing climate change measures are set in this Law and in the specific legislation.

4. PROTECTION OF ENVIRONMENT IN THE PROCESS OF PLANNING

Article 20 Environmental strategies and plans

1. The Ministry shall prepare the national environmental strategy and plan on a regular basis.
2. The Ministry may prepare, as necessary, national environmental strategies and plans for each environmental component.
3. The strategies and plans referred to in paragraphs 1 and 2 of this article shall be kept under regular review and revised as necessary.
4. The strategies and plans referred to in paragraphs 1 and 2 of this article shall be approved by the Council of Ministers.
5. The detailed requirements for the implementation of this Article shall be endorsed by the Government.

Article 21 Local environmental action plans

1. Local Government Units shall prepare local environmental action plans on a regular basis.
2. The local environmental action plans shall be in accordance with the environmental strategies and plans referred to in Article 20.
3. The local environmental action plans shall be kept under regular review and revised as necessary.
4. The local environmental action plans referred to in paragraph 1 of this article shall be approved by the respective Council.
5. The detailed requirements for the implementation of this Article shall be endorsed by the Government.

Article 22 Development Plans

1. Development Plans in the meaning of this Law includes the instruments of national, local, regional and integrated planning as defined by the Law No. 10119, dated 23.04.2009 “On Territorial Planning”.
2. When elaborating and endorsing development plans, the Relevant Public Authority must particularly take into account the environmental sensitivity in a given area, its carrying capacity, the relation towards landscape's harmony and values, the relation towards renewable and non-renewable natural resources, cultural heritage, and the totality of interactions of the existing and the planned interventions into the environment.
3. Environmental protection measures contained in development plans include measures for protecting soil, water, sea, air, forests, climate, human health, ecosystems, landscape, cultural and physical values; waste management measures, noise, vibrations, unpleasant odours, and fire-protection measures, and other relevant measures, set in compliance with provisions of the present Law and in the specific legislation.

Article 23 Strategic Environment Assessment

1. Subject to paragraph 2, Strategic Environment Assessment shall be carried out on:
 - a. All plans and programmes in the area of agriculture, forestry, fisheries, energy, industry, mining, transport, regional development, telecommunications, waste management, water management, tourism, territorial planning and other plans and programmes related to national, regional and local development.
 - b. All strategic planning and programme documents by which implementation of projects that are subject to Environmental Impact Assessment are planned, and
 - c. All plans and programmes that are likely to have an effect on Special Areas of Conservation as provided in specific legal acts.
2. Plans and programmes referred to in paragraph 1 which determine the use of small areas at local level, and/or minor modifications to plans and programmes referred to in paragraph 1 shall require a

Strategic Environment Assessment only where the Ministry has made a decision that they are likely to have significant environmental impacts.

3. Plans and programmes that are not covered by paragraph (1) of this Article, but which set the framework for future development consent of projects, shall be subject to strategic environmental assessment only where the Ministry has made a decision that they are likely to have significant environmental impacts.
4. The detailed requirements for the implementation of this Article are regulated by the Law on Strategic Environment Assessment.

Article 24 Environmental Impact Assessment

1. Environmental impact assessment of a proposed development activity is the assessment of possible significant environmental impacts of that activity.
2. Environmental impact assessment identifies, describes and evaluates in an appropriate manner the impact of the activity referred to in paragraph 1 of this Article on the environment by establishing the possible direct and indirect effects of the activity on the soil, water, sea, air, forest, climate, human beings, flora and fauna, landscape, material assets, cultural heritage, taking into account their mutual interrelations.
3. Environmental impact assessment implements the prevention principle in the early phase of activity planning in order to avoid or reduce the negative environmental effects through its harmonisation and adjustment with the carrying capacity of the environment.
4. Environmental impact assessment shall be carried out as part of the preparation of the intended development activity, prior to applying for the Development Permit for this activity.
5. Specific measures for implementing Environmental Impact Assessment are set in the Law “On Environmental Impact Assessment”.

5. POLLUTION CONTROL

Section 1 Environmental Norms

Article 25 Environmental Quality Norms

1. An Environmental Quality Norm means the concentration of a particular pollutant or group of pollutants in air, water or soil which must not be exceeded.
2. The Environmental Quality Norms for specific pollutants or groups of pollutants for the individual environmental components of air, water and soil shall be endorsed by the Government. The Government may also set time-limits for achieving such environmental quality norms.

Article 26 Environmental Technical Norms

1. An Environmental Technical Norm means the mass, concentration or level of an emission from an activity which may not be exceeded during one or more periods of time. Environmental Technical Norms may also be set for certain groups or categories of substances.
2. The emission limit values set in any relevant Environmental Permit for a specific activity shall not be less strict than the relevant Environmental Technical Norm.
3. Environmental Technical Norms shall normally apply at the point where the emission leaves the activity.
4. The Environmental Technical Norms for specific pollutants or groups of pollutants for the individual environmental components of air, water and soil shall be endorsed by the Government. The Government may also set time-limits for achieving such Environmental Technical Norms.

Article 27 Essential Requirements on Products

1. The essential requirements regarding products, machinery, equipment and production technologies that might cause risk or threat to the environment are foreseen by the Legislation on Products' General Safety, Essential Requirements to non Food Products and Conformity Assessment.
2. Where relevant, such essential requirements shall be taken into account when considering environmental permitting under Section 2 of this Part of the Law.

Section 2. Environmental Permitting

Article 28 Environmental Permits

1. Activities which cause pollution are subject to Environmental Permitting.
2. The environmental permitting of activities shall be established according to a three level system, based on the size and type of the activity to be permitted and or on the potential for that activity to cause pollution that may cause damage to the environment or harm to human health.:
 - a. Class of Activities (A) for which will apply class A environmental permit;
 - b. Class of Activities (B) for which will apply class B environmental permit; and
 - c. Class of Activities (C) for which will apply class C environmental permit.
3. The categories of activities and thresholds between the three levels, are endorsed by legislation on environmental permitting².

Article 29 Prevention of Major Accidents Involving Dangerous Substances

1. Any installation where specific dangerous chemical substances and preparations are/or may be present in such quantities as they may cause damage to the environment or harm to human health in

² Note that this proposed Law is being produced by the current project

the event of a major accident, shall be subject to a control system for prevention and limitation of the consequences of such accidents.

2. Specific measures for the prevention of major accidents involving dangerous substances are set in this Law and legislation on the prevention of major accidents involving dangerous substances³.

Article 30 Emission Ceilings

1. The Republic of Albania shall take the necessary measures to limit emissions of acidifying and eutrophying pollutants and ozone precursors.
2. For the purposes of this Article “emission ceiling” means the maximum amount of a substance referred to in paragraph 1 expressed in kilotonnes which may be emitted from the territory of Albania in a calendar year.
3. The measures referred to in paragraph 1 of this article shall limit the annual national emissions of those substances, and in particular of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia, to amounts not greater than the emission ceilings set for those substances.
4. Where relevant, the relevant environmental permits as foreseen in article 28 of this Law shall contain conditions to ensure that emission ceilings are respected.
5. The national emission ceilings as well as the measures referred to in paragraph 1 of this article of effective protection of all people against recognised health risks from air pollution shall be endorsed by the Government.

Article 31 Pollutant Release and Transfer Register

1. The Environmental Pollutant Release and Transfer Register is an instrument that ensures the information on releases of pollutants and off-site transfers of pollutants and waste, for tracking trends, demonstrating progress in pollution reduction through environmental policies and programmes, monitoring compliance with international agreements, as well as providing public access to information.
2. The Environmental Pollutant Release and Transfer Register shall be administered by the Environment and Forest Agency.
3. The operator of activities to which this Article relates shall record, update and report annually on the implementation of this Article to the Environment and Forest Agency.
4. The detailed requirements for the implementation of the Environmental Pollutant Release and Transfer Register, as well as the list of activities and pollutants subject to this register, and format for the reporting of release and transfer data by operators shall be endorsed by the Government.

³ Note that this Law is being produced by the current project

Section 3 Other Pollution Control Measures

Article 32 Waste Management

1. Waste management aims at the protection of the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.
2. Specific measures for implementing Waste Management are set in this Law and other specific legal acts.

Article 33 Chemicals

1. Protection against the adverse effects of chemicals, their compounds and preparations includes measures and procedures for protection against their adverse effects on human health, material assets and the environment.
2. Specific measures for implementing Protection against the adverse effects of chemicals are set in this Law and other specific legal acts.

Article 34 Ozone depleting substances

The regulation of the production, importation, exportation, placing on the market and use of ozone depleting substances as well as the importation, exportation, placing on the market and use of products and equipment containing those substances shall be endorsed by the Government.

Article 35 Genetically Modified Organisms

1. The deliberate release or the placing on the market of GMOs which may cause adverse effects on human health and the environment shall, in accordance with the precautionary principle, be prohibited except when otherwise foreseen by the legislation in force.
2. The provision of this article shall not apply to food and feed containing GMO which are regulated by the Law No. 9863, dated 28.1.2008, "On Food".
3. The detailed rules on carrying out the deliberate release into the environment of genetically modified organisms for any other purposes than placing on the market as or in products aiming at the protection of human health and the environment shall be endorsed by the Government.

Article 36 Persistent Organic Pollutants

1. The production, placing on the market and use of chemicals and pesticides, which exhibit characteristics of persistent organic pollutants, is prohibited except when otherwise foreseen by the legislation in force.

2. The list of substances referred in paragraph 1, control of production, placing on the market and use, exemptions from control measures, as well as the release reduction, minimisation and elimination of such substances shall be endorsed by the Government.

Article 37 Protection against Noise and Vibration

1. Noise and Vibration protection includes measures for protection against noise and vibration to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, hospitals and other noise and/or vibration-sensitive buildings and areas.
2. Specific measures for implementing Protection against Noise and Vibration are set in this Law and other specific legal acts.

Article 38 Protection from Odours

1. Protection from unpleasant odours includes measures for protection against emissions of substances with unpleasant odour generated by odorous or potentially odorous activities, to which humans are exposed.
2. Specific measures for implementing protection against unpleasant odours providing assessment guidance and criteria for new and existing activities with potentially odorous emissions or odour sources shall be endorsed by the Government.

Article 39 Radiation Protection

1. Protection against ionising and non-ionising radiation aims at the controlling and reducing the risk upon human life and health and the environment.
2. Protection measures against ionising and non-ionising radiation are set in other specific legal acts.

6. MONITORING STATE OF ENVIRONMENT

Section 1 State of Environment

Article 40 State of Environment Monitoring

1. Monitoring of the state of the environment is the systematic monitoring of environmental quality and changes in the status of the environment and its components. In particular it includes:
 - a. Quality of surface waters
 - b. Quality of groundwater's
 - c. Air quality
 - d. Waste
 - e. Noise

- f. Radiation
- g. Soil quality
- h. Flora, fauna, biodiversity and forest
- i. The impacts of significant economic sectors on environmental components
- j. Monitoring natural phenomena and its potential impacts on environment
- k. Monitoring the impacts of environmental pollution on human health

1. For the purposes of monitoring of the state of the environment, a National Programme of Environmental Monitoring shall be endorsed by the Government.

Article 41 State of the Environment Monitoring by Central and Local Government

1. For the purpose of carrying out the monitoring the quality and changes in the status of the environment and its components shall be established a National Monitoring Network, with the participation of the specialised institutions and covering the whole of the territory of the Republic of Albania. Environment and Forest Agency is the competent authority for management of the National Monitoring Network.
2. The organization and functioning as well as the manner, the procedure and the form of submission of data in this network shall be endorsed by the Government.
3. The finances required for the establishment, operation, maintenance and development of the national monitoring network including the development of monitoring system for municipalities and districts shall be provided from the budget of the Environment and Forest Agency, in accordance with the law No. 9936, dated 26.6.2008 “On the management of the budgetary system in the Republic of Albania”.

Article 42 Limiting of Ownership and Other Real Rights for the Purpose of Environmental Monitoring

1. When it is considered that there is an interest of the State in order to perform environmental monitoring, any natural or legal person, private or public entity shall be limited of the ownership and other real rights on properties where objects and/or measuring devices, should be placed for the

purpose of environmental monitoring as it is provided by the Law No. 8561, dated 22.12.1999 “On the expropriation and taking over temporarily ownership from private real estate for public purposes”.

2. For the purpose of environmental monitoring, the authorised person shall in general use land owned by the State, where the interference with the regular use of that land is minimal. When performing activities related to the installation of an object/a facility, such as measurement device and equipment referred to in paragraph 1 of this Article, the authorised person shall minimise the interference with the use of that land as much as possible and after the performance of his activities re-establish the original status of the land.

Section 2 Compliance Monitoring

Article 43 Obligations of the Operator in Relation to Compliance Monitoring

1. The operator of activities included in the classes (A), (B) and (C) referred in the Article 28 of this Law shall carry out self-monitoring in accordance with the legislation on environmental permitting and in accordance with any conditions included in the relevant environmental permit.
2. The operator referred to in paragraph 1 of this Article shall carry out the monitoring of the emission sources and other relevant monitoring by using devices and instruments approved through the procedure for measurements verification established with the provisions of the specific legislation and in accordance with any conditions included in the relevant environmental permit, and shall maintain the devices and instruments in correct working order.
3. The operator may carry out such monitoring through their own services or through accredited scientific and expert laboratories.
4. The results of self-monitoring shall be submitted to the relevant authorities in accordance with the legislation on environmental permitting and in accordance with any conditions included in the relevant environmental permit.

7. ENVIRONMENTAL INFORMATION SYSTEM

Article 44 Purpose and functioning of the environmental information system

1. The Environmental Information System is established for the purpose of integrated protection and management of environment and/or its individual components, monitoring of implementation of environmental policies, national and international reporting and providing information to the public.
2. The Environment and Forestry Agency administers the Environmental Information System.
3. Public Authorities shall collaborate with the Environment and Forestry Agency in order to ensure the proper functioning of this system. The tools, methodology and procedures of exchange of information relevant to the proper functioning of this System shall be endorsed by the Government.
4. The Environmental Information System shall contain data and information on environmental status, burdens and environmental impacts and public responses, and particularly data on:
 - a. status of the environment components collected and processed in accordance with this Law,
 - b. emissions of pollutants into the environment from the Environmental Pollutant Release and Transfer Register,
 - c. natural and physical characteristics of environmental components and natural phenomena which impact them,
 - d. environment and its components as provided by research and evaluation project and programmes,
 - e. natural assets and use of natural assets,
 - f. areas which are defined as protected or endangered under special regulations or international conventions ratified by the Republic of Albania,
 - g. ecosystems,
 - h. effects of environmental pollution on human health,
 - i. waste and waste management,
 - j. dangerous substances,
 - k. industrial and ecological accidents,
 - l. safety measures and measures to be taken in case of accidents,
 - m. environmental pollutants,
 - n. policy measures, environmental protection plans and programmes
 - o. environmental protection activities, and
 - p. permits issued to perform polluting activities and the content of such permits.

Article 45 Public Information on Environmental Matters

1. Environmental information shall include any information in written, visual, aural, electronic or any other material form on:
 - a. the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

- b. factors, such as substances, energy, noise, radiation, odours or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
 - c. measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
 - d. reports on the implementation of environmental legislation;
 - e. cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
 - f. the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).
2. Pursuant to the disposition of this Law and the Law No. 8503, dated 30.6.1999 “On the Right of Information on Official Documents”, public authorities shall provide access to environmental information that they hold and/or supervise.

Article 46 the right to receive and/or use environmental information

1. Anyone shall have the right of access to available information relating to the environment without having to prove a specific interest.
2. The public shall be ensured information regarding emissions into the environment. Information regarding emissions into the environment may not be restricted access information.
3. The procedures and other detailed requirements for implementation of this article shall be endorsed by the Government.

Article 47 Participation of the Public and Public Concerned in Decision Making

1. 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 .

8. ENVIRONMENTAL LIABILITY

Article 48 Liability for environmental damage

1. The aiming of the liability for environmental damage, based on the "polluter pays" principle, shall be:
 - a. prevention and remediation of entire damage caused to environment (hereinafter: environmental damage);
 - b. restoration of the environment; and

- c. introduction of measures and practices for minimization of the risk of environmental damage.
2. Liability for environmental damage shall occur due to:
 - a. environmental damage caused by any of the occupational activities foreseen in the paragraph 3 (a) of this Article, and to any imminent threat of such damage, and/or
 - b. damage to protected species and natural habitats caused by any occupational activities other than those foreseen in the paragraph 3 (a) of this Article, and to any imminent threat of such damage occurring by reason of any of those activities, whenever the operator has been at fault or negligent.
3. The Government of Albania shall approve:
 - a. the list of activities that should be considered dangerous for the environment within the meaning of the provision of paragraph 2 of this Article;
 - b. the criteria according to which an imminent threat is assessed and environmental damage is established;
 - c. the measures for remedying the damaged environment, and
 - d. the method of specifying expenses related to establishing and eliminating imminent environmental threats and damages.
4. The operator performing occupational activity determined foreseen in the paragraph 3 (a) of this Article that has by its performance caused environmental damage or direct threat of environmental damage shall be held liable.
5. The operator shall be liable if it:
 - a. fails to undertake the necessary prevention measures;
 - b. fails to undertake the necessary remediation measures;
 - c. fails to notify the Environment and Forestry Agency of the danger of environmental damage, that could have occurred despite the measures undertaken or of the damage occurred.
6. When the environmental damage has not occurred yet, but there is a direct threat of such damage, the operator shall immediately and without any delay, undertake all necessary measures to prevent the occurrence of environmental damage. If the operator fails to fulfil this obligation, prevention measures shall be undertaken by the Environment and Forestry Agency and the operator is liable to cover all such costs.
7. If, notwithstanding the measures referred to in paragraph (6) of this Article being undertaken, the operator fails to eliminate the direct threat of environmental damage, it shall immediately and without any delay inform the Environment and Forestry Agency. The Environment and Forestry Agency shall:
 - a. request the operator to provide information on any threat of environmental damage or on the cases for which there is doubt of direct threat of environmental damage,
 - b. request the operator to undertake the necessary measures and instruct it on prevention measures undertaking, and
 - c. undertake the necessary prevention measures or appoint another legal entity or natural person to undertake the measures at the expense of the operator.
8. In case of environmental damage occurred, the operator shall:
 - a. inform the Environment and Forestry Agency on the damage occurred,

- b. carry out restoration of entire damage, in accordance with the "polluter pays" principle,
 - c. undertake all necessary measures to control, retain, eliminate or other type of management of factors that have caused the environmental damage in order to limit or prevent further environmental damage, negative effects on human life and health and endangering of the function of the natural resource; and
 - d. undertake all necessary remediation measures foreseen in the paragraph 3 (c) of this Article.
9. If several operators perform an activity referred to in paragraph 3 (a) of this Article, they shall with solidarity share the liability for the damage caused by the performance of that activity.
10. In case of environmental damage occurred, the Environment and Forestry Agency shall:
 - a. request the operator to provide additional information on the damage occurred,
 - b. undertake, request and/or instruct the operator to undertake the necessary measures to control, retain, eliminate or other type of management of factors that have caused the environmental damage in order to limit or prevent further environmental damage, negative effects on human life and health and endangering of the function of the natural resource;
 - c. request the operator to undertake the necessary remediation measures and provide instructions on remediation measures to be undertaken;
 - d. undertake the necessary remediation measures or appoint another legal entity or natural person to undertake the measures at the expense of the operator if the operator fails to comply;
 - e. undertake the necessary remediation measures or appoint another legal entity or natural person to undertake the measures if the operator cannot be identified, or is not required to bear the cost as foreseen in the paragraph 2 and 3 of Article 52.
11. The Environment and Forestry Agency shall specify the remediation measures with regard to occurred environmental damage.
12. In case of occurred environmental damage, the operator shall define and propose remediation measures, as foreseen in the paragraph 3 (c) of this Article, and submit them to the Environment and Forestry Agency for approval. When defining remediation measures, the operator shall take care that the remediation measures are appropriate and efficient with regard to elimination of entire damage occurred on the environment.
13. When the environmental damage occurred is so that remediation measures cannot be undertaken simultaneously, the Environment and Forestry Agency shall decide on the priority measures to be undertaken. While specifying the priority remediation measures, the Environment and Forestry Agency shall in particular take into account the nature, the scale and the severity of each environmental damage occurred, the risk to human health and the ability of natural restoration of the resource.
14. The Environment and Forestry Agency shall be competent for identifying the operator that has caused the direct threat of damage or environmental damage, to estimate the significance of the damage, as well as to specify the remediation measures. The estimate shall be carried out by the operator or by another legal entity or natural person.

Article 49 Expenses for prevention and remediation measures

1. The operator shall cover all expenses for prevention and remediation measures undertaking.

2. Notwithstanding paragraph 1 of this Article, the operator shall not compensate the expenses for prevention and remediation measures undertaken with regard to occurred environmental damage if it proves that the occurred environmental damage or the threat of environmental damage occurrence:
 - a. as the consequence of an unpredictable and inevitable natural phenomenon which could not have been prevented nor eliminated;
 - b. has been caused by a third party and/or has occurred despite the undertaking of appropriate measures, and
 - c. has resulted from the observation of compulsory decision issued by a public authority.
3. The operator shall not be obliged to compensate the expenses for prevention and remediation measures, if it proves that the environmental damage has occurred without its fault and if it proves that the environmental damage has been caused by:
 - a. emission or event that have been authorised or in compliance with the conditions specified in the relevant environmental permit, and
 - b. emission or activity or use of product during the activity performance which at the moment of the damage occurrence and the level of scientific and technical development has not indicated that it could cause environmental damage.

Article 50 Restitution of environmental damage

1. Where in the opinion of Environment and Forestry Agency it is impossible to rehabilitate and restore the environment to the state it was before the damage, then Environment and Forestry Agency shall oblige the operator to pay restitution for that damage.
2. Legal entity or natural person, as well as associations established for the purposes of environment protection and improvement which is directly affected by or suffers consequences from the occurred environmental damage, has the right to request the Environment and Forestry Agency to request the operator:
 - a. to restitute the environment to its original state,
 - b. compensation for the occurred environmental damage, in accordance with the general regulations on compensation for damage, if restitution to original state is not possible.

Article 51 Obligation to Ensure Available Funds for Compensation of Damage

1. The operator who performs the activity referred to in Article 48, paragraph 3 (a) of this Law shall ensure available funds for the compensation of a potential environmental damage or the removal of an imminent threat of environmental damage.
2. The methods and procedures for ensuring such available funds such as appropriate guarantees or insurance shall be endorsed by the Government.

Article 52 Subsidiary Coverage of Expenses for Remediation Measures

1. In the case of environmental damage the consequences of which are removed pursuant to the provisions foreseen in the Article 48, paragraph 3 (c) of this Law, when it is impossible to identify the operator, the resources for remedying the damage shall be secured from the State Budget.
2. In the case of excessive environmental damage or burdening caused by a pollution source outside the State, the funds for remedying such damage shall be secured from the State Budget.
3. If the operator referred to in paragraph 1 and 2 of this Article is subsequently identified, the Environment and Forestry Agency may request from him a refund of the expenses incurred by removal of harmful consequences of environmental damage within a period of five years from the identification of the operator.

9. INSTRUMENTS AND TOOLS OF ENVIRONMENTAL PROTECTION POLICY

Article 53 Eco - Label

1. For the purpose of promoting production of products or provision of services which, in comparison with equivalent products, have less negative impact on the environment in their life cycle and thereby contribute to the efficient use of environmental components and higher level of environmental protection, the Ministry may award the Eco - Label as a recognition to natural and legal persons that produce or distribute products, except for foodstuffs, beverages and pharmaceuticals and professional medical equipment, or provide services.
2. The evaluation in relation to less negative impacts referred to in paragraph 1 of this Article concerns the rational use of natural assets and energy, abatement of environmental emissions, use of valuable waste properties or other methods enabling useful treatment of waste before landfilling and undertaking other measures for the purpose of environmental protection.
3. A producer, importer, distributor of a product or service provider shall submit a request for the award of the Eco - Label in the form of a petition which must contain all documents and evidence that the product in question fulfils the prescribed requirements.
4. If the person referred to in paragraph 3 of this Article does not act in line with the requirements under which the label has been awarded or no longer fulfils the prescribed requirements for the award of the label, the Ministry may revoke the awarded label.
5. The Ministry shall promote the use of products and services that have the Eco - Label by raising awareness and informing consumers, producers, salesmen and the public with the aim of promoting environmental protection and sustainable development.
6. The procedure and requirements for awarding, as well as the manner of awarding the Eco - Label, use and validity of the awarded label; the composition and operation of the Commission for awarding the Eco - Label, the participation of individuals, associations and institutions in the Eco - Label awarding procedure referred to in paragraph 1 of this Article shall be endorsed by the Government.

Article 54 Eco-management and Audit Scheme

1. The Ministry shall promote the use of eco-management and audit scheme allowing voluntary participation by organisations, aiming at the evaluation and improvement of the environmental performance of organisations and other interested parties.
2. The procedure and requirements for awarding eco-management and audit schemes shall be endorsed by the Government.

Article 55 Voluntary Agreements

1. Bodies and organisations representing certain interests, groups of operators and individual operators may conclude voluntary agreements with the relevant authority in order to attain a level of protection in a particular environmental media higher than that provided by this and the specific laws.
2. The procedures and other detailed requirements for implementation of this article shall be endorsed by the Government.
3. Any such voluntary agreement shall be binding upon signing and any failure to act in compliance with the provisions of the agreement shall be treated as a breach of contract.

Article 56 Eco - Awards

1. The Ministry shall present eco - awards for environmental achievements to natural and legal persons in relation to measurable results achieved in environmental protection and fulfilment of requirements concerning sustainable development for the following:
 - a. preventing environmental pollution,
 - b. use of BAT in production processes with respect to the environment,
 - c. development and research environmental projects;
 - d. development of the environmental protection training and education system;
 - e. individual contributions to environmental protection advancement or contributions to international co-operation in the field of environmental protection,
 - f. contributions on the part of associations to environmental protection promotion and advancement,
 - g. special contributions to environmental protection.
2. Every year the Minister shall appoint the Commission for granting eco - awards.
3. The procedure, manner and requirements for granting eco - awards, type of eco - awards, manner and deadline for submission of proposals, as well as the organisation and functioning of the Commission shall be endorsed by the Minister.
4. Any financial award provided in accordance with provisions of paragraph 3 of this article shall be covered by the budget of the Ministry, in accordance with the law No. 9936, dated 26.6.2008 “On the management of the budgetary system in the Republic of Albania”.

Article 57 Education and Training on Environmental Protection

1. The Government of the Republic of Albania shall ensure the implementation of education and training on environmental protection and sustainable development within the educational and training system, as well as promote the development of the environmental protection system and advancement of environmental protection.
2. For the purpose of implementation of education concerning sustainable development, the ministry in charge of education, in cooperation with the ministry and the ministry in charge of labour, shall establish guidelines for an educational programme in accordance with the priorities and objectives of the National Strategy for Development and Integration of the Republic of Albania.

Article 58 Eco-taxes

1. Eco-taxes may be applied to certain products or processes.
2. Any eco-taxes referred to in paragraph 1 shall be specified in accordance with the specific legislation.

10. INSTITUTIONAL PROVISIONS

Section 1: Environment and Forestry Agency

Article 59 Functions of Environment and Forestry Agency

1. Environment and Forestry Agency has these functions:
 - a. Is the regulatory authority for Environmental permitting in accordance with the provisions of this law and other specific legislation;
 - b. Monitor the state of the environment and prepare the National Programme on Environmental Monitoring in accordance with the provisions of this law;
 - c. Prepare and publish the State of Environment Reports;
 - d. Carry out relevant scientific or any other research;
 - e. Create and administer the Environment Protection Information System;
 - f. Create and administer the Environmental Pollutant Release and Transfer Register;
 - g. Provide environmental information to the public on environmental matters in accordance with the provisions of this law;
 - h. Provide information to the public related to the decision making process on environmental matters accordance with the provisions of this law;

- i. Is the regulatory authority for ensuring the implementation of environmental liability principle in accordance with the provisions of this law;
- j. Is the responsible authority for the management of forest data system; and
- k. Such other functions as may be provided by other specific legislation.

Article 60 The Organisation of Environment and Forestry Agency

1. Environment and Forestry Agency is a central public institution subordinated to the Minister, exerting its jurisdiction in all the territory of the Republic of Albania through its central office and through its regional (Qark) branches, here and after referred to as Regional Environment Agencies.
2. The regions (Qarks) where the Regional Environment Agencies are created and functioning, are appointed by the Minister.
3. Environment and Forestry Agency is financed by the state budget and its own resources.
4. Environment and Forestry Agency has independence in decision making and carrying out its functions provided by this law, under the responsibility of the Minister.
5. In accordance with the provisions of this Law, the Government shall endorse the detailed rules on the organisation and functioning of the Environment and Forestry Agency, the division and organisation of work, the status of the employees and its relations with other institutions.

Article 61 The number of employees and the structure of Environment and Forestry Agency

1. The number of employees of Environment and Forestry Agency shall be endorsed by the Government.
2. The structure and the organics of Environment and Forestry Agency shall be endorsed by the Prime Minister on a proposal of the Minister.

Article 62 Civil Servants and Employees of Environment and Forestry Agency

1. The procedures of the legislation for the civil service (provided for the independent institutions) are implemented for the civil servants of Environment and Forestry Agency. The General Director of Environment and Forestry Agency is the “direct superior” according to these provisions.

2. The work relations of other employees of the Environment and Forestry Agency that have supporting functions, are subject to the work legislation and other legislation of general implementation in the public administration.
3. The administrative complaint against the direct superior, issued based on points 1 and 2 above, is made directly at the Court.

Section 2: National Environment Inspectorate

Article 63 The functions of National Environment Inspectorate

1. National Environment Inspectorate has these functions:
 - a. Is the competent authority for ensuring state control of environmental protection and the utilisation of natural resources as provided by this Law, and the legislation referred herein.
 - b. Is the competent authority for ensuring compliance with the conditions of any environmental permit in accordance with the provisions of this Law and legislation on environmental permitting;
 - c. Is the competent authority for preparing the annual inspection plans and ensuring their implementation;
 - d. Provide information to the public on environmental matters in accordance with the provisions of this law;
 - e. Provide information to the public related to the decision making process on environmental matters accordance with the provisions of this law;
 - f. Is the regulatory authority for ensuring the implementation of environmental liability principle in accordance with the provisions of this law;
2. Inspection supervision over the enforcement of this Law regarding the trade in products, semi-products, raw material, chemical substances and packaging of chemicals, as well as the labelling of products and packaging containing information on the environment impacts, shall be performed by the respective structures of Market Surveillance, Sanitary and Health Inspectorate, Construction Inspectorate and National Environment Inspectorate.

Article 64 The organisation of National Environment Inspectorate

1. National Environment Inspectorate is a central public institution subordinated to the Minister, exerting its jurisdiction in all the territory of the Republic of Albania through its central office and

through its regional (Qark) branches, here and after referred to as Regional Environment Inspectorates.

2. The regions (Qarks) where the Regional Environment Inspectorates are created and functioning, are appointed by the Minister.
3. National Environment Inspectorate is financed by the state budget and its own resources.
4. National Environment Inspectorate has full independence in decision making and carrying out its functions provided by this law.
5. For the avoidance doubt, the National Environment Inspectorate shall include:
 - a. the inspectors referred to in the Law No 8093 dt 21.03.1996 “On Water Reserves”;
 - b. the inspectors referred to in the Law No 8897 dt 16.05.2002 “On Protection of Air from Pollution”.
6. In accordance with the provisions of this Law, the Government shall endorse the detailed rules on the organisation and functioning, the division and organisation of work, the status of the employees and relations with other institutions.

Article 65 The number of employees and the structure of National Environment Inspectorate

1. The number of employees of National Environment Inspectorate shall be endorsed by the Government.
2. The structure and the organics of National Environment Inspectorate shall be endorsed by the Prime Minister on a proposal of the Minister.

Article 66 Civil Servants and Employees of National Environment Inspectorate

1. The procedures of the legislation for the civil service (provided for the independent institutions) are implemented for the civil servants of National Environment Inspectorate. The General Director of National Environment Inspectorate is the “direct superior” according to these provisions.
2. The work relations of other employees of the National Environment Inspectorate that have supporting functions, are subject to the work legislation and other legislation of general implementation in the public administration.

3. The administrative complaint against the direct superior, issued based on points 1 and 2 above, is made directly at the Court.

Article 67 General duties of National Environment Inspectorate

1. The National Environment Inspectorate shall prepare annual inspection plans.
2. Inspections may be either:
 - a. Routine inspection, that is to say as part of the annual inspection plan, or
 - b. Non-routine, that is to say:
 - i. in connection with the issuing of any environmental permit, as the case may be;
 - ii. in response to a complaint;
 - iii. to investigate accidents;
 - iv. to investigate cases of non-compliance.
3. Advance notice shall be given to the activity concerned before a routine inspection.
4. Non-routine inspections may be carried out with or without advance notice to the activity concerned.
5. An inspection includes, as relevant:
 - a. Checking and promoting the compliance of activities with relevant legislation;
 - b. Monitoring the impact of activities on the environment to determine whether further actions, including amending of the relevant environmental permit , is required to ensure compliance with relevant legislation;
 - c. Checking whether Environmental Ambient Norms are being met;
 - d. Verification and assessment of any report submitted by the operator of the activity;
 - e. Checking and promoting compliance with the relevant environmental permit;
 - f. Verification and assessment of any compliance monitoring by the operator of the activity;
 - g. Assessing the activities and operations carried out at the activity;
 - h. Checking the premises and relevant equipment, including how it is maintained;
 - i. Checking and assessing any environment management at the activity;

- j. Checking the relevant records kept by the operator of the activity;
 - k. checking and promoting compliance with any voluntary agreement.
6. Where an environmental inspector intends to make a site visit to an activity and where another Authority also intends to make a site visit, the environmental inspector shall try to co-ordinate the timings of such site visits.
7. The National Environment Inspectorate shall, in accordance with the requirements specified by this law and other legislation in force, perform control in respect of the implementation of tasks associated with the investigation of polluted or potentially polluted areas, and of the tasks and programme for the restoration of the polluted area.
8. The environmental inspector might pursue other duties specified by other laws related to environment protection.

Article 68 Powers of environmental inspectors

1. An environmental inspector may, on production of proof of his authority if so required, exercise any of the functions set out in paragraph 2 for the purposes of the discharge of the functions of the Environmental Inspectorate.
2. The powers of an environmental inspector are:
- a. To enter at any reasonable time any premises on which an activity to which this Law applies is being carried out or which he has reasonable grounds for believing is being carried out;
 - b. To enter at any time in a situation in which in his opinion there is an imminent risk of serious pollution to the environment any premises on which an activity to which this Law applies is being carried out or which he has reasonable grounds for believing is being carried out;
 - c. To make any examination or investigation as may be necessary in the circumstances;
 - d. As regards any premises which he has power to enter, to direct that those premises or any part of them, or anything in them, shall be left undisturbed for so long as is necessary for the purpose of any examination or investigation;
 - e. To take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation;
 - f. To take samples of any articles or substances found in or on any premises which he has the power to enter, and of the air, water and land in, on, or in the vicinity of, that premises;

- g. To require the production of any records which are required to be kept under this Law and to inspect and take copies of all or any part of those records.
3. Where an inspector takes possession of any article or substance found on any premises under paragraph 2(f), he shall leave there, either with a responsible person or, if that is not possible, fixed in a conspicuous place, a notice giving details of that article or substance sufficient to identify it and stating that he has taken possession of it under this Law.
4. Where an inspector intends to take possession of a substance under paragraph 2(f) he shall, if it is practical for him to do so, take a sample of it and give a portion of it to a responsible person at the premises marked in a manner sufficient to identify it.

Article 69 Duty to ensure compliance

1. The National Environmental Inspectorate has a duty to take such action under this Law as may be necessary to ensure compliance with the conditions of any relevant environmental permit.
2. The National Environmental Inspectorate has a duty to take such action under this Law as may be necessary to ensure compliance with the requirements set for in the provisions of the legislation related to the construction work, in relation to the intended activities for which an environmental impact study is necessary.

Article 70 Compliance Notices

1. Where the National Environmental Inspectorate is of the opinion that the operator has contravened, is contravening or is likely to contravene any condition of the relevant environmental permit, it may serve on him a Compliance Notice.
2. The Compliance Notice shall be in writing and shall:
 - a. Specify the matters which make the contravention or the matters making it likely that the contravention will occur, as the case may be;
 - b. Specify the steps that must be taken by the operator to remedy the contravention or to remedy the matters making it likely that the contravention will occur, as the case may be;
 - c. Specify the time period in which those steps must be taken.
3. The steps that may be specified in a Compliance Notice may include both steps that must be taken to make the construction or operation of the activity comply with the conditions of the relevant

environmental permit, and steps that must be taken to remedy the effects of any pollution caused by the contravention.

Article 71 Suspension notices

1. Where the National Environmental Inspectorate is of the opinion that the construction or operation of an activity, or the construction or operation of it in a particular manner, involves an imminent risk of serious pollution it shall serve a Suspension Notice on the project owner or operator as the case may be, of that activity.
2. The Suspension Notice shall be in writing and shall:
 - a. Specify the imminent risk involved in the construction or operation of the activity;
 - b. Specify the steps that must be taken to remove that risk;
 - c. Specify the time period in which those steps must be taken;
 - d. State that the relevant environmental permit shall cease to be effective, or shall cease to be effective as regards specified parts, until such time as the Suspension Notice is lifted.
3. Where a Suspension Notice is served on the project owner or operator, the construction permit and the relevant environmental permit, shall cease to have effect as stated in the Notice.
4. The National Environmental Inspectorate may withdraw that Suspension Notice at any time, and shall withdraw the Suspension Notice when it is satisfied that the steps required by the Suspension Notice to remove the imminent risk of serious pollution have been taken.

Section 3: Other institutional arrangements

Article 72 Advisory Bodies

1. Advisory bodies may be established to support the activities of the Minister.
2. The composition, organisation, duties and functions of any such advisory body, as well as the expenses for its establishment and functioning, shall be endorsed by the Government.

Article 73 Environmental Fund

1. An Environmental Fund may be established to support the activities of environmental protection.
2. The sources of money, functioning and use of funds shall be set out in specific legislation.

11. SANCTIONS AND PENALTIES

Article 74 Contraventions

1. The following infringements are criminal offences:
 - a. An operator who submits any false or misleading information to Environment and Forest Agency, to National Environment Inspectorate, to the Ministry or to any other authority under this law shall be guilty of a criminal offence under Article 186 of the Criminal Code.
 - b. The representative of the public authority, who provides to the public false information, or who alters, defaces, blocks, erases, destroys or conceals any record held by the public authority which the applicant would have been entitled to as provided by article 43 of this law shall be guilty of a criminal offence under Articles 186 and 248 of the Criminal Code.
 - c. Any person who interferes with any environmental inspector in the course of his lawful duties under this law and articles 62 and 63 in particular, shall be guilty of a criminal offence under article 235 of the Criminal Code
2. For the purposes of this Law, the following infringements, shall be regarded as administrative contraventions when non constituting a criminal offence:
 - a. An operator who fails to provide Pollutant Release and Transfer Register information to Environment and Forestry Agency by the due date as stipulated by Article 31 of this law, shall be liable to an administrative fine of _____ Lek, and accruing at _____ Lek per day until such information is provided to Environment and Forestry Agency.
 - b. The noncompliance with the requirements on the production, importation, exportation, placing on the market and use of ozone depleting substances as well as the importation, exportation, placing on the market and use of products and equipment containing those substances as stipulated in the article 34 of this law shall constitute administrative contravention and shall be punished by fine in the amount from _____ lek to _____ lek and accruing at _____ Lek per day until such action is taken;

- c. The noncompliance with the requirements on deliberate release into the environment of genetically modified organisms for any other purposes than placing on the market as or in products aiming at the protection of human health and the environment as stipulated in the article 35 of this law shall constitute administrative contravention and shall be punished by fine in the amount from _____lek to _____lek and accruing at _____ Lek per day until such action is taken;
- d. The noncompliance with the requirements on placing on the market and use, the release reduction, minimisation and elimination of persistent organic pollutants as stipulated in the article 36 of this law shall constitute administrative contravention and shall be punished by fine in the amount from _____lek to _____lek and accruing at _____ Lek per day until such action is taken;
- e. The noncompliance with the requirements on the release of unpleasant odours from new and existing activities with potentially odorous emissions or odour sources as stipulated in the article 37 of this law shall constitute administrative contravention and shall be punished by fine in the amount from _____lek to _____lek and accruing at _____ Lek per day until such action is taken;
- f. The authorised person who fails to comply with any specific requirement to minimise the interference with the use of land as much as possible and after the performance of his activities re-establish the original status of the land as stipulated in article 42 of this law shall be liable to an administrative fine of ____ Lek, and accruing at _____ Lek per day until such action is taken.
- g. An operator who fails to undertake the necessary prevention measures or fails to notify Environment and Forestry Agency of a possible threat of environmental damage, as stipulated by Article 48, paragraph 6 of this law, without prejudice to his continuing obligation to take all necessary measures to prevent the occurrence of environmental damage as stipulated by Article 49, paragraph 1 of this law, shall be liable to an administrative fine from _____lek to _____lek,.
- h. An operator who fails to inform the Environment and Forestry Agency that notwithstanding the measures referred to in article 48, paragraph (6) of this law being undertaken, the operator fails to eliminate the direct threat of environmental damage, as stipulated by Article 48, paragraph 7 of this law, without prejudice to his obligation to ensure available funds for the

compensation of a potential environmental damage or the removal of an imminent threat of environmental damage, as stipulated by Article 51 of this law , shall be liable to an administrative fine from _____lek to _____lek,.

- i. An operator who fails to comply with the requirements stipulated in Article 48, paragraph 8 of this law, without prejudice to the continuing obligation to which he is liable as regards any restoration, remediation or other necessary measures, shall be liable to an administrative fine from _____lek to _____lek and accruing at _____ Lek per day until such action is taken.
 - j. Any person who makes use of an eco- label other than in accordance with the provisions of article 53 of this law, shall be liable to an administrative fine from _____lek to _____lek and accruing at _____ Lek per day until the non-compliance is rectified. The inappropriate use of such label for a second time by the holder shall lead to the revocation of the awarded label as stipulated in Article 53, paragraph 4 of this law.
 - k. Any person who makes use of an eco-management and audit scheme other than in accordance with the provisions of article 54 shall be liable to an administrative fine from _____lek to _____lek and accruing at _____ Lek per day until the non-compliance is rectified .
 - l. Any person who fails to comply with a compliance notice under article 70 within the period foreseen, shall be liable to an administrative fine from _____lek to _____lek and accruing at _____ Lek per day until the non-compliance is rectified .
 - m. Any person who fails to comply with a suspension notice under article 71 within the period foreseen, shall be liable to an administrative fine from _____lek to _____lek and accruing at _____ Lek per day until the non-compliance is rectified.
3. Without prejudice to any penalty that may be imposed in accordance with sub-paragraphs (l), and (m) of paragraph 2, Environment and Forestry Agency by the proposal of National Environment Inspectorate may suspend or revoke the environmental permit for all or part of the activity.
 4. The National Environment Inspectorate may impose the administrative fines provided in this article at any time but no later than five years after the date of the contravention.

5. The infringer shall be formally notified by National Environment Inspectorate in writing of the contravention and of the administrative fine imposed, within 60 calendar days after the National Environment Inspectorate first became aware of the contravention.
6. The infringer, to whom is imposed the administrative fine has the right of appeal to the leading authority of the relevant structure in accordance with the legislation in force.
7. The administrative fine shall be paid within 35 calendar days from the day of informing the infringer, with the exception when the decision for the administrative fine is being suspended in accordance with the legislation in force.
8. Where the administrative fine has not be paid within the due date set out in paragraph 7, the Environment and Forestry Agency by the proposal of National Environment Inspectorate may suspend or revoke the environmental permit for that activity until such administrative fine has been paid.
9. The subject, to whom is imposed the suspension of the permit has the right of appeal to the leading authority of the relevant structure in accordance with the legislation in force.
10. National Environment Inspectorate administer the income gathered from fines and interests in accordance with the legislation in force.
11. The enforcement of the administrative contraventions does not release the subject to whom it is directed from the other obligations foreseen by this law and the civil responsibility for the damage caused in accordance with the legislation in force.

12. TRANSITIONAL AND FINAL PROVISIONS

Article 75 Proposal of the bylaws

1. The bylaws which will be endorsed by the Council of Ministers for the implementation of this law shall be proposed by the Minister.

2. The Council of Ministers or/and the Minister shall endorse the bylaws in respect to and in accordance with what is stipulated in this laws, within 2 year from its entry into force.

Article 76 Bylaws

1. The Council of Ministers is responsible for endorsing the bylaws for the application of Articles 25, 26, 30, 31, 34, 35, 36, 38, 40, 41, 44, 46, 46, 51, 53, 54, 55, 60, 61, 64, 65 and 72 of this law.
2. The Minister is responsible for endorsing the bylaws for the application of Articles 56, 60, 64 and 79 of this law.

Article 77 Amendments

1. The Decision of the Council of Ministers No 860 dated 20.12.2006 “On the approval of the national action plan for the removal from use and elimination of POPs”, adopted under Article 8 of Law No 8934, shall continue to have effect as though adopted under Article 36 of this Law.
2. The Decision of the Council of Ministers No 847 dated 29.11.2007 “On the approval of the inter-sectorial strategy for environment”, adopted under Article 9 of Law No 8934, shall continue to have effect as though adopted under Article 20 of this Law.
3. The Decision of the Council of Ministers No 453 dated 23.06.2005 “On the establishment of the list of equipments using ODS which are prohibited to be produced, imported as well as establishing rules for their replacement”, adopted under Article 17 of Law No 8934, shall continue to have effect as though adopted under Article 34 of this Law.
4. The Decision of the Council of Ministers No 1189 dated 18.11.2009 “On the rules and procedures for the drafting and implementation of the National monitoring programme”, adopted under Article 53 of Law No 8934, shall continue to have effect as though adopted under Article 40 of this Law.
5. The Decision of the Council of Ministers No 24 dated 22.01.2004 “On the organisation and activity of the environment inspectorate”, adopted under Article 61 of Law No 8934, shall continue to have effect as though adopted under Article 64 of this Law.
6. The Decision of the Council of Ministers No 42 dated 16.01.2003 “On the creation of the national committee for the implementation of the national action plan of environment”, adopted under Article 76 of Law No 8934, shall continue to have effect as though adopted under Article 72 of this Law.

Article 78 Repeals

1. By the entry into force of this law, the Law No. 8934, dated 05.09.2002 “On Environmental Protection”, as amended, is repealed.

[This first alternative to Article 78 should be used where all the laws prepared by INPAEL project are presented to Parliament as one package.]

Article 78 Repeals [alternative]

1. Subject to the provisions of paragraphs 2 - 7 below, the Law No. 8934, dated 05.09.2002 “On Environmental Protection”, as amended, is repealed by the entry into force of this Law.
2. Without prejudice to the provisions of Article 23 of this Law, the provisions of Chapter IV and Article 35 of Law 8934, in so far as they relate to Strategic Environmental Assessment, shall continue to have effect until they are repealed by a specific Law.
3. Without prejudice to the provisions of Article 24 of this Law, the provisions of Chapter IV and Article 35 of Law 8934, in so far as they relate to Environmental Impact Assessment, shall continue to have effect until they are repealed by a specific Law.
4. Without prejudice to the provisions of Article 28 of this Law, the provisions of Articles 34, 36-46, and 51/1 of Law 8934, relating to environmental permits, consents and authorisations, shall continue to have effect until they are repealed by a specific Law.
5. Without prejudice to the provisions of Article 29 of this Law, the provisions of Article 49 of Law 8934, relating to the prevention of industrial accidents, shall continue to have effect until they are repealed by a specific Law.
6. Without prejudice to the provisions of Article 32 of this Law, the provisions of Articles 20-24 of Law 8934, relating to waste management, shall continue to have effect until they are repealed by a specific Law.
7. Without prejudice to the provisions of Article 33 of this Law, the provisions of Articles 20 and 23 of Law 8934, relating to the import and transit of hazardous substances, shall continue to have effect until they are repealed by a specific Law.

[This second alternative to Article 78 should be used where the laws prepared by INPAEL project are presented to Parliament separately.]

Article 79 Transitional provisions

1. For a period not exceeding four years, the functions given to Environment and Forestry Agency by this Law, and in particular by Article 59, shall be carried out by the Ministry. In carrying out these functions the Ministry shall consult with Environment and Forestry Agency.
2. The transition time referred in Paragraph 1 shall terminate upon an Order of the Minister, which shall be published in the Official Gazette.

Article 80 Entry into force

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