

REPUBLIC OF ALBANIA
THE PARLIAMENT

LAW
No. 8681, dated 2.11.2000

**ON THE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS
AND DIKES**

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

THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
The purpose of the law

This law aims to build the basic legal and institutional framework, from which will derive the whole necessary documentation which regulates the process of design, construction, operation/using and maintenance of dams/dikes.

Article 2
Definitions

For the purpose of this law:

a) "Dam" is a building-level and forming catchment facility, in an aqueous compound with some purposes as:

water supply for the production of electric energy;

water supply for agriculture reason (irrigation, fish farming and aquaculture);

water supply for industry and communal needs;

Drinking water supply for residential areas;

Protection against flood of rivers;

*This article is added with Law No. 18/2013, dt.14/02/2013 "On some additional article and amendments in Law No.8681, dt.02.11.2000

fulfill of tourism requirements and water transport.

b) “Dike” is a building-level and deposit-formation facility with solid materials, in an industrial complex or plant.

c) “Composition parts” of dam/dike are the body of the dam (with filling material as stone, earth, gravel, etc or concrete), elements of impermeability, sub-facilities of deviation, emptying, discharge and water intakes for users, consumers.

ç) “Artificial water catchment” is the water reservoir, as a consequence of the construction of one or some dams.

d) “Repair” is the work performed in the dam/dike and other integral parts of them, in case of their damage or obsolescence.

dh) “Improvement” is the work performed in the dam/dike to increase the water bearing/depositing ability and the qualitative increase of using/operation.

e) “Failure” is the damage or deformation of the dam/dike to such an extent as not to hold water or solid materials.

ë) “Accident” is any situation which is created, damage or malfunction in the dam/dike, without going to “dam failure”.

f) “Third parties” are factors located at the bottom of the dam/dike.

g) “Security of dam/dike” is the complex of organizational, technical and financial measures, which guarantee the normal exploitation of the facility, its longevity and non-injury of “third parties” which are provided in the phase of design, construction, exploitation and maintenance.

Article 3

Scope

This law is applied for all dams/dikes, which are new or in use, extended in the entire territory of the Republic of Albania and which meet the following conditions:

a) The height of dam/dike should be over 15 meters.

b) The height of dam should be 10 to 15 meters when:

- the volume of accumulated water is over 1 hm³ (one million m³) water;
- the length of the crest is over 500 meters.

c) Any other dam/dike, which does not meet the conditions “a” and “b” is a risk for “third parties”.

CHAPTER II

STATE BODIES WHICH EXERCISE THEIR ACTIVITY IN THE FIELD OF DAMS/DIKES

Article 4

A. The National Committee of Large Dams (ALBCOLD) as a body of the Council of Ministers exercises the state control for the security of dams/dikes as special important works and represents the Albanian country in the International Commission of Large Dams (ICOLD). For the realization of tasks, ALBCOLD is helped by the Permanent Technical Council of Dams as its advisory body.

The main tasks of ALBCOLD are:

- a) Support of technical progress in the design, construction, exploitation and maintenance of dams/dikes, in the interest of the economic and social development of the country.
- b) Completion of technical and financial tasks to ICOLD.
- c) Organization of data and experience exchange between the ALBCOLD and Large Dams Committees of other countries, between specialists and organization of the country and their analogues abroad.
- ç) Through publications it realizes the technical propaganda, awareness of state bodies and the public for multilateral values of dams/dikes, but also for very serious consequences in economic values and in people, in case of their failure.
- d) In collaboration with specialized institutions and organisms, it organizes and leads the preparation of all legal and technical documentation, applied for dams/dikes.
- dh) Approves **project ideas and Detailed design** of new dams as well as projects of “repair” and “improvement” of existing dams/dikes which are in use.
- e) Performs the verifying physical and documentary control in dams/dikes during their construction and exploitation. The users of facilities are obliged to respond in time and with quality to the requests of KKDM during the control.
- ë) Inform the Council of Ministers for the condition of dams/dikes and gives an opinion on the normal progress and the timely improvement of these facilities.
- f) Approves the criteria for granting the license of design and construction of dams and dikes.

B. National Secretariat of Large Dams (SKDM), as an executive office of ALBCOLD.

SKDM acts in the relevant ministry, which follows the controlling activity of design, construction and exploitation of dams and dikes.

*This article is added with Law No. 18/2013, dt. 14/02/2013 “On some additional article and amendments in Law No. 8681, dt. 02.11.2000

This Secretariat has the right to exercise control in institutions, which administer dams and dikes, as well as to prepare proposals of legal acts and by-laws in this field. The main tasks of SKDM are:

- a) Preparation of materials which are reviewed in the meetings of ALBCOLD.
- b) Following of the implementation of decisions taken by ALBCOLD.
- c) Keeping the correspondence with various institutions within and outside the country.
- ç) Creation of technical archive with documents defined in the regulation.
- d) Administration of the fund of technical literature possessed by ALBCOLD and the organization of distribution of data to organizations, enterprises and individuals who are interested in dams and dikes.
- dh) Preparation and publication of the “Technical Bulletin” of dams.
- e) Organization of scientific activities with local and foreign specialists.
- ë) Collection of data on dams/dikes and their confirmation, performing also visits at administration institutions or facilities on the ground.

C. The Technical Inspectorate of Dams/Dikes (ITD) is a body which exercises control during construction, operation/using and maintenance of dams. The Technical Inspectorate of dams and dikes is part of SKDM structure.

The structure, number of members, salaries and expenses needed for the activity of ALBCOLD, SKDM and ITD as well as the work premises are defined with the decisions of the Council of Ministers, proposed by the Ministry of Infrastructure.

The expenses and salaries needed for the activity of ALBCOLD, SKDM and ITD are covered by the State Budget.

Article 4/1*

Inspection

Inspection for verification of the compliance with the legal requirements according to this law is performed in accordance with this law and Law No. 10433, dt. 16.06.2011, “On Inspection in Republic of Albania”

*This article is added with Law No. 18/2013,dt.14/02/2013 “On some additional article and amendments in Law No.8681,dt.02.11.2000

CHAPTER III DESIGN OF DAM/DIKE

Article 5

Design of dam/dike

A. The project idea includes:

a) the topographic, geological, geological-engineering and hydro-geological studies of the area of construction, the catchment cup etc.;

b) the impact on the natural and social environment;

c) the characteristics of the wave created in the valley below the dam/dike, in the case when:

- discharge the maximum flow;

- discharge the flow in accordance with rules (maximum flow plus the forced emptying of the catchment);

- the possible dam failure of the dam occurs;

ç) work drawings, calculations, value of works and expropriations;

d) placement of hearing aids of dam/dike;

dh) the way of interconnection and protection of the facility;

e) relevant reviews of the project idea.

The project idea must have not less than two solutions.

B. The Detailed Design includes:

a) Drawings, calculations, value of works and expropriations value of the accepted solution.

b) Reports;

- Technical report and argument of choosing the accepted type of dam/dike;

- Geologic Report;

- Hydrological Report;

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- Report with the characteristics of materials for the construction of dam/dike;
- Report with the results of performed tests on the formation which serves as the basis of facility and sub-facility of dam/dike;
- plan of alarm (emergency plan), evacuation and help to face the consequences derived as a result of the situations described in article 5 letter A/c.

Article 6

Construction of dam/dike

- a) The start of construction works of dam/dike is made only after the completion of the necessary documentation provided for in law no. 8402, dated 10.9.1998 “On the control and disciplining of the construction works” and law no. 8405, dated 17.9.1998 “On urban planning” and this law.
- b) After the completion of works is performed the testing of the facility, in accordance with the requirements of law no. 8402, dated 10.09.1998 “On the control and disciplining of construction works”.

Article 7

Using/Operation and Maintenance

- a) The operation/using and maintenance of the dam starts with the loading for the first time of the dam through the water filling of the water catchment.
- b) In the period of operation/using and maintenance of the dam/dike is performed also the repair and improvement according to the specific conditions.

CHAPTER IV

OWNERSHIP AND USER OF FACILITY

Article 8

Ownership

- a) The dam/dike and the water catchment are state, public or private properties.
- b) The owner of the dam/dike can be: a physical or judicial person, local or foreign, who fulfills the requirements of the legislation in force.

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Article 9

User of the Dam /Dike

The **User** of the dam/dike and water catchment) can be:

- the owner (referred article 8)
- the user
- the concessionaire.

The user is the main responsible for the security of the dam/dike/water catchment and for the consequences derived from the dam failure or possible accidents in the dam/dike.

The user of the dam/dike/water catchment:

a) uses the water source created by the dam and the water catchment, for the purpose defined in the project. For the case of the dike, it uses the deposit possibility created by the dike for the keeping of industrial waste and the prohibition of their removal uncontrollably;

b) maintains the facility according to the technical requirements deriving from the regulations and guidelines, approved by the Council of Ministers and ALBCOLD;

c) covers all the expenses related to the use, maintenance, repair, improvement and all activities related to the security of dam/dike and third parties;

ç) totally compensates the losses suffered by third parties, when they derive from the dam/dike and

d) in the case when damages are caused by Force Majeure, not predictable in the project, in the compensation of losses participates also the state;

dh) informs the relevant Institution/Ministry which covers the destination of dam/dike, not less than twice a year, for the facility and any event related to its dam safety.

Article 10

Control of dam/dike safety

A. The control of dam/dike safety, regardless of ownership, is performed by the state through ALBCOLD and ITD.

B. The control of dam/dike safety is exercised during the design, construction, operation/using and maintenance.

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It aims:

- a) to verify the implementation of legality;
- b) to detect the possible shortcomings in the dam/dike;
- c) to evaluate the difficult situations which carry risks for the safety of the facility;
- ç) as appropriate, to recommend measures for the repair of noted shortcomings, the avoidance of difficult situations and to ask their realization.

C. Institution which exercise control in dams/dikes are:

a) the Ministry or institutional body which includes the purpose of the facility for which the dam/dike is constructed;

b) The Technical Inspectorate of Dams/Dikes (ITD).

Ç. The Ministry or institutional body which cover the destination of the facility and the Technical Inspectorate, within the month of March of each year, notifies ALBCOLD for the results of control performed by them. In case of extraordinary situations, data are provided immediately.

Article 11*

Penalties

In addition to the obligation contained in these provision, the violations and conducting illegal actions, which constitute contraventions in the field of dams/dike are sentenced to a fine of

- a) for article 6 in the amount of 500 000 ALL***
- b) for articles 5 and 9 in the amount of 100 000 ALL.***

The fines are set by the Technical Inspectorate of Dams/Dikes.

In addition to the main punishment, The Inspector of the Dams/dike has right to take urgent measures in accordance with Law on Inspection

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Article 12*

The decision of the Technical Inspectorate of Dams/Dikes can be appealed in accordance with the Law on Inspection.

The execution of these fines is performed according to the legislation in force by law no. 7697, dated 7.4.1993 “On administrative contraventions”.

Fines are paid at the Finance office of the control body.

Article 13

The Council of Ministers is charged for the issuance of by laws for the execution of articles 4 and 9 of this law.

Article 14

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

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