

**REPUBLIC OF ALBANIA
PARLIAMENT**

LAW

No. 10 431, dated 9.6.2011

ON ENVIRONMENTAL PROTECTION *

Pursuant to Articles 78 and 83, paragraph 1 of the Constitution, upon proposal of the Council of Ministers,

THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this law is to provide high-level protection, preservation and improvement of the environment, risk prevention and reduction to human life and health, ensuring and improving the quality of life, for the benefit of present and future generations, as well as providing conditions for a sustainable development of the country.

Article 2

Object

This law defines the principles, requirements, responsibilities, general rules and procedures for guaranteeing high-level protection of the environment in the Republic of Albania.

* This law is fully aligned with Directive 2004/35/EC of the European Parliament and the Council, dated 21 April 2004 "On environmental liability with regard to the prevention and remedying of environmental damage" as amended. CELEX number: 32004L0035, Official Journal of the European Union, Series L, no. 143, dated 30.4.2004, pages 56-75.

Article 3

Objectives of environmental protection

Objectives of environmental protection shall be:

- a) prevention, control and reduction of pollution of water, air, soil and other pollution of any kind;
- b) conservation, protection and improvement of nature and biodiversity;
- c) preservation, protection and improvement of environmental soundness upon public participation;
- ç) prudent and rational utilisation of nature and its resources;
- d) preservation and rehabilitation of the natural landscape cultural and aesthetic values;
- dh) protection and improvement of environmental conditions;
- e) protection and improvement of the quality of human life and health.

Article 4

Scope

The environmental protection from pollution and damage constitutes a national priority and shall be mandatory for each and every resident of the Republic of Albania, for all state bodies, as well as for natural and legal persons, domestic and foreign, operating in the territory of the Republic of Albania.

Article 5

Definitions

For the purposes of this law, the following definitions shall apply:

1. "Public authorities" shall be:
 - a) central and local government bodies or other public administration bodies, including public advisory bodies, at national, regional or local level;
 - b) any person, natural or legal, exercising public administrative functions, including also specific duties, activities or services related to the environment;
 - c) any person, natural or legal, who has public responsibilities or functions or who provides public services, related to the environment and under the control of a body or person included in the groupings specified in letters "a" and "b" of paragraph 1 of this Article.
2. "Environmental quality" shall be the state of the environment or a component thereof at a given time, expressed through physical, chemical, biological, aesthetic indicators and the like.
3. "Environmental damage" shall be the damage to the environment or the loss of the natural function of environmental components, caused by the loss of any of its components, human interference with the environmental bonds of components and/or the natural course of their development.
4. "Carrying capacity" shall be the capacity of the environment to accept changes caused by external factors, while preserving its natural properties.
5. "Ministry" shall be the ministry responsible for environmental protection.
6. "Minister" shall be the minister responsible for environmental protection.
7. "Environment" shall be the natural components: air, soil, water, climate, flora and fauna in the entirety of interactions, as well as cultural heritage, as part of the man-made environment.
8. "Threatened environment" shall be the environment of a certain area under the pressure of a significant pollution.

9. "Adverse environmental interference" shall be any temporary or continuing human action that may affect the carrying capacity of the environment or its biodiversity, or that has detrimental effects on the environment.

10. "Pollution" shall be the direct or indirect introduction, as a result of human activity, of substances, vibrations, radiation, unpleasant odors, heat or noise into the air, water or soil, which may be detrimental to the environmental quality or human health, or which may cause damage to material assets or even deterioration to and interference with services and other lawful environmental use.

11. "Operator" shall be a natural or legal person who operates or controls the installation, or, to whom an economic power decisive for the technical functioning of such installation has been delegated, in accordance with the legislation in force.

12. "Public" shall be one or more, natural or legal persons, in accordance with national legislation and practices, associations, organizations and their groupings.

13. "Environmental risk" shall be the probability that a human activity could, directly or indirectly, cause damage to the environment or risk human life and health.

14. "Eco-management and audit scheme" shall be a management instrument for business organizations and other organizations to evaluate, report and improve their environmental performance.

15. "Polluting entity or polluter" shall be any natural or legal person whose direct or indirect activity causes pollution to the environment.

16. "Substances" shall be chemical elements and their compounds in their natural state or as produced by industry.

17. "Hazardous substance" shall be a substance or group of substances, which are toxic, persistent, prone to be naturally bio-accumulated, as well as other substances or groups of substances, that pose similar risks.

18. "Emission" shall be the direct or indirect release/discharge, as a result of human activity, of substances, vibrations, radiation, unpleasant odors, heat or noise from sources isolated or diffused into the air, water or soil.

19. "Activity" shall be the manufacturing activity or operations of their installations and plants.

CHAPTER II

PRINCIPLES OF ENVIRONMENTAL PROTECTION

Article 6

The principle of sustainable development

Public authorities shall, through drafting, approval and implementation of normative acts, strategies, plans, programs and projects within their competencies, promote

sustainable economic and social development, using natural resources in such a way as to meet current needs and preserve the environment, without prejudice to the opportunities of future generations to meet their own needs.

Article 7

The principle of prevention and taking precautionary measures

1. Environmental protection measures shall be taken at an early stage of the development of any activity, in order to prevent or, if not possible, to lessen/minimize the adverse effects of that activity on the environment.

2. When defining specific measures and activities of environmental protection, a precautionary approach shall be applied so that, in the event of threats of serious or irreversible environmental damages, the lack of scientific safety does not hinder or delay taking of lower cost effective measures, which prevent environmental damage.

Article 8

The principle of conservation of natural resources

1. Environmental protection shall be achieved by preserving natural resources, through saving, efficient use or replacement of natural raw materials and materials obtained therefrom as well as reuse, recycling and recovery of wastes.

2. Public authorities shall, through drafting, approval and implementation of normative acts, strategies, plans, programs and projects within their competencies, promote taking of measures and implementation of activities for the protection of natural resources.

Article 9

The principle of replacement and/or compensation

1. Environmental protection measures and activities shall be taken:

a) to replace interventions that may have detrimental effects on the environment with other interventions that pose a lower risk or threat or even compensate for the imminent harmful effects;

b) to ensure the use of best environmental practices, the use of products, equipment and devices, as well as implementation of manufacturing processes, which are less harmful or harmless to the environment.

2. Public authorities shall, through drafting, approval and implementation of normative acts, strategies, plans, programs and projects within their competences, promote for environmental effects, the use of the best techniques available.

Article 10

The principle of integrated approach

1. The purpose of the integrated approach principle is to prevent and/or reduce the environmental risk, in its entirety.

2. Public authorities shall, while drafting and approving territory plan documents within their competences, take into account, in particular, the environmental vulnerability, the link between balance and values of the natural landscape,

the link between renewable and non-renewable natural resources, cultural heritage and material assets, the entirety of their mutual interactions, as well as the interaction between existing and planned projects.

Article 11

The principle of mutual responsibility and cooperation

1. Cooperation and joint actions between public authorities in the course of drafting and approving the Environmental Protection Strategy, programs, plans and rules of intervention, issuance of environmental permits or during the implementation of policy, control and other environmental measures, shall be necessary.

2. The Republic of Albania shall ensure cooperation and solidarity for the settlement of global and intergovernmental environmental problems through international agreements and exchange of environmental information.

3. Public authorities shall, within their competencies, provide the mode and conditions of cooperation with natural and legal persons, private ones, in order to achieve the objectives of integrated environmental protection.

Article 12

"Polluter pays" principle

The natural or legal person, the actions or omissions of which affect the environmental pollution, shall bear financial liability, covering the costs incurred by this damage to or risk of environmental damage. Such costs shall include the costs of the assessment of environmental damage, the assessment of necessary measures, as well as the costs of preventing environmental damage, including rehabilitation and compensation costs of injured natural or legal persons.

Article 13

The principle of the right to information and public participation

1. Each and every person has the right to be provided in a timely manner with information on the environmental state, its pollution and measures taken, in accordance with this law, the legislation to which it refers, as well as law no. 8503, dated 30.6.1999 "On the right to information over the official documents".

2. During the institutional settlement of environmental protection issues, the relevant public authorities shall ensure that the public and stakeholders have a real opportunity to participate in the procedures for identifying the environmental state, for drafting and approving strategies, plans and programs in respect of the environmental protection and the environmental components, as well as in drafting and approving regulations and acts of general character, relating to the environmental protection, decision-making for the issuance of relevant environmental permits, in accordance with the provisions of this law and the legislation to which it refers.

Article 14

The principle of promoting activities for environmental protection

1. Public authorities shall, within their competences, carry out the following:
 - a) promote activities for the environmental protection, that prevent or reduce its pollution, as well as projects that reduce the use of certain substances, raw materials and energy, or that cause a lower pollution to the environment;
 - b) may enter into agreements with polluting entities and their associations over voluntary measures they may take, in order to further reduce the environmental impact.
2. Public authorities, the scope of which includes functions related to environmental protection, shall, within their competences, promote access, awareness and education of the public on environmental protection and sustainable development.

CHAPTER III

PROTECTION OF ENVIRONMENTAL COMPONENTS

Article 15

Integrated protection

Environmental components shall be protected from pollution, both separately and jointly, taking into account interactions between them.

Article 16

Air protection

1. Air protection shall include measures to protect air components and its quality, intended to avoid or reduce the detrimental effects on human health, quality of life and on the environment as a whole, as well as to prevent and reduce pollution that harms the ozone layer and global climate change.
2. Relevant measures for the implementation of air protection shall be defined herein and in the special applicable legislation.

Article 17

Water protection

1. Water protection shall include measures to protect and improve the quality of surface and ground waters, in transit, coastal and sea water, as a whole, with a view to avoiding or reducing detrimental effects on the aquatic ecosystems, the environment as a whole, human health and quality of life.
2. Relevant measures for the implementation of water protection, according to the categories specified in paragraph 1 of this Article, shall be defined herein and in the special legislation.

Article 18

Soil protection

1. Soil protection shall include preservation of the natural soil properties and functions, preventing its damage, monitoring the soil condition and changes in its quality, as well as improvement and rehabilitation of the damaged soil.

2. Protection of the vegetative soil layer aims at protecting the ability to produce, as well as improving and rehabilitating it.

3. Relevant measures for the implementation of the soil protection and its vegetative layer shall be defined herein and in the special legislation.

Article 19

Nature protection

1. Nature protection shall include:

a) conservation of biodiversity, ecosystems and natural landscape;

b) measures for the protection of forests: natural, partly natural, forest complexes and forest soils, watercourses and water resources, forest flora and fauna, as well as genes and seeds stations of native tree varieties.

2. Relevant measures for the implementation of nature and forest protection shall be defined herein and in the special legislation.

Article 20

Climate change

1. Climate change is the change caused by human impact on the climate system.

2. Special measures for climate change shall be defined herein and in special legislation.

3. The Council of Ministers shall, under bylaws, support and promote:

a) reducing and stabilizing greenhouse gas emissions;

b) taking safe measures for carbon dioxide capture and storage;

c) utilisation of renewable energy and its efficiency thereto.

CHAPTER IV

ENVIRONMENTAL PROTECTION IN THE PLANNING PROCESS

Article 21

Environmental strategies and plans

1. The Ministry shall periodically prepare national environmental strategies and plans.

2. The Ministry shall, as appropriate, prepare national environmental strategies and plans for each of the environmental components.

3. The strategies and plans referred to in paragraphs 1 and 2 of this Article shall be reviewed and updated regularly, should the need arise.

4. The Council of Ministers shall approve the strategies and plans referred to in paragraphs 1 and 2 of this Article.

Article 22

Local environmental action plans

1. Local government authorities shall prepare local environmental action plans periodically, in accordance with the strategies and plans referred to in Article 21 herein.

2. Local environmental action plans shall be reviewed and updated regularly, should the need arise.

3. The council of the respective local government authority shall approve the plans referred to in paragraph 1 of this Article.

4. At the beginning of each year, mayors of the local government units, shall report to the regional council over implementation of the respective local environmental plans, about the preceding year.

Article 23

Development plans

1. Development plans shall include, as a matter of this law, the instruments prescribed in national, local and inter-local planning, as well as integrated planning, as defined in law no. 10 119, dated 23.4.2009 "On territorial planning".

2. While drafting and approving development plans, the relevant public authority shall take into account in particular the environmental sensitivity of a certain area, its carrying capacity, the link and harmony of natural landscape values, the link between renewable and non-renewable natural resources, and cultural heritage, as well as the entirety of interactions between existing and planned environmental developments.

3. Development plans shall include measures for protection of land, water, sea, air, forests, climate, ecosystems, natural landscape, cultural and physical values, waste management/disposal measures, protection measures against noise, vibration, unpleasant odors and fire, as well as other related measures, that aim to protect human health and improve the quality of life, stipulated in accordance with this law and special legislation.

Article 24

Strategic environmental assessment

1. Strategic environmental assessment shall be conducted on:

a) plans and programs in the field of agriculture, forestry, fisheries, energy, industry, mining, transport, telecommunications, waste management, water management, tourism, territorial planning, as well as national, regional and local development plans and programs;

b) strategic planning documents, on the basis of which the implementation of projects subject to environmental impact assessment is planned, as set out in Article 21 herein;

c) plans and programs that may have an effect on specially protected areas, as provided for in special legal acts.

2. Plans and programs referred to in paragraph 1 of this Article, which provide for the use of small areas at local level and/or their non-essential modifications, shall require a strategic environmental assessment only if the Ministry deems they may have significant environmental effects.

3. Plans and programs, not contained in paragraph 1 of this Article, but which designate the framework for approving the development of future projects, shall be subject to strategic environmental assessment only if the Ministry deems they can have significant environmental effects.

4. Detailed requirements for the implementation of this Article shall be set out in the law on strategic environmental assessment.

Article 25

Environmental impact assessment

1. The environmental impact assessment of a proposed development project is the assessment of significant and potential impacts of that activity on the environment.

2. During the environmental impact assessment, the identification, description and proper assessment of the environmental impact of an activity, referred to in paragraph 1 of this Article shall be conducted, while specifying the possible direct and indirect effects on land, water, sea, air, forests, climate, human health, flora and fauna, natural landscape, material assets, cultural heritage, taking into account their mutual links.

3. Environmental impact assessment shall apply the principle of prevention from the outset of project planning, in order to avoid or lessen adverse environmental effects, through harmonization and its adjustment to the carrying environmental capacity.

4. The environmental impact assessment shall be performed by the developer, as part of the preparations for planning a development project and before applying for relevant development permits.

5. Detailed requirements for the implementation of this Article shall be set out in the law on environmental impact assessment.

CHAPTER V

POLLUTION PREVENTION AND CONTROL

Section 1

Environmental standards

Article 26

Environmental quality standards

1. "Environmental quality standard" means the permissible concentration limit of a certain pollutant or group of pollutants in air, water or soil.

2. Environmental quality standards for pollutants or specific groups of pollutants of each of the environmental components, as well as timeframes for achieving environmental quality standards shall be designated by the Council of Ministers.

Article 27

Technical standards of environmental emission

1. "Technical standard of environmental emission" means the amount, concentration or level of emission from an activity, which should not be exceeded during one or more time periods. Technical environmental standards are set for certain groups or categories of substances.

2. Emission limit values set out in the relevant environmental permit for a specific activity must not be less restrictive than the technical standard of the relevant environmental emissions.

3. Technical standards of environmental emissions shall, in general, be applied at the emitting point of an activity.

4. Technical standards of environmental emission regarding pollutants or specific groups of pollutants, for specific environmental components, as well as the temporary timeframes to meet these standards shall be determined by the Council of Ministers.

Article 28

Basic product requirements

1. Basic requirements for products, machinery, equipment and manufacturing technologies, which may risk or threaten the environment, shall be prescribed in the legal framework for general product safety, basic requirements for non-food products/items and conformity assessment.

2. Where necessary, these basic requirements shall be included in the relevant environmental permit, pursuant to section 2 of this chapter.

Section 2

Environmental permits

Article 29

Environmental permits

1. Activities causing environmental pollution shall be equipped with the relevant environmental permit, which stipulates, in writing, the necessary conditions to ensure that the activity/installation shall meet the requirements of environmental legislation in force.

2. The issuance of environmental permits shall be determined subject to a three-level system, based on the size and type of activity seeking a permit, as well as the probability for this activity to cause pollution to the extent it would harm the environment and human health:

- a) category of activities A, for which the type A environmental permit applies;
- b) category of activities B, for which the type B environmental permit applies;
- c) category of activities C, for which the type C environmental permit applies

The categories of activities and the limits between the three levels shall be specified in the law on environmental permits.

3. Environmental permits, set out herein, shall be approved pursuant to law no. 10 081, dated 23.2.2009 "On licenses, authorizations and permits in the Republic of Albania" and shall be included in category III. 1 of annex thereto.

Article 30

Prevention of major accidents involving hazardous substances

1. Any activity in which hazardous substances and chemicals are or may be present in such quantities as to cause damage to the environment or to human health in the event of a major accident, shall be subject to a control system for preventing and limiting such accidents.

2. Measures for preventing major accidents involving hazardous substances, shall be specified in this law and in the law on prevention of major accidents involving hazardous substances.

Article 31

Emission ceilings

1. For purposes of this Article, "National emission ceiling" means the maximum amount of a substance, referred to in paragraph 2 of this Article, expressed in kilotons, allowed to be emitted from the territory of the Republic of Albania during a calendar year.

2. The Republic of Albania shall take the necessary measures to limit national emissions of acidifying and eutrophying pollutants and ozone precursors.

3. Measures referred to in paragraph 2 of this Article shall limit the annual national ceilings of those substances and, in particular, of sulfur dioxide, nitrogen oxides, volatile organic compounds and ammonia, in amounts not exceeding emission ceilings approved for each of these substances.

4. Where necessary, the relevant environmental permit, as defined in Article 29 of this law, shall contain the conditions that ensure compliance with national emission ceilings.

5. The national emission ceilings and the measures referred to in paragraph 2 of this Article, shall, for the effective protection of people from known health risks because of air pollution, be adopted by the Council of Ministers.

Article 32

Pollutant Release and Transfer Register

1. The Pollutant Release and Transfer Register contains information on release and transfer of pollutants and wastes, assessment of their trends, monitoring of progress made through environmental policies and programs, fulfillment of obligations arising from international agreements, and enables the right of the public to access this information.

2. The Pollutant Release and Transfer Register shall be administered by the National Environmental Agency.

3. The operator of the activities referred to in this Article shall maintain, update and report annually to the National Environmental Agency on implementation of this Article.

4. Detailed requirements on the operation and management of the Pollutant Release and Transfer Register, the list of activities and pollutants subject to this register, as well as the data declaration form for emissions and transfer of pollutants by the operator shall be adopted by the Council of Ministers.

Section 3

Other pollution control measures

Article 33

Integrated waste management

1. Integrated waste management aims to prevent or reduce wastes and their detrimental impacts on the environment, as well as the efficient utilisation of natural resources, in order to protect the environment, resources, human health, and improve the quality of life.

2. Waste management measures shall be prescribed by a special law.

Article 34

Chemicals

1. Protection from harmful effects of chemicals, their compounds and preparations shall include measures and procedures for protection against their detrimental effects on the environment and human health.

2. Measures for the implementation of protection from harmful effects of chemicals shall be prescribed by a special law.

Article 35

Ozone depleting substances

1. Rules for manufacturing, import, export, placing on the market and use of ozone depleting substances, as well as for import, export, placing on the market and use of products and equipment containing these substances, shall be adopted by the Council of Ministers.

2. Activities related to ozone depleting substances shall be licensed pursuant to law no. 10 081, dated 23.2.2009 "On licenses, authorizations and permits in the Republic of Albania" and shall be included in category III. 3 of annex thereto.

Article 36

Genetically Modified Organisms

1. Deliberate release into the environment or placing on the market of Genetically Modified Organisms, which may cause detrimental effects on the environment and human health is prohibited, unless otherwise provided by applicable law, in accordance with the principle of prevention and precautionary measures.

2. This Article shall not apply to food and feedstuff containing Genetically Modified Organisms, which are regulated by special law.

3. Detailed rules for the deliberate environmental release of genetically modified organisms for purposes other than their placing on the market as products aiming to protect the environment and human health, shall be adopted by the Council of Ministers.

Article 37

Persistent organic pollutants

1. Manufacturing, import, placing on the market and use of chemicals and pesticides which exhibit properties of persistent organic pollutants shall be prohibited, unless otherwise provided by applicable law.

2. The list of substances, referred to in paragraph 1 of this Article, control of manufacturing, import, placing on the market and use, exemptions from control measures and reduction, minimization and disposal of these substances, shall be adopted by the Council of Ministers.

Article 38

Protection against noise and vibration

1. Protection against noise and vibration shall include noise and vibration protection measures to which people are exposed, in particular in residential areas, public parks or other quiet zones in urban areas, quiet zones in rural areas, near schools, hospitals, as well as near buildings and other areas sensitive to noise and/or vibration.

2. Measures for the implementation of protection against noise and vibration, shall be prescribed by a special law.

Article 39

Unpleasant odors

1. Protection against unpleasant odors shall include safeguards against emission of unpleasant or potentially unpleasant odor substances from activities generating them and to which people are exposed.

2. Measures for protection against unpleasant odors and assessment criteria regarding new and existing activities with unpleasant or potentially unpleasant odor emissions or regarding sources of such odors, shall be adopted by the Council of Ministers.

Article 40

Radiation protection

1. Protection from ionizing and non-ionizing radiation aims to prevent, reduce and control the risk posed to human life and health, as well as to the environment.

2. Measures for protection from ionizing and non-ionizing radiation shall be prescribed by a special law.

CHAPTER VI

ENVIRONMENTAL MONITORING

Section 1

State of the environment

Article 41

Environmental monitoring

1. Environmental monitoring shall be observation and recording, according to a certain plan and rule, of the environmental quality and changes in the state of its components. In particular, it shall include:

- a) surface water quality;
- b) groundwater quality;
- c) air quality;
- ç) waste;
- d) noise;
- dh) radiation;
- e) soil quality;
- ë) flora, fauna, biodiversity, forests;
- f) impacts of economic sectors on the environmental components;
- g) monitoring the natural phenomena and their potential impact on the environment;
- gj) monitoring the environmental pollution impacts on human health.

2. The Council of Ministers shall adopt the rules and procedures for drafting the National Environmental Monitoring Programme.

Article 42

National Environmental Monitoring Network

1. Pursuant to Article 41 of this law, the National Environmental Monitoring Network shall be established, which shall extend throughout the territory of the Republic of Albania. The National Environmental Agency shall be the competent authority for the management of the National Environmental Monitoring Network.

2. The organization and functioning of the network as well as the manner, procedure and form of data entry into this network, shall be adopted by the Council of Ministers.

Article 43

Limiting ownership and other real rights for environmental monitoring

1. Each and every natural or legal person, private or public entity hereto, shall be limited the right of ownership and other real rights over the property in that part thereof, where objects and/or measuring devices are fixed to perform environmental monitoring in cases where deemed that conducting environmental monitoring is in the public interest, in accordance with what is

stipulated in law no. 8561, dated 22.12.1999 "On expropriation and temporary use of the private property, for public interest".

2. In order to carry out environmental monitoring, the authorized person shall use mainly state-owned land, where there is minimal interference with the actual use of that piece of land. When performing activities about installation of an object/plant, such as measuring devices and equipment, referred to in paragraph 1 of this Article, the authorized person shall, as much as possible, minimize intervention for the use of that piece of land and once carrying out the activity, shall restore the land to its previous state.

Section 2

Compliance monitoring

Article 44

Duties of the operator to monitor compliance

1. The operator of activities, contained in categories A, B and C, referred to in Article 29 herein, shall monitor the discharge of its activity, in accordance with provisions of the legislation on environmental permits and the requirements set out in the relevant environmental permit.

2. The operator referred to in paragraph 1 of this Article shall monitor the sources of discharge of its activity and perform other monitoring, using approved equipment and instruments, through the procedure for verification of measurements, specified in the special legislation and in accordance with the requirements set out in the relevant environmental permit, and shall also keep these equipment and instruments in a good working condition.

3. The operator may perform monitoring through accredited equipment and instruments available or through specialized and accredited laboratories.

4. The results of self-monitoring shall be submitted to the relevant authorities in accordance with the legislation on environmental permits and requirements contained in the relevant environmental permit.

CHAPTER VII

ENVIRONMENTAL INFORMATION

Article 45

Purpose and functioning of the environmental information system

1. The environmental information system shall serve the protection and integrated management of the environment and its components, monitoring the implementation of environmental policies, mutual reporting, both at national and international level, and providing public information.

2. The National Environmental Agency shall administer the environmental information system.

3. Public authorities shall cooperate with the National Environmental Agency in order to ensure the proper functioning of this system. The means, methodology and procedures of information exchange, with regard to the functioning of this system, shall be adopted by the Council of Ministers.

4. The environmental information system contains data on the state of the environment, pollution burden and environmental impacts, public response to and in particular, data on:

a) the state of environmental components, collected and elaborated in accordance with this law and other special acts;

b) emissions of pollutants into the environment, obtained from the Pollutant Release and Transfer Register;

c) the natural and physical characteristics of the environmental components and the natural phenomena affecting them;

ç) the environment and its components, obtained from research and evaluation projects and programs;

d) natural resources and their utilisation;

dh) areas defined as protected or endangered, based on special normative acts or international conventions, ratified by the Republic of Albania;

e) biodiversity and its components;

ë) effects of pollution on the environment and human health;

f) waste and pollution management;

g) hazardous substances;

gj) industrial and ecological accidents;

h) safety measures and measures to be taken in case of accidents;

i) environmental pollutants;

j) environmental policy measures, plans and programs of environmental protection;

k) environmental protection activities;

l) permits issued to carry out polluting activities and their content.

Article 46

Informing the public with regard to environmental issues

1. Environmental information shall include any information presented in the form of audio, visual, electronic, written mode or otherwise in respect of:

a) the state of environmental components, such as: air and atmosphere, water, soil, landscape and natural areas, including wetlands, coastal and marine areas, biological diversity and components thereof, including Genetically Modified Organisms, and their interaction;

b) factors such as substances, energy, noise, radiation, vibration, unpleasant odors or waste, including radioactive waste, air emissions and water discharges, and other environmental discharges, which have or may have an impact on the environmental components, referred to in letter "a" of this paragraph;

c) measures, such as policies, legislation, plans, programs, environmental agreements, and activities having or likely to have an impact on the components and factors

referred to in letters "a" and "b" of this paragraph, as well as measures or activities designated to protect these components;

ç) reports concerning the implementation of environmental legislation;

d) cost-benefit analysis and other economic analysis, as well as forecasts used within the framework of measures and activities, referred to in letter "c" of this paragraph;

dh) the state and safety of human health including, where necessary, pollution of the food chain, living conditions, objects of cultural and archaeological value, as well as structures built, as long as they are or may be affected by the state of the environmental components, referred to in letter "a" of this paragraph, or from the impact on those components of each of the issues referred to in letters "b" and "c" of this paragraph.

2. Relevant public authorities, in accordance with the provisions of this law and law no. 8503, dated 30.6.1999 "On the right to information over the official documents", shall provide the public with the opportunity to obtain the environmental information already available.

Article 47

The right to access environmental information

1. Each and every natural and legal person shall have access to environmental information available, without having to show a specific interest thereon.

2. Procedures and other detailed requirements for implementation of this Article, shall be adopted by the Council of Ministers.

Article 48

Standing to sue

In case of threat to the environment, pollution and damage thereof, the public shall be entitled to:

a) request the relevant public authorities to take appropriate measures within the time limits and in accordance with the authority provided by law;

b) have legal standing before a court, against a public authority or a natural or legal person that has damaged the environment or is likely to damage it, in accordance with the requirements of the Civil Procedure Code.

Article 49

Public participation and the public involved in decision-making

The right of the public to participate in the decision-making process of public authorities on the environment shall be defined by the Council of Ministers.

CHAPTER VIII

ENVIRONMENTAL RESPONSIBILITY

Article 50

Responsibility for environmental damage

1. The purpose of responsibility for environmental damage, based on the "Polluter pays" principle, shall be:

- a) prevention and compensation of all damage caused to the environment;
- b) environmental rehabilitation;
- c) introduction of measures and practices for lessening the risk of environmental damage.

2. Responsibility for environmental damage shall be determined based on:

a) damage caused to the environment by any of the dangerous activities, as specified by the Council of Ministers, in letter "a" of paragraph 3 of this Article, as well as by a potential threat to such damage;

b) damage caused to protected species and natural habitats by any professional activity other than those provided in letter "a" of paragraph 3 of this Article, as well as by any potential threat to this damage, as a result of carrying out such activities, due to the negligence of the operator.

3. The Council of Ministers shall adopt:

a) the list of activities considered dangerous for the environment, in the sense of paragraph 2 of this Article;

b) criteria, based on which the potential threat shall be assessed and the environmental damage shall be determined.

4. The Minister shall adopt:

a) measures for rehabilitation of the damaged environment;

b) the method to specify costs for determining and eliminating the threat and the damage.

5. The operator, carrying out the activities specified in letter "a" of paragraph 3 of this Article, that has caused damage or poses a direct threat of damage to the environment, shall be responsible for such damage.

6. The operator shall be responsible if it:

a) fails to take the necessary preventive measures;

b) fails to take the necessary compensation measures;

c) fails to notify the National Environmental Agency of the risk of environmental damage, which might have been caused, notwithstanding the measures taken or whether or not the damage may have occurred.

7. In the event that environmental damage has not occurred, but there is a direct threat of such damage, the operator shall, immediately and without delay, take all necessary measures to prevent the occurrence of the environmental damage. If the operator fails to meet this obligation, the National Environmental Agency shall take the necessary preventive measures and the operator shall be responsible for covering the relevant cost.

8. If, despite measures referred to in paragraph 6 of this Article, the operator fails to eliminate the direct threat of environmental damage, it shall, immediately and without delay, notify the National Environmental Agency, which in turn shall:

a) require the operator to provide information on any threat of environmental damage or in cases where suspicion arises of a direct threat of environmental damage;

b) ask the operator to take the necessary measures and provide instructions over preventive measures;

c) take the necessary preventive measures or assign another natural or legal person, to take the necessary measures, upon the operator's own expenses.

9. In case the damage to the environment has occurred, the operator shall:

a) inform the National Environmental Agency about the damage caused;

b) perform rehabilitation of all damage, in accordance with "Polluter pays" principle;

c) take all necessary measures for the control, preservation, elimination or any other type of management of the factors having caused the environmental damage, in order to

limit or prevent further damage to the environment, adverse effects on human life and health, as well as endangering of natural resources;

ç) take all the measures set out in letter "a" of paragraph 4 of this Article.

10. In case several operators perform one of the activities referred to in letter "a" of paragraph 3 of this Article, within the same territory, they jointly and severally bear responsibility for the damage caused from the performance of that activity, in accordance with the provisions of legislation in force.

11. In the event the damage to the environment has occurred, the National Environmental Agency shall:

a) ask the operator to provide further information on the damage caused;

b) receive, request or instruct the operator to take all necessary measures for the control, preservation, elimination or any other type of management of the factors having caused the environmental damage, in order to limit or prevent further damage to the environment, adverse effects on human life and health, as well as endangering of natural resources;

c) ask the operator to take the necessary rehabilitation measures, as well as provide it with the necessary instructions for the rehabilitation measures to be taken;

ç) take the necessary rehabilitation measures or appoint another natural or legal person, to take the necessary measures, upon the operator' own expenses, in case the latter has not met such obligation;

d) take the necessary rehabilitation measures or appoint another natural or legal person to take the necessary measures, in case the operator cannot be identified, or is not required to cover the costs, as specified in paragraphs 2 and 3 of Article 54 herein.

12. The National Environmental Agency shall define rehabilitation measures in terms of damage caused to the environment.

13. In case of environmental damage caused, the operator shall designate and propose the necessary rehabilitation measures, as specified in letter "a" of paragraph 4 of this Article, and submits them to the National Environmental Agency for approval. When determining rehabilitation measures, the operator shall take into account that these measures are appropriate for and effective in eliminating the whole of environmental damage caused.

14. In case the environmental damage caused is such that rehabilitation measures cannot be taken concurrently, the National Environmental Agency shall determine the primary and lower cost measures to be taken. In determining the primary measures, the National Environmental Agency shall take into account the nature, extent and significance of each damage caused to the environment, the risk to human health, as well as the ability of natural rehabilitation of the environment.

15. The National Environmental Agency shall be the competent authority for the identification of the operator that poses a direct threat for a potential damage or has caused environmental damage, to assess the significance of the damage caused, and also to designate the rehabilitation measures.

Article 51

Cost for preventive and rehabilitation measures

1. The operator shall cover the cost for preventive and rehabilitation measures with regard to the damage it has caused to the environment.

2. Notwithstanding the definition of paragraph 1 of this Article, the operator shall not compensate the costs for taking preventive and rehabilitation measures with regard to the environmental damage caused, if it proves that such damage caused or the threat to causing environmental damage:

a) is a consequence of an unpredictable and unavoidable natural phenomenon, which could not be prevented or eliminated;

b) was caused by a third party and/or occurred irrespective of appropriate measures being taken;

c) is a consequence of the implementation of a binding decision, issued by a public authority.

3. The operator shall be not obliged to compensate the costs for taking preventive and rehabilitation measures, if it is proven that the environmental damage was not caused at its fault, but was caused due to:

a) a discharge or other activity authorized by or in accordance with the requirements set out in the relevant environmental permit;

b) a discharge, action, or product used or produced by the activity, the detrimental potential of which at the time of the damage being caused, was unknown to science.

Article 52

Compensation for environmental damage

1. Natural or legal persons and environmental associations shall, in the territory directly affected by or suffering the consequences of the environmental damage caused, have the right to ask the National Environmental Agency to request from the operator:

a) restoration of the environment to its previous state;

b) compensation for environmental damage caused, in accordance with the provisions of this law, if restoration of the environment to its previous state is impossible.

2. The National Environmental Agency, when it deems that rehabilitation and restoration of the environment to pre-damage state is impossible, it shall oblige the operator to pay compensation for the environmental damage caused.

Article 53

Obligation to make compensation funds available in advance

1. The operator, which carries out any of the activities mentioned in the list referred to in letter "a" of paragraph 3 of Article 50 herein, shall, in advance, make available the necessary funds to compensate for a possible damage to the environment or to eliminate an imminent threat of environmental damage.

2. The Council of Ministers shall adopt the methods and procedures to ensure funds, such as guarantees or necessary insurances.

Article 54

Other resources to cover the costs for rehabilitation measures

1. The State Budget shall provide resources for the rehabilitation of damage, the consequences of which must be eliminated, in accordance with the provisions set out in letter "a" of paragraph 4 of Article 50 herein, when identification of the operator is impossible.

2. The State Budget shall provide financial funds for the remediation of a huge amount of environmental damage caused by an activity outside the territory of the Republic of Albania.

3. The National Environmental Agency shall, when the operator referred to in paragraphs 1 and 2 of this Article has been thereupon identified, request reimbursement of expenses incurred for eliminating consequences of the environmental damage within a period of five years from identification of the latter.

CHAPTER IX

ENVIRONMENTAL PROTECTION POLICY TOOLS

Article 55

Eco-label

1. The Ministry shall grant the eco-label as a trademark acknowledgement, to natural and legal persons that produce or distribute products, which, compared to equivalent products or services, during their life cycle have a less adverse impact and provide a higher level of environmental protection, as well as more efficient use of its components. Products such as foodstuff, beverages, pharmaceutical products and professional medical equipment or related services thereto, shall not be subject to this Article.

2. Assessment of the less adverse effects, referred to in paragraph 1 of this Article, concerns the rational use of natural resources and energy, the reduction of discharges into the environment, the use of valuable waste or other methods that make possible the use of wastes before their disposal into the respective field (landfill) and taking other measures for environmental protection.

3. The manufacturer, importer, distributor of a product or service may request to be equipped with the eco-label, which must contain all documents and evidence attached thereto confirming that the present product meets the requirements specified hereto.

4. The Ministry may cancel/ban the eco-label granted when the person referred to in paragraph 3 of this Article fails to comply with the requirements on the basis of which the label was issued, or no longer meets the requirements set for the provision of the label.

5. The Ministry shall promote the use of eco-labeled products and services through awareness raising and informing consumers, manufacturers, traders and the public.

6. The Council of Ministers shall adopt the procedure and requirements for the provision of the eco-label, the manner of its issuance, use and validity, composition and functioning of the commission for the issuance of eco-labels, participation of individuals,

associations and public authorities in the procedure of granting the eco-label, referred to in paragraph 1 of this Article.

Article 56

Eco-management and audit scheme

1. The Ministry shall promote the use of the eco-management and audit scheme and the voluntary participation of organizations, with a view to assessing and improving the environmental performance thereof and of other stakeholders.

2. The Council of Ministers shall adopt the procedures and requirements for granting eco-management and audit schemes.

Article 57

Voluntary arrangements

1. Organizations and groups, representing certain interests, groups of operators or individual operators, may enter into voluntary arrangements with the relevant authorities, in order to achieve a higher level of protection than that set out in the specific legislation concerning an environmental component.

2. Procedures and other detailed requirements for the implementation of this Article shall be adopted by the Council of Ministers.

3. Each of these voluntary arrangements shall be hereby binding from the moment of signing, and failure to fulfill conditions specified therein shall be considered as a breach of contract.

Article 58

Education and training for environmental protection

1. The Ministry responsible for education and the Ministry responsible for employment and vocational training shall, in cooperation with the Ministry, promote, support and organize education and training on environmental protection and sustainable development, through the education system, research, forms of learning, lifelong education and training.

2. The Ministry responsible for education and the ministry responsible for employment issues and vocational training shall, in cooperation with the Ministry, formulate the necessary guidelines for a teaching and educational program, in accordance with the priorities and objectives of national and international strategic programs, to which the Republic of Albania is a party.

CHAPTER X

STATE ENVIRONMENTAL AGENCIES

Section 1

National Environmental Agency

Article 59

Organization of the National Environmental Agency

1. The National Environmental Agency is a central public institution under the Minister, which exercises its jurisdiction throughout the territory of the Republic of Albania, through the head office and regional branches across the districts, which hereinafter will be referred to as regional environmental agencies.

2. The National Environmental Agency shall be financed by the State Budget and its own resources.

3. The National Environmental Agency shall have independence in decision-making and performing its functions, provided by law.

4. The Council of Ministers shall, in accordance with the requirements of this law, approve detailed rules for the organization and functioning of the National Environmental Agency and regional environmental agencies, the division and organization of work, the status of employees and its relations with other institutions thereto.

5. The Prime Minister shall, upon the proposal of the Minister and in accordance with the legislation in force, approve the structure and staff of the National Environmental Agency and the regional environmental agencies.

Article 60

Functions of the National Environmental Agency

1. The National Environmental Agency is the competent authority for determining the conditions for the relevant environmental permits, in accordance with the provisions of this law, the legislation on environmental permits and the provisions of other relevant laws and shall have the following functions:

- a) drafting the National Environmental Monitoring Programme and monitoring the environmental state, in accordance with the provisions of this law;
- b) preparation and publication of annual reports on the environmental state;
- c) performing environmental emission measurement services upon the request of the Ministry;
- ç) advising local bodies on the implementation of environmental policies;
- d) establishment and management of the environmental information system;
- dh) establishment and management of the Pollutant Release and Transfer Register;
- e) providing environmental information to the public, in accordance with the provisions of this law;
- ë) providing access to information for the public about the decision-making process on environmental issues, in accordance with the provisions of this law;
- f) ensuring implementation of the principle of environmental responsibility for each operator, in accordance with the provisions of this law;
- g) forest information system management.

2. This agency shall perform also other functions granted by special legislation.

Article 61

Professionals of the National Environmental Agency

1. For professionals of the National Environmental Agency, the procedures of the legislation on the civil servant foreseen for independent institutions shall apply, except as

otherwise provided for in this law. The head of the National Environmental Agency shall be the "immediate supervisor", in accordance with these provisions. The head of the National Environmental Agency shall be appointed by the Council of Ministers, upon the proposal of the Minister.

2. The employment relations of other employees of the National Environmental Agency, who perform support tasks, shall be subject to labor law and other legislation of general application in public administration.

Section 2

Environmental protection inspection

Article 62

Environmental protection inspection

1. The environmental protection inspection, except as provided in paragraph 2 of this Article, shall be performed by the competent state inspectorate (hereinafter "Inspectorate"), which shall have the following functions:

a) ensures state control of environmental protection as provided herein and in the special legislation in force;

b) ensures fulfillment of requirements of the respective environmental permit, in accordance with the provisions of this law and the law on environmental permits;

c) prepares annual inspection programs and ensures their implementation;

ç) provides access to the public on environmental issues, in accordance with the provisions of this law;

d) provides access to the public on the decision-making process regarding environmental issues, in accordance with the provisions of this law;

dh) ensures implementation of the principle of environmental responsibility, in accordance with the provisions of this law;

e) performs control over the implementation of tasks, accompanied by the investigation of polluted or potentially polluted areas, as well as the tasks and the program on the rehabilitation of the polluted area. The environmental inspector may also perform other tasks, defined in other special laws, in respect of environmental protection;

ë) any other function designated in other special laws, in respect of environmental protection.

2. Inspection on the implementation of this law, regarding product marketing, raw materials, chemical substances and packaging of chemicals, as well as labeling of products and information contained in the packaging, in relation to the environmental impacts, shall be performed by the relevant inspection structures, pursuant to special legislation.

Article 63

Scope of inspection

Environmental protection inspection shall include:

a) controlling and promoting compliance of activities with requirements of the relevant legislation;

b) monitoring the environmental impact of activities to determine whether further action is required, including revoking the relevant environmental permit, to ensure compliance with relevant legislation;

c) control of compliance with environmental quality standards;

ç) verification and assessment of each report submitted by the operator of the activity;

- d) controlling and promoting compliance with the requirements of the relevant environmental permit;
- dh) verification and assessment of compliance monitoring conducted by the operator of the activity;
- e) assessment of operations performed in a given activity;
- ë) control of relevant premises and equipment, including their maintenance;
- f) control and assessment of environmental management measures by the activity;
- g) control of documents kept by the operator of the activity;
- gj) controlling and promoting compliance with voluntary arrangements.

Article 64

Obligation to ensure compliance

1. The Inspectorate shall have the obligation to take any action which, under this law, may be necessary to ensure compliance with the requirements of conditions of the relevant environmental permit.

2. The Inspectorate shall have the obligation to take any action that, under this law, may be necessary to ensure compliance with the requirements set out in the provisions of the legislation on construction, concerning planned activities, for which the environmental impact assessment is required.

Article 65

Compliance notices

1. The Inspectorate shall, in the event it deems that the operator has breached, is breaching or is likely to breach the conditions of the relevant environmental permit, send it a compliance notice, a copy of which shall be sent to the public authority, which has granted the permit to exercise the activity .

2. Notice of compliance shall be made in writing and shall:

- a) describe issues constituting a breach or those indicating that a breach is likely to occur;
- b) describe the steps taken by the operator to remedy the breach or to correct issues indicating that the breach is likely to occur;
- c) determine the time period when these steps are taken.

3. Notice of compliance may include steps taken to meet the requirements of the relevant environmental permit during construction and operation, as well as steps to remedy the effects of the pollution caused due to the breach.

Article 66

Suspension notices

1. The Inspectorate shall, in the event it deems that construction or performance of an activity or construction, or its performance in a certain way poses a potential risk of serious pollution to the environment, send the notice of suspension of that activity to the owner

of the item or operator of the activity, as the case may be. A copy of the notice of suspension shall be sent to the public authority that issued the permit to operate.

2. The notice of suspension shall be made in writing and therein:

a) the potential risk related to construction or performance of the activity is determined;

b) steps taken to avoid that risk are designated;

c) the time period when these steps are taken is specified;

ç) it is stated that the relevant environmental permit or special parts thereof are no longer valid, until this notice is removed.

3. The relevant environmental permit is no longer, in whole or in part, valid, as specified in the notice of suspension, once the owner of the item or the operator has received such a notice.

4. The Inspectorate may revoke the notice of suspension at any time if it deems that the steps required under this notice have been taken so as to avoid the potential risk of serious environmental pollution.

Section 3

Other institutional provisions

Article 67

Environmental fund

1. An Environmental Fund has been established to support and promote environmental protection activities.

2. The Council of Ministers shall adopt the rules on the source of income, the mode of functioning and use of the Environmental Fund.

Article 68

Licensing environmental impact activities

Activities of environmental impact, set out herein, shall be licensed pursuant to law no. 10 081, dated 23.2.2009 "On licenses, authorizations and permits in the Republic of Albania", and shall be included in field III of annex thereto.

CHAPTER XI

OFFENCES

Article 69

Offences

1. The following breaches to this law, which do not constitute a criminal offence, shall be considered administrative contraventions and punished as follows:

a) failure to provide information on the discharge and transfer of pollutants by the operator, as defined in Article 32 herein, shall be punished by a fine varying from 300

000 ALL to 500 000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

b) failure to meet requirements on manufacturing, import, export, placing on the market and use of ozone depleting substances, as well as import, export, placing on the market and use of products and equipment containing these substances, pursuant to Article 35 herein, shall be punished by a fine varying from 300,000 ALL to 500,000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

c) failure to meet requirements on the deliberate environmental release of Genetically Modified Organisms, for purposes other than their placing on the market as products intended to protect the environment and human health, as defined in Article 36 herein, shall be punished by a fine varying from 300,000 ALL to 500,000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

ç) failure to meet requirements on the prohibition of manufacturing, import, placing on the market and use, for the reduction of emissions, minimization and elimination of persistent organic pollutants, as defined in Article 37 herein, shall be punished by a fine varying from 500 000 ALL to 1 000 000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

d) failure to meet requirements for the discharge of unpleasant odors from new and existing activities, as defined in Article 39 herein, shall be punished by a fine varying from 300 000 to 500 000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

dh) failure to meet by the authorized person that carries out the environmental monitoring, requirements for minimization of intervention on the land use as much as possible and failure to meet, after the activity is carried out, requirements for the restoration of the land to its previous state as much as possible, as defined in Article 43 herein, shall be punished by a fine varying from 500 000 ALL to 1 000 000 ALL, which will receive a 10 percent increase thereof per each day of delay, until the obligation is fulfilled;

e) failure to inform the National Environmental Agency about the potential of a direct threat of such damage by the operator, as defined in paragraph 6 of Article 50 herein, as well as failure to take the necessary measures to prevent damage to the environment, notwithstanding its obligation to take preventive measures against environmental damage, as defined in paragraph 6 of Article 50 herein, shall be punished by a fine varying from 1 000 000 ALL to 2 000 000 ALL;

ë) failure by the operator to inform the National Environmental Agency that notwithstanding measures taken in accordance with the definition made in paragraph 6 of Article 50 herein, the direct threat of damage to the environment has not been avoided, as defined in paragraph 7 of Article 50 herein, despite its obligation to provide in advance funds for compensation of a potential environmental damage or for elimination of an imminent threat of damage to the environment, as defined in Article 53 herein, shall be punished by a fine varying from 1 000 000 ALL to 2 000 000 ALL;

f) failure to meet requirements of paragraph 8 of Article 50 herein, by the operator, notwithstanding its obligation for restoration of the environment to its previous state, rehabilitation of the environment, compensation of the damage caused or other measures specified herein, shall be punished by a fine varying from 1 000 000 ALL to 2 000 000 ALL;

g) use of the eco-label by its owner even after it is cancelled by the Ministry, as defined in paragraph 4 of Article 55 herein, shall be punished by a fine varying from 300,000 to 500,000 ALL;

gj) failure to meet by the operator the requirements specified in the notification of compliance, within the timeframe specified therein, as defined in Article 65 herein,

shall be punished by a fine varying from 300 000 ALL to 500 000 ALL, which will receive a 10 percent increase thereof per each day of delay, until incompliance is remedied;

h) failure by the owner of the item or the operator of the activity to comply with requirements set out in the notice of suspension, within the period specified therein, as defined in Article 66 of herein, is punished by a fine varying from 500 000 to 1 000 000 ALL which will receive a 10 percent increase thereof per each day of delay, until obligation is fulfilled.

2. The inspectorate has the right to fine for administrative contraventions, prescribed in Article 69 herein. The Inspectorate has the right to seize the equipment with which, in its own opinion, the contravention provided for in this law, was committed.

3. Notwithstanding the punishment provided in letters "k" and "l" of paragraph 1 herein, the minister, upon the proposal of the inspectorate, may suspend or revoke the relevant environmental permit for the entire activity or part thereof and shall thereupon notify the National Licensing Center.

4. In the case of serious offences in this law, or when the person has not paid the fine imposed hereto, the inspectorate shall have the right to seize the property whereby the offence was committed.

5. The Inspectorate may undertake the sanctions provided for in this Article at any time, but not later than two calendar years from the date of issuance of the decision on administrative contravention, as specified in Article 46 of Law no. 10 279, dated 20.5.2010 "On administrative contraventions".

6. The Inspectorate shall make a decision and proclaim it within 60 days from notification of the inspection minutes.

7. The fine shall be paid within the deadline specified in Article 30 of law no. 10 279, dated 20.5.2010 "On administrative contraventions".

8. The Minister shall, upon proposal of the inspectorate, in cases where the fine has not been paid within the deadline specified in paragraph 7 of this Article, suspend the relevant environmental permit until the fine is paid.

9. The subject, who the measure of suspension or revocation of the environmental permit is taken against, has the right to complain to the head of the responsible structure, under the legislation in force.

10. Procedures for execution of fines shall be conducted in accordance with law no. 10 279, dated 20.5.2010 "On administrative contraventions".

11. The implementation of administrative contraventions shall not exempt the relevant subject from other obligations prescribed in this law, as well as from civil liability for the damage caused, under the legislation in force.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 70

Proposal of bylaws

1. The Minister shall propose bylaws, which shall be adopted by the Council of Ministers pursuant to this law.

2. The Council of Ministers and/or the Minister shall adopt the bylaws, as defined in and pursuant to this law, within 2 years from its entry into force.

Article 71

Bylaws

1. The Council of Ministers shall be in charge of issuing bylaws pursuant to Articles 21 paragraph 4, 26 paragraph 2, 27 paragraph 4, 31 paragraph 5, 32 paragraph 4, 35, 36

paragraph 3, 37 paragraph 2, 39 paragraph 2, 41 paragraph 2, 42 paragraph 2, 45 paragraph t 3, 47 paragraph 2, 49, 50 paragraph 3, 53 paragraph 2, 55 paragraph 6, 56 paragraph 2, 57 paragraph 2, 59 paragraph 4, 61 paragraph 1 and 67 paragraph 2 of this law.

2. The Minister shall be in charge of issuing bylaws pursuant to Article 50 paragraph 4 of this law.

Article 72

Ongoing legal effects for bylaws

1. Decision no.860, dated 20.12.2006, of the Council of Ministers "On the approval of the national action plan for the disposal and elimination of persistent organic pollutants", adopted pursuant to Article 8 of Law no. 8934, dated 5.9.2002 "On environmental protection", as amended, will continue to have effect and will be referred to as pursuant to Article 37 of this law.

1. Decision no. 847, dated 29.11.2007, of the Council of Ministers "On the approval of the cross-cutting environmental strategy", adopted pursuant to Article 9 of Law no. 8934, dated 5.9.2002 "On environmental protection", as amended, will continue to have effect and will be referred to as pursuant to Article 21 of this law.

2. Decision no. 543, dated 23.6.2005, of the Council of Ministers "On the approval of the list of equipment using ozone-depleting substances, whose production and import is banned, as well as the rules and procedures for substitution of ozone-depleting substances in existing equipment", adopted pursuant to Article 17 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, will continue to have effect and will be referred to as pursuant to Article 35 of this law.

3. Decision no. 1189, dated 18.11.2009, of the Council of Ministers "On the rules and procedures for the design and implementation of the national environmental monitoring programme", approved pursuant to Article 53 of Law no. 8934, dated 5.9.2002 "On environmental protection", as amended, will continue to have effect and will be referred to as pursuant to Article 41 of this law.

Article 73

Repeal

1. Law no. 8934, dated 5.9.2002 "On environmental protection", as amended, shall be repealed upon entry into force of this law, except as provided in paragraphs 2 to 7 of this Article.

2. Without prejudice to Article 24 of this law, the provisions of chapter IV and Article 35 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, shall continue in effect as regards Strategic Environmental Assessment until repeal by special law.

3. Without prejudice to Article 25 of this law, the provisions of chapter IV and Article 35 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, shall continue in effect as regards environmental impact assessment until repeal by special law.

4. Without prejudice to Article 29 of this law, Articles 34, 36-46 and 51/1 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, on environmental permit, authorization and consent, shall continue in effect until repeal by special law.

5. Without prejudice to Article 30 of this law, the Article 49 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, on the prevention of industrial accidents, shall continue in effect until repeal by special law.

6. Without prejudice to Article 33 of this law, Articles 20-24 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, on waste management, shall continue in effect until repeal by special law.

7. Without prejudice to Article 34 of this law, Articles 20 and 23 of law no. 8934, dated 5.9.2002 "On environmental protection", as amended, on the import and transit of hazardous substances, shall continue in effect until repeal by special law.

Article 74

Transitional provisions

Functions entrusted to the National Environmental Agency by this law and, in particular, those set out in Article 60 thereof, shall be performed by the Ministry, in cooperation with the National Environmental Agency, for a period not exceeding three years from the entry in force of this law.

Article 75

This law shall enter into force 18 months after its publication into the Official Journal.

PARLIAMENT SPEAKER
Jozefina Topalli (Çoba)