

ALBANIAN PROPERTY LAWS

UNOFFICIAL ENGLISH TRANSLATIONS

COMPILED AND EDITED BY

MICHAEL SCHUETZ

FROM VARIOUS ORIGINAL TRANSLATIONS

IN COOPERATION WITH

LAND TENURE CENTER / UNIVERSITY OF WISCONSIN – MADISON

&

TERRA INSTITUTE

Note: These are unofficial translations, not to be cited from. For citation purposes, please consult the original Albanian source. Michael Schuetz, Land Tenure Center, University of Wisconsin and Terra Institute, Ltd. are not to be held responsible for the use or misuse of these documents.

ALBANIAN PROPERTY LAWS

TABLE OF CONTENTS

<i>Title of Law</i>	<i>Part / Pg #</i>
Law 7501, On Land,	I, 1-7
Law 7512, For Sanctioning of private property, free initiative and privatization ..	II, 1-7
Law 7623, On Forests and Forest Police.....	III, 1-14
Law 7652, On Privatization of State Housing.....	IV, 1-6
Law 7664, On Environmental Protection	V, 1-18
Law 7665, On Development of Areas of Tourism Priority.....	VI, 1-8
Law 7698, On Restitution and Compensation of Former Property Owners.....	VII, 1-8
Law 7699, On Compensation in Value of Former Owners of Agriculture Land.....	VIII, 1-5
Law 7796, Mining Law.....	IX, 1-27
Law 7829, Notary Law.....	X, 1-21
Law 7832, On Price of Site Being Compensated.....	XI, 1-4
Law 7836, On Price of Agricultural Land for Compensation Purposes.....	XII, 1-4
Law 7843, On Registration of Immovable Property.....	XIII, 1-19
Law 7917, On Pasture and Grazing Land.....	XIV, 1-7
Law 7926, For Changing of Enterprises into Commercial Companies.....	XV, 1-4
Law 7929, On Protection of Fruit Trees.....	XVI, 1-4
Law 7980, On Buying and Selling Building Sites	XVII, 1-4
Law 8047, On Agricultural Land Refused of Use or Ownership.....	XVIII, 1-2
Law 8053, Transfer of Ownership of Agricultural Land Without Compensation....	XIX, 1-2
Law 8093, On Water Reserves.....	XX, 1-24
Law 8102, On Regulatory Framework of Water Supply.....	XXI, 1-15
Law 8312, For Non-divided Agricultural Land.....	XXII, 1-2
Law 8318, On Leasing Agricultural Land, Forestland, Meadows, and Pastures Which are State Property	XXIII, 1-5
Law 8337, For Transfer of Ownership of Agricultural Land, Meadows, Pastures and Forests.....	XXIV, 1-2
Law 8405, On Urban Planning.....	XXV, 1-27
Law 8515, On Irrigation and Drainage	XXVI, 1-31
Decision 204, Competencies, Functional Duties, and Financing of Local Governments.....	XXVII, 1-6
Decision 305, For Rent of the Building Site that is Given in Use.....	XXVIII, 1-2
Decision 531, On Undistributed Land.....	XXIX, 1-3

LAW no. 7501, dated July 19, 1991

ON THE LAND

- Updated through Law 7983, dated 1995 -

On the basis of Article 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", upon proposal by the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED :

Article 1

Land in the Republic of Albania is classified as follows:

- a) Agricultural land occupied by field crops, fruit plantations, vineyards, and olives wherever they may be and irrespective of size, in the countryside, in the cities, or other residential centers.
- b) Land occupied by forests, pastures, and meadows.
- c) Non-agricultural land occupied by economic and socio-cultural buildings, military units and the area around them; land occupied by dwelling houses and their courtyards, land for general use (streets, highways, airports, railways, squares, parks, gardens, sports grounds, cemeteries); rocky areas, coastal sandy areas, beaches; water areas (lakes, reservoirs, ponds), various canals, rivers, streams, river-beds, swamps; areas with historical or archaeological buildings and monuments, and all the other lands not included in points "a" and "b" of this article.

Article 2

The State gives land to physical or juridical persons. They enjoy the right of ownership on land and all other rights envisaged in this Law.

Article 3

Agricultural land is given in ownership or in use to national or foreign, juridical or physical persons without remuneration.

Article 3a

Owners of agricultural can rent land to local or foreign physical or juridical persons.

When renting agricultural land, the provisions of Civil Code regulating the lease contracts must be applied.

Article 4

Foreign individuals or legal entities can rent land to build on and for other economic activities. The purpose and terms of use are defined by special contract.

The rent of the land is to be established upon assessment of the purpose of use, location and other economic conditions, in conformity with the criteria set by the Council of Ministers.

Article 5

Upon division of the land, families that have been members of the agricultural cooperative have the right to secede and operate on their own, becoming owners of the agricultural land pertaining to them from the organization of which they were members. The Land Commission defines the size and location of this land.

In the hilly and mountainous zones where peasant families cannot get the necessary minimum of agricultural land, the State shall take measures to guarantee them other sources of livelihood through subsidies, increase in investments for the employment of people, social assistance, and the legal movement of people based on a program established by the Council of Ministers.

Article 5a

Community Land Commissions must submit the land distribution documentation to the District Cadastral Land Office, according to the provisions and criteria specified.

Article 6

Families that reside in the countryside but are not members of the agricultural cooperative, as well as those that work and live in agricultural enterprises, have the right to receive agricultural land for use, the size of which is determined by the Council of Ministers.

Article 7

Account Government Land Commission attached to the Ministry of Agriculture, land commissions at the district council, land commissions in communes, and land commissions in villages are set up for the distribution of land in ownership or for use to juridical or physical persons, and for the elimination of the recently created confusion in this field.

The Council of Ministers shall define the rights and duties of these commissions.

Article 8

Size or boundaries of land given as ownership or for use to juridical or physical persons under prior collective ownership arrangements are no longer recognized.

Article 9

The Cadastral Office in each district is the state agency specialized in the registration of all information regarding land.

Article 10

Land that is given as ownership or for use to any juridical or physical person is registered at the Cadastral Office. Any change after the first registration is also registered in the Cadastral Office.

When the issuance of a land tapi in a village is completed and a physical or juridical person refuses to receive it, that person shall be officially notified in writing within 15 days from the completion of issuance of the tapi to present and receive it. If, in one month after the date of receipt of notification, that person refuses to take the tapi, or takes it but declares in writing the dispossession of land, that person shall lose the right to have the land as ownership or for use. In these cases the land shall be made available to the State.

Article 11

Physical or juridical persons who have received or will receive arable land in ownership or for use are required to use it solely for agricultural purposes, to preserve and increase the productivity capacity of land, and to systematize and build constructions for protecting land.

Article 12

The owners and users of agricultural land are obliged to protect the irrigation and hydroelectric projects, their installations and equipment. No owner or user has the right to prohibit other owners and users from using these installations and equipment.

Agencies of local government institutions have the right to settle disagreements.

Article 13

Dwelling houses, economic, social, cultural, and any other type of facility shall be built within the yellow bordering lines defined by city planning.

Land for construction shall be given with or without remuneration according to the criteria set forth by the Council of Ministers.

It is prohibited to build any type of project outside the settlement boundary lines without a special decision of the respective authorized institutions.

The value of the land is included in the total value of construction and assembly.

Article 14

The construction of buildings and other projects for agricultural and livestock purposes is allowed on agricultural land according to the rules set by the Council of Ministers.

Article 15

Any juridical or physical person who has received land for use and does not use it for purposes of agriculture or raising livestock within one year is deprived of his right of use of the land.

Article 16

When any juridical or physical person, who receives land as ownership or in use for purposes of construction or for other economic activities, does not respect the term of the completion of the project according to the prior agreement, that person shall be obliged to pay an amount equal to the average annual rent of the land.

Article 17

Any industrial refuse, mineral refuse, or water with a chemical content harmful for agriculture must be channeled and gathered in special places in order to protect the land and the plants, prevent the pollution of water, and so as not to endanger the life of the people, animals, and birds. The location of such places and the area where a project is to be built needs prior approval. If such approval is not given, no construction or functioning of the project shall begin.

The depositing or burying of any type of locally produced or imported waste is prohibited.

Article 18

When a draft proposal and area of construction is approved by the respective agency, the land is considered given as ownership or for use to those who carry out the construction, but not before three (3) months of work has begun. The change in the cadastral entry shall be made when construction work begins.

Article 19

The State may deprive any juridical or physical person of the right of ownership or use of agricultural land when the State needs to use it for different purposes, on the basis of approval by the respective agency. When the State occupies land, which is the property of juridical or physical persons, the State is obliged to replace it with another equal parcel of land or, if this is not possible, to recompense the investments made and the real value of the land. The court has the authority to resolve disputes relating to the amount of money that must be reimbursed.

Article 20

Individuals or entities that cause damage to fruit plantations, olive trees, vineyards, or agricultural crops in economic, social, cultural, or other buildings shall compensate the owner. The amount of compensation shall be set by the executive committee of the district people's council on the basis of the real value of damage.

The court shall settle disagreements on the amount of compensation.

Article 21

Agencies of local governments shall prohibit, within their respective jurisdictions, the occupation or usage of land that is in contravention with this Law or other respective sub-legal acts.

The eldest of the village, the land distribution commission for the time it is functioning, cadastral officials, urban planning officials, and police officers are all required to make denouncements when they observe physical or juridical persons occupying, damaging, or constructing land contrary to this law.

Owners and users of land who have already received the tapi for the land have the right to make denouncements concerning violations of the Law.

Denouncements are made by declaration submitted, within 2 days, to the council of the commune or municipality wherein the violation has taken place.

The council of the commune or municipality must then be assembled within 15 days after receiving such denouncement, to decide for either:

- a) the release and return of land to its former condition within 3 days;
- b) the destruction of the object constructed illegally within its territorial land and the return of the land to its former condition within 5 days;
- c) a fine of 5 lekë per square meter; or
- ç) compensation for the economic damage caused, to the physical or juridical person who owned the land or had been lawfully given the land for use.

Items "a" and "b" must be applied in situations where there is a modification of the cadastral item as agricultural land. In these situations, the offender has to meet the expenditure for the return of the land to its prior condition. Items "c" and "c," must be applied in cases of illegal occupation of land for agricultural purposes.

When this land has not been distributed, the compensation is given to the municipality or commune.

The decision of the council for the commune or municipality is a final executive order.

For the execution of the council's decision according to points "c" and "ç", when the offender does not pay the fine voluntarily, the enforcement office at the district court is charged to make the execution of the decision within 15 days.

Institutions of public order, in their respective jurisdictions, are obliged to execute the decision of the council of a commune or municipality within 5 days.

When the offender is a resident of another jurisdiction, then the bailiff of the court of the district where the offender is resident is required to execute the decision.

The Ministry of Justice is obliged to hire enforcement officers as needed in each district in order to properly execute decisions.

When offender ignores the decision made according to the administrative measures provided by this article, the council of the commune or municipality shall take the case to the district's court.

Article 22

When a third person occupies or damages land, the owner or user of that land has the right to appeal to the court.

Article 23

Persons who act in contravention of the dispositions of this law and the special dispositions of the acts of the Council of Ministers on this question; who do not take protective measures; who do not bring the land back to use within the term set in the contract; or do not inform the land survey office on time regarding the changes in the state of the land they own or use without justified reasons, shall be charged by the head of the land survey office in each district a fine ranging from 2000 to 5000 lekë for administrative offense, unless these violations constitute penal acts.

An appeal may be lodged against the sentence within 10 days from its proclamation or notification to the head of the executive committee of the district people's council, the decision of which is final.

Persons who, in contravention of legal dispositions, occupy, damage or misuse land in any form, shall be prosecuted according to the dispositions of the Penal Code.

Article 23a

When a Land Commissions member acts in contravention to article 5a of this law and other legal and sub-legal acts for the completion of land distribution documentation, all members of the community Land Commission shall be charged with an administrative offense and be subject to a fine ranging from 2000 to 5000 lekë, depending on the level of responsibility, unless these violations constitute penal acts.

The head of District Council, as the chairman of District Land Commission shall determine the fines. This decision is indisputable.

The District Land Commission has the right to indict for criminal action the chairman or secretary of the community land commission if they fail to submit the proper documentation after the administrative punishment.

Article 24

The Council of Ministers has the authority to define criteria for the division, registration, change, transfer of ownership, evaluation, and leasing of land; as well as tasks of the Cadastral Office.

Article 25

Agricultural land given as ownership on the basis of this Law is inherited according to the legal dispositions on inheritance, forthcoming.

Article 26

Law no. 5686, dated Feb. 21, 1987 "On Protection of the Land", as well as all other sub-legal provisions in contradiction to this Law are repealed.

Article 27

This law comes into force immediately.

LAW NO. 7512, DATED AUGUST 10, 1991

FOR SANCTIONING AND PROTECTION OF PRIVATE PROPERTY, FREE INITIATIVE OF INDEPENDENT PRIVATE ACTIVITIES, AND PRIVATIZATION

- Updated through Law 8306, dated 1998 -

The People's Assembly of the Republic of Albania in order to establish a new economic order and effectuate the transition from a state of controlled, centrally-planned economy to an economic system based on free market principles, in accordance with Articles 10, 11, 12, 13 and 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED :

ARTICLE 1

The Republic of Albania sanctions and protects private property, free initiative, independent private activities, the conducting of business, foreign investments, the right to obtain and grant credit, the right to employ and be employed, the privatization of state owned property, and the entire process of converting the economy of the Republic of Albania from a controlled centralized planned economy to a free market economy.

ARTICLE 2

National and foreign, physical and juridical persons shall conduct business according to the laws in force in the Republic of Albania.

ARTICLE 3

All sectors of the economy are open to private activity including state owned institutions and other units, with all of the following fields of activity being converted to private property; industry, handicraft, agriculture, building, transportation, banking services, science, research, cultural and artistic activities, law, charity, foundations, other possible forms.

State owned enterprises and units mentioned in the second paragraph of this Article are free to establish joint ventures with foreign capital in conformity with the Laws in force.

Article 4

National and foreign, physical and juridical persons may engage in private economic activity through their own financial means, loans, the issuing of shares, or other possible forms.

Article 5

Individuals mentioned in Article 2 of this Law are entitled to carry out their private activities after properly registering in the court of the district where they shall exercise such activities.

In order to be registered, the individual must present an application to the court, which includes the purpose of their activity. Entities such as partnerships and joint ventures must also present entity contracts and agreements, as well as the statute that governs their activity.

The court shall send a copy of its final decision to the financial organ in its jurisdiction within ten days from the date of the decision, and then register the immovable property of the individual.

When the court, by a reasoned decision, does not accept the application, the individual is entitled to appeal within ten days from the announcement of the decision to the Appeals Court, whose decision is final.

If the court does not act within ten days from the presentation of the application, the license is considered automatically approved.

Article added by Law no. 7723, dated June 21, 1993

Individuals mentioned in Article 5 of this Law who are registered with the court within two months after the effective date of Law no. 7723 [this law comes into force 15 days after publication; the date of publication is July 30, 1993], must be provided with appropriate licenses and must submit these licenses to the court. After this period of time lapses, these individual lose the legal capability to act.

Article 6

Albanian or foreign, physical or juridical persons who exercise their activities according to the law may set their own prices and tariffs on production and services on the basis of supply and demand.

The Council of Ministers, by special decree, may set maximum limits on prices and tariffs for commodities and services on which competition has been limited due to monopoly situations, or in situations of difficulty or scarcity of supplies, or on some commodities and services of prime necessity for the people. The decision shall remain in force up to one (1) year from the date of its proclamation.

Article 7

Albanian or foreign, physical or juridical persons shall ensure that the machinery and equipment necessary for exercising their activities, through contracts with the state sectors, directly in the free market or through foreign physical or juridical persons, are in conformity with the legislation that governs the import-export activity.

Article 8

The Ministry of Finance shall determine regulations for financial documentation, methods of calculating fiscal contributions and deadlines for payments, and shall supervise payments to social security from the private sector. The Ministry of Finance shall also define the criteria for calculating profits for all local and foreign, physical and juridical persons who exercise private activity in Albania.

Private local or foreign, physical or juridical persons shall maintain regular accounts and respective registers in conformity with specific laws.

Article 9

Private local or foreign, physical or juridical persons have the right to keep respective accounts at local or foreign banks in Albania, and to pay off obligations through them.

Private local or foreign, physical or juridical persons are required to submit their annual balance sheets and profit and loss accounts to the finance institution under the jurisdiction of which they perform their activities.

Article 10

This article has been repealed by decree no. 1632, dated November 1, 1996.

ARTICLE 11

This article has been repealed by decree no. 1632, dated November 1, 1996.

Article 12

This article has been repealed by decree no. 1632, dated November 1, 1996.

ARTICLE 13

This article has been repealed by decree no. 1632, dated November 1, 1996.

ARTICLE 14

Private local or foreign, physical or juridical persons have the right to transfer ownership or to rent to other local or foreign, physical or juridical persons, enterprises, units or other facilities according to special contract between them.

Article 21 of this Law governs the transfer of possession or lease of building grounds, on which facilities are built.

Article 15

Private activities shall be exercised in conformity with laws governing standards and quality, the control of weights and measures, hygiene, working conditions, occupational safety, environment protection, etc., and shall be controlled and inspected by the assigned state institutions.

Article 16

This Article has been repealed by decree no. 1632, dated November 1, 1996.

Article 17

Foreign individuals who carry on economic activity have the right to transfer out of the Republic of Albania all assets and earnings in foreign currency.

Private physical and juridical persons, who carry on economic activity according to this Law, have the right to self-finance with lekë or foreign currency.

The exchange of Albanian currency with foreign currency or vice-versa shall be done in compliance with the rate set by the Albanian State Bank or the free private foreign currency market.

Private local and foreign, physical and juridical persons have the right to receive credit in lekë and foreign currency from the Albanian State Bank or other local or foreign, private or state banks.

Article 18

Employment relations in the private sector shall be stipulated by contracts entered into freely between the parties. For issues not address in such contracts, laws governing employment and labor shall be applied.

Article 19

Private employers, when hiring, shall register each employee in the enterprise book and inform the labor institutions of the jurisdiction where employment activity is to be conducted.

Private employers are obliged to protect their employees through insurance. Employees enjoy all the rights enumerated in the Law "On Social State Security of the Republic of Albania".

Article 20

All employees who are fired during the process of privatization of the state sector shall be treated according to special provisions on social assistance.

Article 21

Local and foreign, physical and juridical persons have the right to purchase, transfer, sell, or lease building sites in accordance with provisions in force.

Article 22

1. The Ministry of Privatization has authority to govern and organize the transfer of state owned property to private property. This Ministry shall establish the period of time, priority, and methods of privatization for all facilities under this process.
2. The Ministry of Public Economy and Privatization, Ministries, other institutions directly supervised by the Council of Ministers, relevant local government institutions accountable for administering state owned property, as well as state owned enterprises or commercial companies have authority to lease state owned property.

The Council of Ministers shall issue a decision to establish criteria for leasing state owned property.

Article 23

The transfer from state ownership to private ownership may be made by auction, private sale of shares, the free distribution of state shares to physical or juridical persons, or any other appropriate method.

The assessment of state owned property for purposes of valuation shall be made according to sub legal acts issued by the Council of Ministers.

Article 24

Article 6 of Decree no. 1632, dated November 1, 1996, repeals this Article.

Article 25

The Council of Ministers supervises the National Privatization Agency (hereafter NPA). The NPA is the only institution authorized to carry on procedures of sale of state owned property under privatization, except cases explicitly defined by the law.

Article 26

Disputes between debtors and creditors, either state or private, arising from the moment of transfer of state enterprises or units to private property, shall be settled by agreement between the two parties, or when this is not possible, by the court.

Article 27

Revenues resulting from the transfer of state property to private property shall be deposited into the state budget.

Article 28

Foreign investments and private property of local and foreign, physical and juridical persons in the territory of the Republic of Albania cannot be expropriated, nationalized, or subject to other measures resembling nationalization or expropriation, except in special cases where, in the interest of public use, payment and full reimbursement may be limited.

Reimbursement in cases mentioned in the first paragraph of this Article will be equal either to the investment or the value of the expropriated or nationalized property at the date the expropriation has been announced. Such reimbursement shall be paid without delay together with interests accumulated up to the date of payment. Reimbursements are fully realizable and freely revocable.

In situations where reimbursements are delayed, the local or foreign physical or juridical person whose possession was expropriated or nationalized shall be paid in a sum which puts them in a position not less favorable than where they would have been had the sum

been deposited and subject to interest from the date of expropriation or nationalization. Conditions for the deposit of this reimbursement must be defined prior to the date of expropriation or nationalization.

Article 29

The court has the authority to consider the legal validity of expropriation, nationalization, or any other related measure including the sum of reimbursement.

Article 30

The Decree no. 7476, dated March 12, 1991, "On Permission and Protection of Private Property and Activity" as well as other provisions that contradict this Law are repealed.

Article 31

The law enters into force immediately.

LAW no. 7623, dated October 13, 1992
FOR FORESTS AND FOREST POLICE

- Updated through Law 7838, dated 1994 -

On the basis of Article 16 of Law no. 7491 "On the Main Constitutional Provisions" by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I : GENERAL RULES

Article 1

This law aims to administer, protect, prolong, and maintain the forests for lumber production, other forest products, and for the protection of the environment; and is categorized as follows:

- a) To protect total forest areas in order maintain its economic value, environmental need, natural resources (reservoirs and trees), natural beauty, tourism, and infrastructure.
- b) To control the cutting of wood, so that the number of trees planted surpasses the number of trees cut, reflecting the planned production.
- c) To control of the development of the entire forest.
- ç) To harmonize the interests between society and individual and legal entities.

CHAPTER II :
FOREST AREAS, ADMINISTRATION, DEVELOPMENT AND MAINTENANCE

Article 2

Forest area includes forests and land with forest vegetation, which can be defined as state, local, or private. Forest area is determined on the basis of economic forest value according to the planned production or total number of forest inventory.

The Ministry of Agriculture and Food must approve the transfer of agricultural land to forest area, while the local governments must approve the transfer of unregistered, non-agricultural land to forest area.

In specific cases the Minister of Agriculture and Food has authority to grant parts of forest area up to 100 hectares that will be used by institutions for scientific and educational purposes. The Council of Ministers has the authority to grant forest area over 100 hectares.

Article 3

A “forest” is defined as a number of trees, with a surface area greater than 1/10 of a hectare on the scale of not less than 30%, that produces lumber and influences the surrounding environment. “Land with forest vegetation” is defined as a surface area on the scale of 5% to 30% unregistered in other types of land. Therefore a forest area includes uncultivated land such as: meadows, rocks, and sand with a surface area up to 2 hectares that are found in the forest, lands without trees, separate groups of trees, and surfaces with bushes.

Article 4

Forest areas are divided into state, local, and private forests.

- a) State forests are forests owned by the Government.
- b) Local forests are forests owned by the Government and provided for the communal use of one or more villages or communes.

According to the agreement between the local government and forest authorities and criteria set by the Minister of Agriculture and Food, permanent residents of villages have the right to take from the local forest a surface area from 0.4 up to 1 hectare per family.

- c) Private forests include all groups of trees and forests that are created or exist within the land boundaries of private property.

For the development of agro-forestry and the creation of private forests, the state will help with investment and technical assistance

The Minister of Agriculture and Food establishes technical criteria regarding local and private forests. Rules for their administration are provided.

Article 5

Trees, separate from other trees, that are within or surrounding agricultural land and pastures, monuments, institutions, stables, cemeteries, water and drainage channels, roads, and railways including parks in residential zones and peripheral areas are not considered forest area.

Article 6

This Law establishes rules for the administration, development, protection, and preservation of state, local, and private forest areas.

The General Forest Directorate administers state and local forest areas through local directorates of the forest service.

Article 7

Land with forest vegetation and bushes, with a surface area up to 5 hectares, are excluded from forest areas with the approval of the General Forest Director. Land with forest vegetation over 5 hectares are excluded only with the approval of the Minister of Agriculture and Food.

Forests with a surface area up to 50 hectares are excluded from forest areas with the approval of the Minister of Agriculture and Food. Forests with a surface area over 50 hectares are excluded with the approval of the Council of Ministers.

The cutting of trees or changing of areas designated as forestland is allowed upon approval from the appropriate institutions and after payment of the specific fees. Payment that has been collected must be used for reforestation of the above-mentioned surface area. Lumber remaining as a result of cutting is property of the forest owner.

Article 8

Changes or replacement of forest vegetation in state and local forest areas must be done with the approval of the General Forest Directorate.

Article 9

The occupation and use of forests or land with forest vegetation that are included in forest areas is prohibited unless approved by the appropriate institutions. It is prohibited to occupy a greater forest area that is stated in a given license. It is prohibited to place any type of facility outside the location specified in the license. It is prohibited to use forest areas after a license is invalid. It is prohibited to damage forest areas on a massive scale.

Article 10

The Minister of Agriculture and Food decides on specific regulations for the organization, duties, and rights of employees and institutions of the forest service.

Article 11

Within state and local forest areas the local Directorate of the Forest Service is responsible for the administration, augmentation, and scientific treatment of trees and bushes of special value and medicinal plants and tannin. Forest institutions protect trees with a specific value for industrial use, within or outside forest areas. The Minister of Agriculture and Food approves a list of trees of specific value for industrial use for which special rules apply.

Trees and bushes, parks and gardens in cities, residential and industrial zones are administered by the local government.

Article 12

The Council of Ministers approves national forest parks and reservations. The General Forest Directorate approves scientific reservations, natural monuments, landscapes, and protected industrial trees.

The General Forest Directorate is responsible, according to specific regulations, for the protection, administration, and the treatment of the above mentioned areas.

Article 13

Forest institutions determine seed and sapling farms according to criteria set by the Forest and Pasture Research Institute.

Article 14

The forest authorities have the right to distribute seeds, saplings, and other materials to be used for increased output and future reproduction, upon receiving certificates of the given materials quality.

For all seeds of medicinal and tannin plants that will be used for planting, tests must be performed in seed laboratory of the Forest and Pasture Research Institute.

Article 15

State and local forest areas are organized and administered according to the planned production and forest inventory. Research institutions whose aim is to protect the proper forest ecosystems design planned production. The General Forest Directorate approves final studies according to planned production and forest inventory. Such studies must be implemented.

Article 16

Forest areas are registered separately for each district, reflecting all annual changes.

The General Forest Directorate defines documentation and the method of forest registration.

Article 17

The General Forest Directorate and local government have the responsibility for reforestation in zones that have suffered from deforestation and erosion, infertile land, and in forest areas with low production. Trees selected must reach full development in a short period of time, have economic value, and be appropriate to the specific environment of the zone. The Governing Authorities favor reforestation with seeds and the improvement of existing forests.

Article 18

In river and stream valleys and in zones of high snow deposit preliminary technical measures must be taken to stop erosion. The following measures must be taken: reforestation of affected areas, halting the cutting of trees and animal grazing.

Article 19

The cutting and uprooting of trees and bushes in the following zones is prohibited; zones that have high inclinations, ranges that are 100 meters wide and above the tree line, rare varieties of trees and bushes, trees bordering national roads with a 30% inclination and 20 meters width on both sides of the road.

Article 20

Forest authorities shall take measures to increase the number of wild animals and birds found in forest areas and hunting reservations. Forest authorities are responsible for the administration of fish in mountain waters.

The General Forest Directorate has the right to set and administer the surface of forest areas used for hunting reservations and fishing in mountain waters according to the hunting law.

Article 21

Any type of activity in the forest areas causing a decrease in production, an obstacle to reforestation or a decline in the natural protection of the forest, excluding special cases that are permitted by the Council of Ministers, is prohibited.

CHAPTER III THE USE OF FORESTS AND OTHER FOREST PRODUCTS

Article 22

Forest areas include two types of forests; forests that produce lumber, and forests that protect the ecosystem.

Lumber may be cut only in forests designated for lumber production as defined in this Law and other legal acts associated with the implementation of this Law.

The cutting of lumber in forests designated by the General Forest Directorate to protect ecosystem is prohibited except in cases when cuttings are performed to protect the forest. Forest authorities are responsible for the reforestation and administration of forests, national parks, and all other territories that can be considered a forest or a park.

Article 23

The number of trees cut from state and local forest areas must be within the technical limitations for forest exploitation as defined through planned production and forest inventory, with the purpose of protecting the land, improving climatic conditions, strengthening natural ecosystems, and guaranteeing the continuity of production. The Council of Ministers has the authority to approve the creation of lumber reserves.

Private forest exploitation must be done while protecting land and climatic conditions.

Article 24

Each year the General Forest Directorate has the authority to plan the level of forest exploitation according to each district and to inspect the specified level stated by this plan. Forest exploitation must be defined in accordance with the technical possibilities.

Article 25

All individuals and legal entities provided with a proper license have the right to exploit forests according to this Law.

Article 26

Forest authorities must mark with a special stamp trees planned to be cut and used as lumber. With the approval of the Directorate of the Forest Service each inspector shall use their stamp to designate specific trees. The General Forest Directorate sets the size and shape of the stamp.

It is prohibited to damage, falsify, or illegally use the stamp. A stamp designated for one forest zone may not be used in other forest zones.

Article 27

The General Forest Directorate has the responsibility of issuing special rules and deadlines concerning forest trimming and cutting.

Article 28

After the project design has been approved by the General Forest Directorate the following documentation must be submitted to begin lumber and other forest vegetation exploitation: the contract for exploitation, the tariff receipt from the Council of Ministers, the written agreement to use the specified plot of land to be exploited, and the license of forest exploitation.

Article 29

A license for exploiting lumber is invalid after the specified deadline. For exploiting license renewals the person holding an expired license must pay 50% of the value of the original license.

Article 30

Only legal entities that are responsible for the administration of state forests has the authority to buy and sell uncut lumber (existing trees) from state forests.

The purchase and sale of products resulting from forest exploitation and lumber processing is allowed.

Article 31

Lumber and other forest vegetation cannot be transported from a forest without a license certifying that the lumber and other forest vegetation are produced according to the rules stated in this law.

Article 32

Forest authorities have the right to inspect the following persons and activities; individuals or legal entities relating to the forest exploitation, other forest vegetation exploitation, pruning and animal grazing in forest areas, all vehicles and animals which transport lumber and other forest vegetation.

Article 33

Individuals or legal entities provided with an appropriate license from the forest authorities, have the right to collect other forest vegetation such as heather, arbutus berry-tree, box-tree, willow tree branches (used in basket production) and similar trees, resins, pine leaves, leaves, bark, flowers, forest fruits, buds, medicinal and tannin plants, mushrooms, and other forest products.

Article 34

The uprooting of heather, box-tree, or arbutus berry-trees, and the cutting of willow tree branches or other forest vegetation during the period of growth each spring is prohibited.

Article 35

The forest authorities have the right to approve licenses for trimming leaves, livestock grazing, and grass mowing in forest areas after the payment of set fees has been received.

Article 36

The General Forest Directorate has the authority to halt, for a specific period of time, the collection of forest vegetation or livestock grazing in a forest area, when it is observed that medicinal and tannin plants have been damaged, reduced, or destroyed.

Article 37

After the payment of fees established by the Council of Ministers, the General Forest Directorate has the authority to grant a license to individuals or legal entities for using forests for recreation, health, or tourism. The period of use for such licenses is established according to specific rules.

In order for people, animals, or vehicles to enter the areas of national forest parks or in parts of forest areas that have social functions, permission must be obtained and payment given to forest authorities. The General Forest Directorate determines the amount of payment.

CHAPTER IV PROTECTION OF FOREST AREAS

Article 38

The administration and protection of forest areas (regardless of the type of ownership) from cutting and grazing without a license, from diseases and insects, and from fires and pollution are permanent duties of national and local forest authorities. In special cases the authorities from the public order police can interfere to protect forest areas.

Article 39

The General Forest Directorate and local forest authorities are responsible for the protection and maintenance of state and local forest areas.

Article 40

Individuals or legal entities that are forest owners or use forests are responsible for the administration of the trees that are within or outside forest areas and are obligated to protect forest areas and trees.

Article 41

It is prohibited to have livestock grazing and livestock passing through new forests, exploited and reforested forest areas, protected forests, national forest parks, scientific reservations, natural monuments, landscapes, guarded natural reservations, hunting reservations, and seed farms.

Article 42

It is prohibited to collect, distribute, or plant seeds, scions, or saplings of forest trees and bushes without a license issued by the forest authorities. It is prohibited to market lumber and other forest vegetation that are infected by diseases, parasites, or insects.

It is prohibited to plant forest seeds and saplings without appropriate certification.

Article 43

It is prohibited to start a fire or engage in any other activity that may cause forest fires. The Minister of Agriculture and Food determines which activities are prohibited.

Article 44

Forest authorities, local government, enterprises, military units, schools, institutions or individuals that observe fires in forest areas or parts of forests and bushes, have the duty to notify the proper authorities and to help in extinguishing the fire.

The forest authorities are responsible for taking proper measures to extinguish forest fires.

Article 45

It is prohibited to build near forest areas industrial manufacturing facilities that produce dangerous waste for the forest environment. It is prohibited to engage in any type of activity that could influence or damage the ecological equilibrium.

Article 46

The State pays all expenditures for protecting forest areas from fires, pollution, diseases, insects, and parasites. The Ministry of Finance and the Ministry of Agriculture and Food establish the criteria for such expenditures.

Article 47

It is prohibited to damage water channels, ponds, or streams, experimental plots of land, hunting facilities, fences, observation towers responsible for protecting flora and fauna, places for observing diseases, insects, fires, or other facilities that are in forests or forest areas.

Article 48

It is prohibited to destroy, erase, or damage geodesic and topographic markers that mark the boundaries, and warning or orientation signs that are in forests or forest areas.

Article 49

The forest authorities have the right to provide a license to individuals or legal entities for the following activities: digging in forest areas and stream channels in order to gather stones, humus, sand, gravel, sod, etc.; creating natural ovens for the production charcoal or touchwood, limestone kilns, bee farms; and opening quarries. The forest authorities are responsible for determining the location and period of time for the above-mentioned activities. A fixed fee for such licenses must be paid.

Article 50

It is prohibited to stop and to park vehicles or animals in protected forests, national forest parks, natural reservations, guarded landscapes, forest sapling farms, or other places in forest areas unless allowed by forest authorities.

Article 51

The forest authorities determine camping areas and sites, ambulatory shelters, and similar areas within a forest.

Article 52

It is prohibited to take from the forest areas fallen and dry trees that are a result of natural occurrences and fires, or to collect trees, saplings, or branches that have been cut or uprooted by other persons.

Article 53

Resin may be taken only from pine forests 10 years before maturity. The forest authorities must mark trees from which resin may be collected. The least dangerous and most efficient methods must be used in collecting resin.

It is prohibited to produce the essence of pine trees from living trees.

CHAPTER V THE ORGANIZATION OF THE FOREST SERVICE

Article 54

The Forest Police Service is organized for protecting and maintaining forests. The Forest Police Service is an executive institution, armed and specialized for inspecting and implementing forest legislation.

Forest Service Institutions manage, organize, and inspect activities for the protection of forest areas from diseases, insects, fires, pollution, illegal cutting, and grazing.

Article 55

The General Forest Directorate organizes and manages the Forest Service Police.

Article 56

The Forest Service Police is organized based on the state administrative and forest areas divisions. The Forest Service Police has the following functions for protecting forests and forest environments; preventive, executive, administrative, technical and legal.

Article 57

Employees of the Forest Service Police have the same rights as military officers and are equal under the law with the employees of the public order.

Article 58

The Minister of Agriculture and Food establishes terms, conditions, and specific requirements for employees to qualify as an employee of the Forest Service Police, in addition to administering the oath of office.

Article 59

The Forest Service Police cooperates with institutions of the Public Order and Financial Police to perform its duties.

In cases where forest area rules are violated and continue to be performed, an employee of forest service or the Forest Service Police may interfere by force.

Article 60

The Forest Service Police must be provided with weapons, other necessary tools, and a forest service police uniform. The General Forest Directorate determines the type of uniform and the period of time over which the uniform should last before issuing another. The Minister of Agriculture and Food in cooperation with the Minister of Public Order determines the types of weapons and other necessary tools. The Forest Service Police in its activities applies Decree no. 7449, dated January 5, 1991 "For using weapons by forces protecting the border of Albania, Public Order Police, military and civilian armed guards".

CHAPTER VI VIOLATIONS OF RULES

Article 61

Persons who violate this Law will be in violation of material, administrative, civil, and criminal responsibilities, depending on the circumstances.

Article 62

The Forest Service Police and Public Order Police, in cases of a violation of this law, must write a report to be signed by the employee who wrote the report, responsible persons, and testifiers. In cases where there are no testifiers, the report is valid only when an employee of the Forest Service Police or an employee of the Public Order Police signs it.

Article 63

A violation of Articles 7, 8, 9, 11, 14, 18, 19, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, 40, 42, 43, 44, 45, 47, 48, 49, 51, or 53 of this Law, when the violation does not constitute a criminal action and the damage is not greater than 50,000 lekë, shall be considered an administrative violation. The guilty person in this must pay the value of the damage and a fine ranging from 5,000 to 50,000 lekë. Tools used to perform the administrative violation, lumber or other forest vegetation—or their value in money, and any other profit gained through administrative violations must be collected and transferred to the State.

When the damage is greater than 50,000 lekë, the responsible person is subject to the Penal Code. Destroying, falsifying, or using the stamp of another constitute a violation of administrative rules and is punishable by a fine of 5,000 lekë.

Violations of Articles 37 (second paragraph), 41, 50 and 52 of this Law, even when not a result of material damage, are punishable by a fixed fine of 5,000 lekë. Inspectors of the Forest Service Police apply this fine.

Article 64

The Local Forest Service Directorate has the authority to review a violation of administrative rules within 15 days from the day it was reported and no later than two months after a violation occurred. For this purpose the Director of the Local Forest Service Directorate sets a commission with no less than three (3) persons.

Appeals against the punishable decision by the accused persons can be submitted within five (5) days from the date the decision was published or announced by a court of first instance in the district where the violation was performed.

Fines, compensations for damage, and revenues established in Article 63 of this Law must be executed according to Law no. 7697, dated April 7, 1993 "For Violation of Administrative Rules".

Article 65

The Council of Ministers sets the fines for damages caused in forests or forest areas, and sets fees for the cutting of trees, and the occupation and use of plots of land in forest areas for different purposes.

Article 66

The Council of Ministers, ministries, and other national institutions, according to their authorities, shall issue decisions or instructions for implementing this Law.

Article 67

Law no. 4407, date June 25, 1968 "For Forests" and any other law that contradicts this Law is repealed.

Article 68

This Law comes into force 15 days after publication.

LAW no. 7652, dated December 23, 1992

ON THE PRIVATIZATION OF STATE HOUSING

- This Law has not been updated -

On the basis of Law no. 7491, dated April 29, 1991; “On the Main Constitutional Provisions”, by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

The aim of this law is the privatization of state housing, the creation of a free market for private housing, and the improvement of the use, maintenance, and administration of housing by granting tenants of state housing the right to become owners. These owners will have the right to sell, rent, and mortgage the housing.

Article 2

No tenant is obliged to become an owner of private housing. Those who prefer to remain tenants shall accept a rent increase in an amount that will cover the full cost of housing, administration and maintenance.

Article 3

Housing that consists of two rooms and one kitchen, built prior to December 31, 1965, and housing that consist of one room and one kitchen built prior to December 31, 1970, shall be transferred as private property to the tenants free of charge. The housing of the first category shall be exempt from this Law, according to criteria determined by the Council of Ministers.

Housing that is not included in the first paragraph of this Article shall be transferred as private property to the tenants according to the tariffs determined by the Council of Ministers.

Article 4

Based on the distribution of the general value of the state housing fund, the Council of Ministers shall determine tariffs according to the following criteria:

- a) the size of housing;
- b) the historical value of housing;
- c) the age of housing;
- d) the location of housing;
- e) the size of the family.

Article 5

Immediately after the date this Law comes into force, tenants of state housing may request that the housing administration enterprise proceed with recognition of their ownership. Ownership of housing is established after conclusion of the respective act, liquidation of the complete value of the tariff, and registration of the act of ownership at the hypothec office. State housing that is the subject of a legal conflict or is under the process of redistribution because its space is above existing sheltering norms shall not be privatized until such a decision by a competent institution.

Article 6

Repayment of the value of the housing may be done at once or in stages. If payments are made in stages, the portion of each payment shall be determined by the parties to the transaction, but must not be smaller than 200 lekë per month, indexed by the level of wages. When the total sum is paid at once, the sum due shall be lowered by twenty percent (20%). When the first portion paid is fifty percent (50%) of the total sum, the sum to be paid shall be reduced by ten percent (10%). When the first portion paid is twenty-five percent (25%) of the total sum, the sum to be paid shall be reduced by five percent (5%).

Article 7

Housing shall be transferred as private property, free of charge, when tenants or the other members of the family currently living in the housing have the status of political prisoners, political deportees, or war invalids.

Individuals mentioned in the above paragraph who are not sheltered shall be provided state housing within the existing shelter norms, free of charge.

Article 8

Housing regarded by special commission as “in danger of collapse,” based upon documents that exist prior to the promulgation of this Law, shall become private property free of charge.

For the reconstruction of above-mentioned houses, citizens have the right to take credits as described in Article 16.

Article 9

Housing that is privatized shall be registered in the name of the tenants and other adult members of the family.

Housing that is used by several tenants shall be transferred as private property to each tenant, according to the portion that each tenant possesses according to the rent contract.

Upon unanimous agreement by the above-mentioned tenants, the housing may be transferred entirely as the property of one tenant.

Article 10

Buildings that occupy sites are to be considered separately and transferred as joint property.

Separate law will regulate sites that were formerly private property.

When a house is surrounded by a garden that is permanently used and maintained by the tenants, the garden shall be transferred as joint-property.

Calculations of the value of these sites shall be done according to the criteria determined by the Council of Ministers in 1992.

Article 11

Housing with living space above the determined norms, which consists of an extra, separate room, shall become private property by payment of an extra tariff of between 2000 and 4000 lekë per square meter for the extra room, depending on its location. This tariff shall be implemented even if the tenant receives the housing free of charge, except for tenants mentioned in Article 8.

When the extra space consists of more than one extra, separate room, the housing may not become private property of the tenants.

Article 12

Tenants who are living in state housing and have living space above determined norms, consisting of an extra, separate room shall pay, in addition to the rent of the apartment, an extra monthly tariff ten times (10 X) the rent for the first extra, separate room, and twenty five times (25 X) the amount for each additional separate room. The application of these tariffs shall commence three (3) months after the date this law comes into effect.

Article 13

Tenants that have extra, separate rooms have the right, through competent organs, to change their apartments so as to correspond to existing norms of housing.

Article 14

Based upon proposals of the district councils, municipalities and communes, the Council of Ministers shall determine which special housing will not be privatized from the general stock of housing.

Article 15

For citizens who have received credits of up to 20,000 lekë for the reconstruction of private homes as of June 31, 1991, according to the Law; "For the Improvement of Housing Conditions"; up to 15,000 lekë of that amount will be considered a grant, the cost of which will be met by the state budget through the National Housing Institution.

Article 16

Citizens who are considered unsheltered based upon dispositions published by the Council of Ministers shall enjoy the right to solve their housing problem by taking credits from the institutions established for these purposes.

The portion of the interest of the credits for constructing or buying housing will be afforded by the State through the National Housing Institution.

Citizens who are owners of private housing below the existing norms of shelter will receive 2,600 lekë per capita, subject to the conditions of this Law.

Owners of private housing with less space relative to their family size than that of their tenants, shall enjoy the right to change or make possible adjustments to their housing that would make both parties proportionally equal.

Article 17

Citizens without shelter, whose housing was demolished because of construction projects, and who have made contracts with the executive institutions of their district, will receive housing according to the regulations defined in the second paragraph of Article 3 of this Law, regardless of when the housing was constructed.

Article 18

Tenants of state housing who prefer not to privatize their housing, as well as those who will remain tenants because of the implementation of this Law, shall continue to pay rent.

Maintenance will be afforded by the enterprises administering the housing.

Article 19

Rent shall be determined by the Council of Ministers every six (6) months or one (1) year for all housing mentioned in the first paragraph of Article 18, as well as for private and state housing that was formerly private property, i.e., restituted housing rented out prior to the promulgation of this Law. These tariffs will be liberalized in December 1995. Rent for those tenants in private housing whose owners live below existing sheltering norms will be liberalized on December 31, 1993.

Rent for all other housing shall be determined by housing owners.

Article 20

For the purpose of implementing this law, the size of the family and the conditions of shelter that are to be recorded in the citizen registers on December 1, 1992, must be taken into consideration.

Article 21

State housing that was formerly private property will not be privatized according to this law.

Article 22

A special law shall regulate the relation of joint property between owners.

Article 23

By implementation of this law, no citizen can become owner of two state housing units simultaneously.

Citizens who reside in state housing within the shelter norms, and are building private housing after January 1, 1990, shall not benefit from this law.

Villagers who have taken permission to live in a town after July 31, 1991, and have benefited from the Law "On Land," shall not benefit from this Law.

The housing contracts of citizens who have been sent on duty out of Albania and who have not returned within six (6) months from the date of conclusion of their duties shall be terminated.

Article 24

All revenues from privatization shall pass to the National Housing Institution.

Article 25

The State will, in the future, help to provide for the inhabitants of towns through specialized institutions specifically created for this purpose.

The Council of Ministers shall determine the criteria for distributing new housing that will be ready for distribution after January 1, 1993. The state shall provide rental housing especially for active officers of the army, for workers whose individual incomes fall below the minimum standard of living, for tenants of private housing who will be evicted as a result of restitution, and for any other individuals determined by the Council of Ministers.

Article 26

The manner of housing privatization according to the provisions enacted in this Law shall be effective until December 31, 1993.

Article 27

The Council of Ministers shall issue the relevant regulations for the implementation of this Law, as well as for housing unfinished as of December 1992.

Article 28

All legal acts contrary to this Law are hereby repealed.

Article 29

This Law comes into effect 30 days after publication.

LAW NO. 7664, DATED JANUARY 21, 1993

ON ENVIRONMENTAL PROTECTION

- This Law has not been updated -

On the basis of Article 16 of Law no. 7491, dated April 29, 1991 “On the Main Constitutional Provisions”, by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I : GENERAL DISPOSITIONS

Article 1

Environmental protection constitutes an essential condition for providing for the development of the society and the nation in general, and has these main strategic elements: prevention and reduction of pollution of any kind; conservation of biological diversity specific to the country’s natural biological background; rational management of the natural resources, the avoidance of over exploitation; the ecological restoration of areas damaged by human activities or natural destructive phenomena; preservation of ecological equilibrium; and life quality maintenance and improvement.

Article 2

In comprehending this law:

- a. “Environment” means all the natural and anthropic elements and factors, in their action and interaction. The natural environmental elements are represented by water, air, soil and subsoil, solar radiation, vegetable and animal organisms, with all natural processes and phenomena generated by their interaction and which affect life. Anthropic elements are represented by the existence of human society and its economical and social activity.

- b. “Environmental protection” means activity that aims at the prevention of deterioration, regeneration, environmental preservation and improvement.
- c. “Environmental pollution” means the change of environmental quality as a result of the creation and insertion of physical, biological, or chemical factors of the natural or human resources, inside or outside the country.
- ç. “Environmental impairment” means demolition of the physical chemical and structural features of a natural ecosystem, reduction of biological activity and diversity of natural and human ecosystems, the destruction of ecological equilibrium and life quality, that is caused mainly by the pollution of water, air, soil and catastrophes.
- d. “Hazardous substances” are the substances whose production, transport, preservation, use or emission into the environment, as a result of their qualities, damage or can cause damage to human health, environmental qualities, flora, fauna, biocenoses, and biotopes.
- dh. “Hazardous wastes” are erosive, toxic, excitant, explosive, inflammable, infectious, irritable, or chemically harmful matter or matter having carcinogenic effects able to cause the change or the creation of another matter, having the quality of accelerating burns, harming the natural state of water, soil, and air by damaging human health or the natural environment, or any other human beings.
- e. “Natural legal persons” means enterprises, institution associations, organizations, native and foreign, state or private individuals that perform production, construction, and service activities, and any other activity of an economical or social character which may cause pollution or injury to the environment.

Article 3

Environmental protection from pollution and damage by gaseous, liquid, or solid radioactive substances, and hazardous wastes that are generated or discharged by industrial, agricultural, communal, trade, social, cultural, military, transport activities, or any other type of activities that damages the ecological and natural systems equilibrium or that damages material goods or the cultural or historical values, is compulsory for all state bodies and for natural or legal persons, native or foreign.

ARTICLE 4

Environmental protection from the pollution and damage includes the protection of water ecosystems, atmosphere, soil ecosystems, and protection of nature and landscape.

Regulations for protecting water, air, soil, nature, and landscapes are provided by special legal acts.

Article 5

The importation of hazardous waste or other dangerous matters for the purpose of storing, preserving, depositing, or destroying them in Albania is prohibited.

The transit transport of hazardous waste or any other dangerous matter through the territory or territorial and internal waters of the Republic of Albania is allowed only in case when there exist a provision in an International Act in which Albania takes part. In these cases, the transportation will be done at the permission of the Council of Ministers in accordance with the safety rules defined by it.

Article 6

The Republic of Albania applies the principles and norms of international conventions, agreements, and treaties on environment to which it is a party; when the Republic of Albania is not a party it takes into consideration, recognizes, and respect the generally accepted norms and principles of the international environmental law.

CHAPTER II : ENVIRONMENTAL IMPACT ASSESSMENT

Article 7

All the activities of natural and legal persons, native or foreign, who exercise their activities in the territory of the Republic of Albania, shall be subject to an environmental impact assessment.

Article 8

The environmental impact assessment is done on the basis of:

- a. National or local plans and programs about territorial structuring and the urban development plans as well as their amendments.
- b. Activities or projects that have important effects on the environment, or those that are particularly dangerous for human health.
- c. Projects for reconstruction or enlargement of activities defined under provision “b” of this article.
- ç. **Local projects and activities according to the judgment and definitions of the local government authorities.**

Article 9

The competent authorities that request environmental impact assessments according to this Law are the Committee for Environmental Protection, its regional agencies, and councils of communes, municipalities, districts, according to the respective territorial districts.

In any case of valuation the above-mentioned authorities appoint the experts or institutions for the environmental impact assessment. They are remunerated according to the rules defined by the Minister of Health and Environmental Protection.

Article 10

The Committee for Environmental Protection makes the assessment of the projects and activities that have impacted the environment according to the provisions “a”, “b” and “c” of Article 8 of this Law. The assessment shall be made periodically by order of the Chairman of the Committee for Environmental Protection, but not less than once every five years.

The Committee for Environmental Protection, when necessary, may require the bodies of local authority to perform environmental impact assessments regarding projects and local activities.

Article 11

Rules and procedures of the environmental impact assessment and of the impact of a natural and legal person’s activity are determined by the Minister of Health and Environmental Protection by the proposal of the Committee of Environmental Protection in cooperation with relevant ministries and other central institutions.

Article 12

Natural and legal concerned persons have the right to participate in the process of the consideration of results and environmental impact assessment.

The above shall be informed by national and local mass media or other appropriate means about the procedures of environmental impact assessment, no later than one month prior to its commencement.

Article 13

An environmental impact assessment shall be commissioned by experts in the relevant fields, who:

- a. Have professional competence.
- b. Are independent and have no contractual bonds with the project's investor or performer as well as with relevant activities.
- c. Give conclusions guided by the defined procedure of the environmental impact assessment and admissible norms and standards for environmental pollution.

Article 14

Natural or legal persons and authors of projects, referred to in Article 8, in order to start the environmental impact assessment shall be obliged to forward documentation comprising:

- a. Description of the project and activity, as well as its site and quantity.
- b. Environmental description in relation to the project or activity prior to their implementation.
- c. Prognosis of environmental impact.
- ç. Description of the measures taken to prevent and prohibit the adverse effects on environment.
- d. Natural and legal persons which could be affected by environmental pollution and damage.
- dh. Conclusions.
- e. Other documents deemed necessary by The Committee for Environmental Protection.

Article 15

The competent body under this Law, based on the expert conclusions, shall render a final decision about the performed environmental impact assessment, taking these measures:

- a. Total or partial prohibition or discontinuance of the activity of natural and legal persons and of the implementation of projects, when there is a negative impact on the environment.
- b. Prohibition of the continuance of the assessment procedure because of environmental impact.

The competent body shall make its decisions known to the parties concerned or, if appropriate, to the public

Article 16

Assessment expenses when the environmental impact is negative shall be borne by the natural or legal persons who are responsible for the environmental pollution and damage. The order issued by the relevant competent body for payment of assessment expenses is final.

CHAPTER III : LICENSES FOR ACTIVITIES THAT SHALL AFFECT THE ENVIRONMENT

Article 17

Natural and legal persons, who engage in economic and social activities that may have an impact on environment, shall be provided licenses by the designated competent bodies under this Law.

Article 18

Licenses shall be provided for the following economic and social activities:

- a. Construction and setting into work of various facilities of local and national interest.
- b. Local and national programs and plans for territory structuring and urban development as well as their amendments.
- c. Construction of roads, railways, seaports, hydro technical plants, other industrial activities, lands reclamation and projects about the improvement of superficial watercourses.
- ç. Exploration, extraction, and exploitation of natural soil and subsoil resources.

- d. Exploitation of mineral and biological resources of waters of fishing interest, taking into account species, periods, means, and admissible levels of fishing.
- dh. Exploitation of forestry that are of common interest, creation of forest areas, hunting, taking into account species, periods, means, and admissible level of hunting.
- e. Exploitation of flora, fauna, natural resources, coastal zones, and sea bottoms.
- ë. Creation of new plantations for growing fruits in zones of protected water resources.
- f. Production, sale, and use of toxic products, as well as those for phytosanitarian, agricultural, and sylvicultural uses.
- g. The import and export of toxic substances and their transit transport in the territory of the Republic of Albania.
- gj. Determining the manner of transportation, the site of deposition, processing and disposal of toxic and hazardous wastes.
- h. The import and export of plants and animals considered to be flora and fauna.
- I. Other activities that may have an impact on environment and which shall be determined by the Committee for Environmental Protection.

Article 19

The following bodies shall provide environmental licenses, referred to in article 18 of this Law:

- a. For the activities mentioned by the provisions “g” and “gj”, by the Council of Ministers.
- b. For the activities of national interest and other activities foreseen in paragraphs “a” through “f” and provision “h”, by the Committee for the Environmental Protection.
- c. For the activities of local interest, foreseen in paragraphs “a” through “c” and “d”, “dh”, by local authority bodies.
- d. Competencies under paragraph “i” shall be determined by the Committee for Environmental Protection (CEP)

Article 20

Environmental licenses shall be delivered at the request of the natural or legal person, founded on the technical documentation and study of the analysis of environmental impact presented by him. The license shall be given within three months from the request, and is valid from the time when the activity starts until the conditions according to which the license is granted change.

The competent relevant bodies may postpone the time of granting license for up to a six-month period when the conditions in the first paragraph of this article are not satisfied. These authorities are obliged to give an answer within the time limit, or else the license shall be considered approved.

Environmental licenses shall become invalid unless the activity begins within one year from the time the license is granted. If this schedule is not complied with, a new license can be required.

Article 21

The competent relevant authorities may reconsider or revoke this license if new and unknown ecological elements appear at the time the license is granted, or if new legislation on the environment is passed. In order to reconsider or revoke the license the CEP, in cooperation with the ministries and other central bodies, taking into account the nature of the activity may set up time limits within which the natural and legal persons must fulfill the conditions provided for the license.

Article 22

The Council of Ministers, by proposal of the Minister of Health and Environmental Protection can revoke the licenses of or close down activities that have a negative environmental impact.

The Minister of Health and Environmental Protection, in cooperation with other ministries and other central institutions, by approval of the Council of Ministers shall define the activities that have a negative environmental impact, as referred to above.

Article 23

The Minister of Health and Environmental Protection shall define the studies and analyses of environmental impact presented by natural or legal persons applying for environmental licenses, and the procedure for giving licenses by the relevant competent bodies.

Article 24

Economic and social activities of natural and legal persons referred to in Article 18 under this Law, depending on the circumstances, shall be closed down, prohibited, or interrupted totally or partially by the relevant competent authorities. The legal and natural persons engaged in the existing activities that do not fulfill the conditions for the environmental licenses according to the provisions of this Law are bound to satisfy these conditions within the time limits provided by the CEP in cooperation with relevant ministries and other main institutions. The existing activities that do not satisfy conditions for environmental license under the dispositions of this law, depending on the circumstances, shall be closed down, prohibited, or interrupted totally by the above-mentioned authorities.

Article 25

The natural and legal persons who are granted an environmental license shall pay a tax as defined by the Minister of Health and Environmental Protection, which is deposited into the account of the body which grants the license.

Natural and legal persons who shall invest in the environmental field may be excluded from this tax. These investments are set up by the CEP in cooperation with the relevant ministries and other main institutions.

CHAPTER V : THE REGULATION OF AND INFORMATION ON THE ENVIRONMENTAL SITUATION

Article 26

Environmental regulation shall consist in the review of natural and anthropic elements and factors of the environment, observation and recording of their alterations, as well as the supervising of the causes of these alterations.

The data gathered, as the result of the control shall serve as a basis for the information on environmental situation, for the reconsideration and revocation of environmental licenses, and for taking other relevant measure defined under this Law.

Article 27

The regulation of the environmental shall be the duty of the Minister of Health and Environmental Protection, CEP, and its regional branches and districts, other ministries, central institutions, and local authorities.

Regulation shall be continuous in accordance with the observed parameters, sources, and causes of environmental pollution and damage

Article 28

The Minister of Health and Environmental Protection shall determine the special environmental parameters, the parties to be regulated, and the method of regulation.

Article 29

Regulatory control over the sources and causes of environmental pollution and damage shall be exercised:

- a. By means of a legal act adopted by the competent bodies defined in article 27 under this law.
- b. At the request of natural and legal persons and citizens affected or that may be affected by environmental pollution and damage, as well as other organization of an environmental character.

Article 30

The expenses of environmental enforcement and regulation, when environmental pollution or damage is verified, shall be borne by the natural or legal person responsible for the pollution and damage. The order issued by the relevant competent authority, with respect to enforcement and regulation expenses, shall be final.

Article 31

The competent agency with authority over the environmental situation shall decide depending on the circumstances, to close down, prohibit, or interrupt totally or partially an activity of natural or legal persons who have caused environmental pollution or damage, defining also the respective duties to improve the situation.

Article 32

Information on the environmental situation shall consist of:

- a. Data about the condition of environment.
- b. Data about the results of actions causing or likely to cause pollution or impairment to the environment.
- c. Data about the activities undertaken for the purpose of environmental protection and remedies.
- d. Data about the statement and the exploitation of biological and mineral sources.

The information shall be accompanied by explanations about possible adverse consequences of a delayed action on environment and human health and by recommendation about the actions to be taken by the citizens in the event of expected adverse effects.

Article 33

The information on the environmental situation shall be received and stored by the Minister of Health and Environmental Protection, the Committee of Environmental Protection and its regional branches in districts, by other ministries and central institutions, and by local authorities.

The natural and legal persons shall be obliged to forward information on the environmental situation within 2 weeks from the date the request is received. The information must be presented to the competent bodies according to procedures defined by the Minister of Health and Environmental Protection.

Article 34

The authorities referred to in Article 33 of this Law shall publicize information that contains data on the change of environmental situation to the mass media or by any other means, in a form accessible to the citizens.

Confidential information defined in special dispositions, shall be presented in writing without the right of dissemination.

Article 35

Immediately after causing pollution and damage to environment the relevant state bodies, referred to in Article 33, as well as the natural or legal persons shall inform the population about the occurrence of the environmentally adverse alterations, the measures taken to reduce or limit it, and about the appropriate conduct of the citizens concerning health protection and their security.

Article 36

Natural and legal persons shall inform their buyers or customers during the time of sale or performance of service, in writing or orally, about these components of goods and services which are dangerous and about the possible adverse effects and impacts on environment and human health.

CHAPTER V :
DUTIES AND RIGHTS OF CENTRAL AND LOCAL
AUTHORITIES ON ENVIRONMENT

Article 37

The Minister of Health and Environmental Protection implements and develops the policy of the Government in the environmental field for the purpose of obtaining a sustainable economical and social development and life quality maintenance and improvement. This policy is implemented through the Committee of Environmental Protection.

Article 38

The Minister of Health and Environmental Protection shall have the following main competencies in the environmental field:

- a. Process and define in cooperation with other ministries, central respective institutions, and local governmental bodies, the governmental strategy in the environmental field, the approval of the special environmental measures and the supervision of other authorities.
- b. Prepare the annual report on the environmental situation and present it to the Council of Ministers. The Council of Ministers after considering the report shall present it for adoption to the People's Assembly. The approved report shall be published as the Annual Report on the Environmental Situation.
- c. Process the main directions and define priorities in the investments to protect the environment, which are consistent with the economical and social development and the real possibilities of the country
- ç. Determine and distribute funds for scientific research project and study programs for the purpose of taking important measures to protect the environment, utilize purely ecological technologies, obtain apparatuses and train of experts in the country or abroad.
- d. Represent Albania in international activities, and in intergovernmental and interstate organizations in the field of environmental protection.
- dh. Approve regulations and rules, in cooperation with the ministries and other relevant institutions, for the registration of zones of special endangered areas and project for natural environmental rejuvenation.

Article 39

The Committee for Environmental Protection is a specialized agency in the environmental field under the Minister of Health and Environmental Protection. The Minister of Health and Environmental Protection approves its composition.

The Committee has its regional agencies that are dependent on it. The duties and rights of these agencies are defined by the Council of Ministers.

Article 40

The Committee of Environmental Protection (CEP) shall have the following main competencies:

- a. It shall pursue the implementation of the law and acts of Council of Ministers, about the environmental protection issues and forward to the highest bodies various studies and proposals on the organization, management, and solution of environmental protection issues.
- b. It shall assist and control the ministries, other central institutions, local authorities, and natural or legal persons for the work they shall do when applying regulations on environmental protection.
- c. It shall prepare the draft agreements, protocols, projects, and programs that shall be realized in the framework of the bilateral and multilateral cooperation with the relevant bodies of other states and international organizations of environmental protection, and follow up implementation when finished.
- ç. In cooperation with ministries and other central institutions and local authorities, it shall organize monitoring of pollution for the purpose of determining the environmental situation and on the basis of the data of industrial, urban, agricultural pollution levels, and other hazardous chemical-toxic and radioactive substances it shall propose concrete measures for the protection of the purity of air, water, soil, and flora and fauna of the country.
- d. It shall study the needs of the country for specialists and coordinate the qualification and specialization of experts in the environmental protection field.
- dh. It shall organize the spreading of education and participation of the public in environmental protection. It shall organize and pursue the scientific and popular publications in the environmental protection field.
- e. It shall manage and distribute environmental funds created according to this Law and funds for investments provided by the state budget for the environment.
- ë. In cooperation with the ministries and other central institutions:

- it shall adopt admissible limits of gaseous, liquid, solids, and radioactive pollutants discharged in water, air, and soil as well as the admissible limits of harmful and toxic substances or hazardous wastes.
- it shall adopt rules for the storage, disposal, conservation, transport and the classification of hazardous wastes and substance.
- it produce a list of waste substances and hazardous substances

Article 41

The Inspectorate of Environmental Protection is organized and reports to the Committee for Environmental Protection. It shall consist of the chief inspector and other inspectors to its regional branches in particular districts.

The Minister of Health and Environmental Protection shall define the duties, rights, and competencies of the Inspectorate of Environmental Protection. The Inspectorate of Environmental Protection shall complete its duties according to this Law with the cooperation of other inspectorates and police bodies.

Article 42

The councils of communes, municipalities, and districts shall have the following rights and duties.

- a. They shall pursue the implementation of laws and acts of Council of Ministers regarding environmental protection issues.
- b. They shall take measures and secure environmental protection and regeneration.
- c. They shall compile and publish their programs of environmental protection in coordination with the competent specialized authorities.
- ç. They shall inform the population of the environmental situation and the other legal activities, subject to environmental impact assessments.
- d. They shall exercise control over the environment under the provisions of this law.
- dh. They shall manage and distribute local environmental funds created according to this Law.
- e. They shall define the sites of disposal and processing of industrial and human wastes so that they do not pose a risk to the environment.

CHAPTER VI : RESPONSIBILITIES AND SANCTIONS

Article 43

Natural and legal persons who cause damages to natural resources that result in environmental pollution and impairment shall be compelled to pay compensation for the resulting damages.

Impaired natural or legal persons may present requirements for the compensation of the damages to the Court.

Article 44

Compensation for damage resulting from environmental trans-boundary pollution and impairment shall be arranged for in accordance with the international agreements, conventions, treaties, to which the Republic of Albania is a party, or in case it is a non party, it shall be arranged in a manner that is consistent with generally accepted principles and norms of international right on environment.

Article 45

Infringements of this Law, when they do not constitute a penal act, shall be administrative contraventions in violation of the environmental field.

- a. Transportation of the hazardous waste and substances without license through the territory land and the territorial waters of the Republic of Albania.
- b. Importation of hazardous wastes and substances for the purpose of conservation, storage, or disposal.
- c. Violation of insurance rules defined by the Minister of Health and Environmental transporting hazardous wastes and substances.
- ç. Failure to send, when due, data on the environmental situation.
- d. Failure to include information on environmental situation that includes recommendations about the manner of action when adverse consequences to the environment are anticipated.
- dh. Failure of natural or legal persons to inform the people of environmental pollution and damage caused by them, the measures taken for its control or elimination, and the manner of action.
- e. Failure to provide buyer and customers with relevant information about hazardous goods and services and their possible adverse effects or impacts.
- ë. Objection to or failure of natural or legal persons to perform environmental impact assessments.

- f. Failure to provide designated documents to the proper authorities for the purpose of environment impact assessment.
- g. Violation of the procedure of environmental impact assessment by experts.
- gj. Engaging in economical and social activities that may affect the environment, without a relevant license from the competent state authority.
- h. Violation of rules and guidelines determined by the Minister of Health and Environmental Protection for specially endangered environmental zones.
- i. Violation of admissible limits of pollutant substances defined by National Environmental Agency.
- j. Violation of regulations for the storage, transport, deposit, conservation, and disposal of hazardous wastes and substances as defined by the Committee of Environmental Protection.

Article 46

Administrative violations foreseen in Article 45 under this Law shall be punished with a fine ranging from 2,000 to 50,000 Lekë for natural persons and 5,000 to 500,000 Lekë for legal persons. In addition to the fine, the means that caused the pollution or damaged the environment may be taken or the license revoked. For foreign natural and legal persons that conduct their activity in the territory of the Republic of Albania, the fine shall be paid in foreign currency in the above measure, converted by the official rate notified by the Bank of Albania at the day of the ascertainment of the violation

Article 47

Authorized specialists of the Minister of Health and Environmental Protection, the Committee of Environmental Protection and its regional branches in districts, and the inspectors of the Inspectorate of Environmental Protection have the right to issue fines for administrative contraventions

Complaint regarding administrative penalties may be made within five (5) days from the date of announcement of the decision or its notification, respectively to the Minister of Health and Environmental Protection, Chairman of Committee of Environmental Protection, chairman of the regional branch, chief inspector of the Inspectorate of Environmental Protection. The decisions of these authorities shall be peremptory.

Article 48

The fines shall be deposited in the bank account of relevant authorities, whose specialists have issued these penalties and paid within one month from the date when it becomes a peremptory verdict. For every day of delay after this schedule until one month the fine shall increase 10 per cent over its value.

If the above schedule is exceeded, the collection of fines shall be compulsory through the Bank where the natural or legal persons have current accounts or based on the law of drawing income, in case they shall not have current bank accounts.

Article 49

Natural and legal persons may make objections and complaints about the closing down, prohibition, or total or partial interruption of their activities by the authorized competent bodies under article 15, 24, and 31 of this Law, to the Court within 15 days from the date of the injunction. The Court's verdicts shall be peremptory and final.

CHAPTER VIII : FINAL DISPOSITIONS

Article 50

The income from taxes and fines that are generated under this Law shall be paid into the account of the relevant bodies for the purpose of creating funds for the environment.

Environmental funds shall be used as a financial support for the following activities:

- a. Taking of measures in the elimination of pollution resources.
- b. Designing projects and taking rehabilitative measures in ecologically damaged zones.
- c. Scientific research, performance of studies, and specialist training.
- ç. Providing the necessary means and supplies to the personnel and offices.
- d. Reimbursement for the environmental experts and respective institutions that make the environmental impact assessment.
- dh. To pay administrative expenses related to the environmental impact assessments, the monitoring programs, and other programs of this kind.

Article 51

The environmental protection employees in accomplishing their duties according to this Law cooperate with the police for public order and the forestry police, according to a special guidelines approved by the Minister of Health and Environmental Protection, the Minister of Public Order, and the Minister of Agriculture and Food.

Article 52

Specific rules and regulations regarding the implementation of this Law are provided by the Council of Ministers.

Article 53

Decree no. 5105, dated October 30, 1973, "For the Protection and Conservation of the Environment", Decree No. 7451, dated January 5, 1991, "For Some Changes in Decree No. 5105, dated October 30, 1973, "For the Protection and Conservation of the Environment," Decree No. 7452, dated January 5, 1991, "For the Creation of the Committee for the Environmental Protection and Preservation" and any other provisions that is contrary to this law are abrogated.

Article 54

This Law comes into power after publication in the "Fletorja Zyrtare."

LAW NO. 7665, DATED JANUARY 21, 1993
ON THE DEVELOPMENT OF PRIORITY AREAS CONCERNING
TOURISM

- This Law has been updated through 1996 -

Based on Article 16 of Law no. 7941, dated April 29, 1991, "On the Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

GENERAL PROVISIONS

Article 1

In this Law the following terms shall apply:

"Stimulated activity," means any initiative taken for monetary profits from tourist accommodations and other such services, while respecting the well-balanced ratio between the environment and the tourist industry.

"Stimulated person," means any physical or juridical person, local or foreign, authorized to conduct a stimulated activity.

"Stimulated area," means any part of the Republic of Albania, which, according to the provisions of this Law, will be designated as appropriate for the development of priority tourism and the initiation of stimulated activities.

"Agreement for development," means an agreement made between a stimulated person in the field of tourism and the Ministry of Tourism of the Republic of Albania to define the specific terms where the stimulated activity will be carried out, including the payment of any amount of money as a contribution made by the demander.

"Development period," is the period ending on the date when the stimulated activity will begin to make profit.

“Improved property,” is a property directly related to the necessary infrastructure.
“The Committee” means the Tourism Development Committee, established according to Article 4 of this Law.

DESIGNATION OF PRIORITY AREAS FOR TOURISM DEVELOPMENT

Article 2

Council of Ministers, by proposal of the Minister of Tourism, designates and declares the stimulated areas.

This Ministry of Tourism drafts the development strategy for tourism, which is approved by the Council of Ministers. Urban studies are then drafted and approved, based on the development strategies for tourism, which guarantee the secured and balanced relationships between the environment and the economic opportunities of the area.

The Council of Ministers, by proposal of the Minister of Tourism, excludes or restricts activities that are not suitable for the purpose of the establishment of priority areas of tourism development.

STIMULATED TOURIST ACTIVITIES

Article 3

The principle-stimulated activities include; constructions, re-constructions, improvements, extensions, and the operations of hotels, motels, villages and vacation resorts.

Supporting stimulated activities include; constructions, re-constructions, improvements, extensions, and the operation of supportive structure that complete the tourist complex, such as; restaurants, stores, thermal baths, sports equipment, cultural activities and harbors, production activities, storage and delivery of food and handicraft good, tourist transportation services and tourist agencies.

The Council of Ministers, by proposal of the Minister of Tourism, may designate other principle or supporting stimulated activities in addition to those mentioned above.

ADMINISTRATION

Article 4

The Tourism Development Committee is established as an inter-ministerial organ with the following composition:

Chairman—deputy minister of the Ministry of Tourism;
Member—deputy minister of the Ministry of Finances and Economy;

Member—deputy minister of the Ministry of Construction, Housing and Territorial Adjustment;

Member—deputy minister of the Ministry of Trade and External Economic Cooperation;

Member—deputy governor of the National Bank of Albania.

The Minister of tourism approves the regulation of this committee, whereas the Ministry of Tourism staff performs the technical activities.

The Tourism Development Committee has the following main rights and duties:

a. To approve or restrict the demands of physical or juridical persons concerning the issuance of permission for stimulated activities or its continuance. The committee shall consider demands for building sites in order to develop stimulated activities, and then approve or reject them. The sites are made available to the committee according to the methods defined by law, together with the urban studies approved according to the provisions in power. The approval of demands for building sites by the committee is based on the most profitable bid.

The committee organizes the work concerning the control of urban criteria implementation in the project and takes construction permission from the organs defined by law.

b. To consider any construction permission, authorization for business development, etc., that will be given or has already been given by local or central organs for non-tourism activities within a stimulated area, in order to verify whether these activities suit the purposes of the establishment of the stimulated area. The committee makes the final decision regarding commencement, refusal, or termination of an activity, or the permission or authorization in question, once the issues are passed by the Council of Ministers.

The committee declares the preliminary decision regarding the issues mentioned in item “a” of this Article, and the interested party has the right to present proposals or objection to the committee within 90 days of this decision. The committee shall make the final decision within 60 days from the date the proposals or objections are submitted. The Minister or Tourism who has the right to return a decision for reconsideration if irregularities are found announces the decision made by the committee.

THE STIMULATED PERSON FOR TOURIST ACTIVITIES

Article 5

Any physical or juridical person that wants to conduct a stimulated activity must submit a written request to the Ministry of Tourism.

The stimulated person must, through the Ministry of Tourism, meet the requirements necessary to begin a business or investment in Albania.

When the stimulated person is a foreign juridical person, the term of activity will be at least the same as the lease term mentioned in Article 8, plus any later renewal. This rule will be applied even in cases of joint venture.

When several persons conduct the stimulated activity, each person is considered a stimulated person and enjoys the status related to the nature of his business, based on this Law.

When the stimulated activity is transferred to another person, the latter will become the stimulated person following the same rights and duties as the former.

GUARANTEES AND STIMULUS

Article 6

Investments of foreign stimulated persons enjoy the guarantees provided by the Law no. 1794, dated August 4, 1992 "On the Foreign Investments".

Stimulated persons have the following rights:

- a. to import funds in foreign currency to pay the interests and installments of the above mentioned loan;
- b. to pay interests and installments of dividends;
- c. to keep the account in foreign currency and use it for the payment of loan installments for loans and dividends;
- ç. to freely export funds in foreign currency that derive from the sale of shares or capitals and the liquidation according to the first paragraph of this Article, based on the laws of Albania including the taxation laws.
- d. Exclusion from transfer tax on dividends and interest of loans paid to financial institutions. For countries to which Albania has not signed any agreement concerning taxation, a transfer tax of 10% shall be retained on the interest of loans paid and profits according to the fiscal system applied.
 - dh. Exclusion from customs and excise tax on imported goods with the purpose of making the investment and stimulated activity function, provided that these goods are not found in Albania at the same quality, quantity and price; apart from the above mentioned, a reasonable supply of spare parts is also subject to this rule. The stimulated person enjoys these rights until the end of the third fiscal year.
- e. Exclusion from profit tax for five fiscal years, starting from the last date of the development period. 50% of the profit will be taxed for the following five years.
- ë. The counter-balance of losses, suffered in the first five fiscal years of conducting the stimulated activity, with the profit of the five forthcoming years.
- f. Foreign stimulated persons have the right to employ foreigners for carrying out tasks of special qualification for the functioning of a stimulated activity, provided that there are no qualified Albanian citizens available in the tourism field. The qualification is conducted according to the following ratio:

For each year within the first three (3) years of functioning, the number of Albanian employees to be qualified shall not be less than 1/3 of foreign employees; for each year within the two (2) forthcoming years, Albanian employees shall not be less than 1/5 of the foreign employees.

THE TERMS

Article 7

The right to be engaged in a stimulated activity is assigned to a stimulated person provided that:

a. The person will present the final plans and projects regarding the stimulated activity no later than six (6) months after the request is made, and will commence the stimulated activity no later than one (1) year after the right is assigned according to the provisions of this Law. The requester is required to deposit 25% of the value mentioned in Article 9 of this Law (or the value designated by the Minister of Tourism for any case, except for the one mentioned in item ç of this article).

This value, together with the interest will be reimbursed to the requester, if the latter is not accepted. This value will not be reimbursed and will be kept by the Ministry of Tourism if the requester, without justifiable reason, does not begin the stimulated activity, or investments relating to the activity, within the term defined in the above paragraph. Objections can be raised to an Albanian court of proper jurisdiction. The value together with the interest is released against a guarantee that the requester will begin the activity within the envisaged time.

b. The person is engaged in making directly or indirectly, within the first three (3) years of functioning, foreign currency revenues reaching generally at least 5% of the general investments, based on normal workflow.

c. The person is engaged in covering or trying to cover 30% of the investment costs through equity, or if necessary, the loans of shareholders.

ç. The person will make a lease agreement with the Minister of Tourism, assigned by this law as the legal representative of the owner, for receiving the site in use together with the immovable properties built on it, for the engagement of stimulated activities. The Minister of Tourism can make an agreement for selling the site with a stimulated person according to the conditions provided in the laws of Albania.

d. The person will make a development agreement with the Ministry of Tourism for any other stimulated activity.

Article 8

The lease agreement mentioned in Article 7, item ç must meet the following requirements:

a. It must be made for an initial period of 25 years; the lessee must have the right of renewal for the lease agreement for a maximum of three (3) consecutive years, two (2) of which are for five (5) years, and the third for 24 years.

b. It must be made along with the lessee's obligation to use the property only for a stimulated activity agreed on; such obligation is transferred to any of the lessee's successors.

c. It must foresee a reward to be paid by the lessee, estimated in foreign convertible currency, which is agreed on between the two parties, but not exceeding the following percentages of investment cost:

Improved property that will be used for:

Investment size	Dwelling houses	Other purposes
Class A	25%	20%
Class B	20%	15%
Class C	15%	10%

“Class A” means an investment that’s total amount in lekë and foreign currency will not exceed 93,000,000 lekë.

“Class B” means an investment that’s total amount in lekë and foreign currency will be more than 93,000,000 lekë, but will not exceed 465,000,000 lekë.

“Class C” means an investment that’s total amount in lekë and foreign currency will be more than 165,000,000 lekë.

The limits mentioned in item “c” of Article are estimated through the exchange rate announced by the National Bank of Albania immediately after the date this Law becomes effective. They will be regulated according to the respective exchange and/or the inflation level in Albania at the moment the request is made.

d. The lessee for non-improved property will have the right to reduce the investment value for the property improvement, but not more than 50% of the implemented percentage, mentioned in item “c” of this article.

dh. The amount of award must be enhanced to an amount agreed on by both parties, if the property leased contains buildings and other properties that will be used for the stimulated activity.

Article 9

50% of the award estimated in Article 8, items “c” and “ç” is to be paid in the course of the development period. After that time the lessee will pay every fiscal year of the initial period and a value will be arranged each year on the basis of inflation percentage, registered in the country whose currency is chosen for paying the reward. For periods of time shorter than one fiscal year, this value will be estimated in proportion with the time. However, the lessee will have the right to replace the payment of this yearly rent at any time by paying the whole amount immediately, equal to the amount mentioned at the beginning of this article.

Article 10

The lessee is obliged to repair the buildings, roads, other service spaces and green areas, for the entire period of the lease. This obligation is automatically transferred to each lease successor.

Article 11

By proposal of the Committee, the Minister of Tourism has the right to modify the limits of investments mentioned in Article 8, item “c”, of the parameters utilized to estimate the award, provided that such modification does not negatively effect the rights assigned to the stimulated person.

Article 12

All privileges mentioned in Article 5, together with the respective terms, are also awarded to the project investors dealing with the construction of re-construction of hotels in urban zones.

Article 13

Future provisions will be applied to this Law.

Article 14

When the rights of foreign stimulated persons are affected with regard to issues relating to the validity of permission granted under Article 4, item “a”, and this person does not accept the solution offered by the committee, they have a right to take the case to the International arbitrage, according to the Arbitrage Rules of the United Nations Commission for International Trade Rights. When the stimulated person is Albanian, the resolution of disagreements regarding the above mentioned issues will be dealt with by the courts according to the Albanian laws.

Article 15

This Law becomes effective immediately.

LAW no. 7698, dated April 15, 1993

**FOR RESTITUTING AND COMPENSATING
FORMER PROPERTY OWNERS**

- Updated through Law 8084, dated 1996 -

Based on Article 16 of Law no. 7491, dated April 29, 1991 “On the Main Constitutional Provisions”, by proposal from the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

ARTICLE 1

This Law recognizes the right of ownership to all former owners or their heirs for property which has been nationalized, expropriated, or confiscated according to legal acts (including Law no. 37, dated January 13, 1945 “For Extraordinary Tax”), sub-legal acts, and court decisions issued after November 29, 1944, or taken illegally by the state by any other method, and determines methods and measures for their restitution and compensation.

Article 2

According to this Law, “property” means immovable property such as building sites, buildings, and everything else that has been permanently joined to them, such as housing, factories, workshops, shops, warehouses, and any other construction.

This law does not include immovable property in the form of land, which is treated in the Law “For Land.”

Article 3

For the purpose of recognizing, restituting or compensating properties according to this Law, “land” will be understood to mean building sites, agricultural land, and non-agricultural land.

A “building site” is a parcel of land that has been mortgaged and was located within the boundaries of urban areas at the time of expropriation. If an urban area does not have formal boundaries, a “building site” is a parcel of land on which a building or facility is located and includes the area around the building or facility necessary for normal operations. The “normal operations” of a building or facility are considered to require an area three times (3 x) the area occupied by the building or facility, except in cases defined in ownership documents. In other words, the building or facility occupies twenty-five percent (25%) of the total land associated with the building or facility.

“Agricultural or non-agricultural land” is a parcel of land that has been located outside the boundaries of an urban area at the time of expropriation but which, at the time of the effective date of this law, is being used as a building site. The institution authorized to set urban boundaries may establish boundaries in two different situations. First, if urban boundaries do not exist; and second, if boundaries exist but must be expanded to accommodate future growth and proper documents have been prepared corresponding to this boundary expansion. In both cases, the boundaries set by the authorized institution will be recognized as the official boundaries on the date this law comes into effect.

Article 4

Properties that exist as unoccupied building sites, agricultural or non-agricultural land, or unchanged buildings on the date this law comes into effect, except in cases defined in this Law, shall be recognized as such and will be restituted to former owners or their heirs.

Article 4.1

Former owners and their legal heirs have the right of ownership. A former owner of property has the right to either receive the original land or can be compensated in kind if four conditions are met. First, the land formerly owned was pastures, meadows, forestry land, or agricultural or non-agricultural land. Second, the land is not subject to Law no. 7501, date July 19, 1991, “For Land”. Third, the land is currently State owned. Fourth, the land is now zoned as being suited for construction and lies within the boundaries of a town or city. The extent of restitution or compensation in kind shall not exceed 10,000 square meters according to the fourth paragraph of Article 1 (decree 1359, date February 5, 1996, changed by Law no. 8084, dated March 7, 1996).

Article 5

The amount of the restitution or compensation by an equivalent parcel of land will be at its full value up to 10,000 square meters, except in cases defined in this law.

When the size of property is between 10,000 square meters and 100,000 square meters, the amount of restitution or compensation will be equal to ten percent (10%); when the size of property is larger than 100,000 square meters, the amount of restitution or compensation will be equal to one percent (1%).

Article 6

Former owners of buildings and building sites that have been expropriated for public purposes, but have been totally compensated at the time of the expropriation do not benefit from this law.

When former owners dispute the amount or manner of a valuation, they have the right to present their claims to court; if a claim is successful, the claimant shall be compensated with the difference adjusted by the inflation index.

Article 7

Former owners have the right to receive their former buildings for which they have been compensated at full value at the time of expropriation, if the buildings have not been demolished or used for public purposes. However, the former owner is required to pay back the received compensation adjusted by the inflation index.

This law recognizes the right of ownership to former owners for buildings that have not been demolished and have not been bought by the state, even when they are used for public purposes. In these latter cases the Government must sign a lease contract with the former owner according to provisions issued by the Council of Ministers for this purpose. The Government is required to restitute the buildings to former owners three (3) years after they apply for the restitution.

Article 8

Former owners have the right to receive expropriated building sites for which they have been compensated at full value, when this building site has not been used for purposes of expropriation, and it is not currently occupied. In these cases the former owner is required to pay back the received compensation adjusted by the inflation index.

Article 9

Former owners have the right to receive their former properties when the court verifies that the Government has bought such property without the former owners approval. In these cases former owners are required to pay back the amount received from the Government.

Article 10

Former owners have the right to receive their former buildings that have been sold to third parties. In these cases the Government is required to pay back third parties according to the selling price at the time of the sale, adjusted by the inflation index.

Former owners who have donated their properties to the Government, and relevant documents exist to prove this, are not subject to this Law.

Article 11

Former owners have the right to receive their former building sites, agricultural, or non-agricultural land that has been sold to third parties if there are no permanent buildings on them. In these cases the Government is required to pay back third parties according to the selling price at the time of the sale, adjusted by the inflation index.

According to the definition above, those parcels of land that are divided based on Law no. 7501, dated July 19, 1991, "For Land", will not be restituted to former owners.

Article 12

Private individuals or legal entities who own buildings are required to pay a rent to the owner of the building site, or to re-purchase the building site according to a contract agreed upon by both parties. The court has the authority to resolve contractual disputes.

Citizens who have constructed or are constructing housing according to legal procedures in zones that have been established by city planning for massive construction, are not subject to this article.

Article 13

Former owners have the right to receive their former buildings without paying back expenditures made by the Government, or other owners, for structural changes, annexes, or floor additions of former private buildings when the expenditures consist of up to twenty percent (20%) of the building's value.

Former owners have the right to receive their former buildings after they pay back more than twenty percent (20%) of the value of expenditures, when expenditures made comprise between twenty percent (20%) and fifty percent (50%) of the building's value. The value of expenditures will be calculated according to construction prices at the time of the building's restitution. A building will remain in co-ownership when the value of expenditures is more than fifty percent (50%) of the building's value.

The restitution of buildings to former owners shall be made according to state norms of maintenance and use. Authorized experts must evaluate all intentional damage caused by the maltreatment of buildings, which must be indemnified according to provisions in force.

The court has authority to resolve disputes between parties.

Article 14

Relationships between tenants and former owners who will become owners according to this Law will be regulated according to Law no. 7652, date December 23, 1992, "On the Privatization of State Housing."

A tenant is required to leave the housing when the former owner of the housing finds other comparable housing for the tenant, in relatively the same urban area, with a living space according to existing sheltering norms on the date this Law becomes effective, but no more space than the tenant had in the former owner's housing.

The Government is required to solve the housing problems of current tenants according to actual sheltering norms, giving priority to families with less financial income.

Former owners may choose any method for being compensated defined by this law.

Article 15

Former owners have the right to receive their former building sites which have since been occupied by temporary construction. The definition of a temporary construction is provided in the City Planning Regulation.

Article 16

When a building site, or agricultural land changed to a building site, is occupied by permanent construction, former owners will be compensated within limits of expropriation in the following methods:

- a) with state bonds that will be used according to the equivalent value and with priority in relationships with the Government in the process of the privatization of state enterprises, and in other activities carried out by loans;
- b) with an equivalent parcel or building site near to urban areas according to general regulating plans;
- c) with an equivalent parcel of land in tourist zones, according to general regulating plans.

The remaining portion for items (b) and (c) will be compensated according to other methods established by this Law.

The Council of Ministers has the authority to define more detailed rules for determining methods and deadlines of such compensation.

Article 17

Constitutional Court Decision no. 4, dated April 8, 1994, has repealed Article 17.

Article 18

The following persons are excluded from the right of ownership of shops, bars, restaurants, etc.:

- those who have privatized their shops in an illegal method;
- those who have changed the use of shops in contradiction with provisions in force;
- those who have not carried out any activity for six (6) months from the date of the privatization of the shop.

In these cases, the former owner of the building site on which the shop is located has the right to become the owner of the shop, according to provisions in force.

The National Privatization Agency and local government institutions have authority to implement this article.

Article 19

Unoccupied building sites within boundaries of cities, according to land use plans approved after the effective date of this law (effective date of this law is April 1, 1996), will be restituted to former owners in an amount not to exceed 10,000 square meters.

Restitution in the above mentioned paragraph shall be made according to the fourth paragraph of Article 1 of decree 1359. (The fourth paragraph of decree no. 1359 is as follows: "The compensation in kind with building sites in tourist zones or urban areas will follow two phases. During the first phase the compensation will not exceed 5,000 m². The Council of Ministers will have power to set the time period for starting the second phase".)

Article 20

A former owner of a building site on which a one or two story state housing has been constructed has the right of co-ownership of the building site. When the building is one story, the joint ownership will be in the ratio of 1:2; when the building is two stories, the joint ownership will be in the ratio of 1:3. In both cases the former owner has the right to construct another floor over the existing housing, while all further changes shall be made according to the Law "For Joint Ownership of Housing."

Article 21

During the process of privatization, former owners have the right of first refusal of state facilities that have been built on their building sites, agricultural, or non-agricultural land such as shops, storehouses, workshops, and so forth. The selling prices in these cases shall be determined according to the provisions in force.

Article 22

Institutions that register immovable property on the basis of the official documents submitted by former owners have the authority to proceed in recognizing the ownership according to provisions of this Law. When such documents are not available, ownership shall be determined by court decision in the presence of both parties.

Requests for receiving ownership must be submitted by August 31, 1994. When a former owner for justifiable reasons does not make the deadline, that person has the right to set another deadline through the court.

Article 23

Properties of the former king, and foreign or joint venture companies are not subject to this Law.

Article 24

The following persons shall not benefit from this law:

- former collaborators of Nazi-fascist occupiers for property they gained during the war, once the Cassation Court has reviewed their files and defined them as collaborators;
- former leaders of the Communist Party or Government for property they gained as a consequence of abusing their official positions, as proven by court decision;
- persons convicted of stealing national property shall not benefit up to an amount that is equal to the unpaid damages as defined by court decision.

Article 25

The Property Restitution and Compensation to Former Owners Commission is created, connected to the Council of Ministers, for considering claims of former owners that have not found solution in this Law.

Article 26

A special law shall determine the price of building sites.

Article 27

In all cases defined by this Law, the inflation index will be calculated on the date this Law comes into force.

Article 27a

Persons displeased with decisions against them by the Committee for Restituting and Compensating Former Property Owners have the right to present their case to the district court.

The court decision in the above mentioned cases may be appealed according to procedures defined by the Civil Procedure Code.

Article 28

The Council of Ministers, one month after the date this law comes into effect, is authorized to issue any necessary sub-legal acts and to take all measures to implement this Law.

Article 29

All provisions that contradict this Law are hereby repealed.

Article 30

This Law comes into force 30 days after publication.

LAW no. 7699, dated April 21, 1993

**COMPENSATION IN VALUE FOR THE FORMER
PROPRIETORS OF AGRICULTURAL LAND**

- Updated through 1995 -

Based on Article 16 of Law no. 7491, dated April 29, 1991 “On the Main Constitutional Provisions”, by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I : GENERAL AIMS

Article 1

This Law recognizes the right of ownership for the purpose of compensation in value for juridical and physical persons who were former owners of agricultural land, prior to the passage of Law no. 108, August 29, 1945 “On Agrarian Reform”, which is located outside the yellow restrictive lines of living centers, inside of which Law no. 7698, dated, April 15, 1993 “For Restitution and Compensation of Properties to the Former Owners” is acting.

The right of compensation is also attributed to former owners deprived of property during the period from November 29, 1944 to August 29, 1945

CHAPTER II : DEFINITIONS

Article 2

Under this Law the following definitions shall apply:

“Agricultural land” means all land in the Republic of Albania which has been treated as located outside the yellow restrictive lines on August 1, 1991, according to Law no. 7501, dated July 19, 1991 “For the Land”, excluding that defined to Law no. 7698, dated April 15, 1993 “For Restitution and Compensation of Properties to Former Owners.

“Former owners of land” means all former owners or their legal heirs, all local or foreign physical citizens, local juridical persons registered as such at the time of their establishment, and religious communities represented at the national level by their high organs.

“Heirs” means descendants entitled to inherit property according to this Law.

“Registered land,” means land that was registered in the cadastral office, hypothec, or other registers recognized by Law prior to the passage of Law no. 108.

“Obligation” means the financial instrument through which the compensation in value is made to former owners of agricultural land.

CHAPTER III : THE RIGHT OF COMPENSATION

Article 3

The right of compensation in value is recognized for persons who were owners of agricultural land according to the definition of Article 1 of this Law, and for those persons recognized as their legal heirs, except when stipulated differently by this Law.

Article 4

The right of compensation for agricultural land is recognized for former owners or their heirs whose property is registered, or in the absence of registration is verified by decision of a court of proper jurisdiction.

Article 5

The parties making the claim shall resolve all claims for compensation involving agricultural land where transactions took place after 1945, but for which the sale is not registered, and if this fails, a legal decision is required to resolve the conflict.

Article 6

Former owners or their heirs who have received land according to Law no. 7501 and Law no. 7698, or who have received land in use, benefit only from compensation in value in the most favorable conditions under this Law and that which they have received.

In cases mentioned above, the land received in use is registered as land in ownership based on decision of the Property Restitution and Compensation Commission.

Article 7

When orchards and vineyards that are not registered as agricultural land are considered agricultural land for the purpose of this Law, the conversion coefficient approved by the Council of Ministers shall apply.

For the purpose of compensation, olive groves will be evaluated according to the number of olive trees.

Article 8

1. Former owners or their heirs, according to the provisions of this Law, shall receive full compensation for an area up to 15 ha.

2. For former owners or their heirs who have had more than 15 ha. of agricultural land, the compensation for the remaining portion of the land will be made according to the following formula:

- a) from 15 ha. to 100 ha., each ha. above 15 will be compensated at the rate of 0.1 ha.;
- b) from 100 ha. to 1100 ha., each ha. above 100 will be compensated at the rate of 0.02 ha.;
- c) for areas above 1100 ha., there shall be no additional compensation.

3. In no case shall the maximum of compensation in value surpass the equivalent of 43.5 ha.

4. Regardless of the number of heirs, the total amount of land that will be compensated in value shall correspond to paragraphs 1 and 2 of this Article.

Article 9

Law no. 7981 dated July 27, 1995 "For Some Additions and Changes to Law no. 7699, repeals article 9.

Article 10

1. The compensation in value will be given only through State transactions nominated in lekë.

2. These obligations shall be freely transferable and may be sold for cash to third persons at a price to be freely negotiated between the parties.

3. The state obligations are guaranteed titles with the right to pre-purchase, state properties such as industrial objects, sites, and land, and shares of the state enterprises.

4. The state is obliged to pay these obligations with state property until December 31, 1999. After this date, for a period of five (5) years, payment may be made in lekë.

Article 11

This Law does not treat the properties of the former king, foreign or joint companies.

Article 12

The following do not benefit by this law:

- collaborators with fascists who have been punished for the properties taken during the occupation, after any appeal of the decision to the court of appeals;
- ex-communist leaders for the properties gained through abuses of official position, as determined by decision of the court;
- those punished for unlawful possession of the people's property in large amounts, as determined by decision of the court.

CHAPTER IV : THE PROCEDURE FOR COMPENSATION

Article 13

The Property Restitution and Compensation to Former Owners Commission, Ministry of Agriculture and Food, Ministry of Finance, and district councils are all charged with the implementation of this Law.

The rights and responsibilities of the Property Restitution and Compensation to Former Owners Commission are defined by sub legal acts prepared by the Council of Ministers.

Article 14

Former owners or their heirs must present claims for compensation and documents of ownership to the Property Restitution Compensation to Former Owners Commission.

Article 14a

The Property Restitution and Compensation to Former Owners Commission of the district councils shall examine the requests of former owners. These commissions shall issue written decisions for each request.

Article 14b

Former owners or heirs of buildings which exist unchanged and outside the respective lines of the living center, who benefited by restitution under Law no. 7698, also benefit from this Law for surface areas up to 300 square meters excluding the surface area occupied by the buildings.

Article 14c

Former owners or their heirs have priority to purchase buildings constructed by the state on their former properties, according to assigned prices.

Article 15

Former owners can appeal decisions of the Property Restitution and Compensation to Former Owners Commission to a district court of proper jurisdiction within 30 days from the date of the decision.

Article 16

This Law comes into effect 30 days after publication in the Official Gazette.

LAW NO. 7796, DATED FEBRUARY 17, 1994

MINING LAW OF ALBANIA

- Updated through Law 8093, dated 1996 -

Based on Article 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", proposed by the Council of Ministers,

**PARLIAMENT
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

CHAPTER I : SHORT TITLE AND SCOPE OF LAW

Article 1

This Law shall be known as the Mining Law of Albania (1994).

Article 2

This Law extends to the whole territory of the Republic of Albania including the seabed and subsurface of waters under the jurisdiction of Albania.

CHAPTER II : GENERAL PRINCIPLES

Article 3

In this Law, unless otherwise indicated:

"State" means the Republic of Albania.

"Minister" means the member of the Council of Minister responsible for mines and minerals for the time being.

"Ministry" means the ministry responsible for mineral industry.

"Person" means a natural or juridical person.

"Mineral" means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, in or under water or in tailing and having been formed by or subjected to a

geological process, excluding petroleum that is in a liquid or gaseous state in situ and water, but including sand, stone, rock, clay, as well as soil other than topsoil.

"Mine" means:

1) any excavation in or on the earth, including the portion under water or in any tailing, as well as any bore-hole, whether being worked or not, made for the purpose of searching for or winning a mineral, or

2) any other place where a mineral deposit is being extracted, including the mining area and all buildings, structures, machinery, mine dumps, access roads, or objects situated on produced area and which are used or intended to be used in connection with produced searching, winning, exploitation, or for the processing of minerals.

"Underground" means, in relation to a mine, any place in a mine under the natural surface of the earth that is solely connected to the surface by means of a shaft, raise tunnel or decline, or a combination thereof.

"Quarry" means any place other than a mine where quarry material or quarry minerals has been removed or is being removed, whether by excavation or otherwise, to supply material for construction, commercial, industrial, or manufacturing purposes.

"Mineral winning" means any digging, tailing or bore-hole according to the first paragraph of this article or exploiting any mineral deposit by all methods, with the aim of extracting a mineral, including searching and discovering within a mineral body.

"Processing" means, in relation to any mineral, the recovering extracting, concentrating, refining, calcining, smelting, or gasification thereof.

"Mining right" means a license issued in accordance with this Law to engage in activities related to prospecting, exploration, or mining.

"Investment agreement" means an agreement entered into between a concessionaire and the Minister pursuant to "Article 44".

"Public interest" means something in which the public, the community at large, has some financial interest, by which their legal rights or liabilities are affected.

"Royalty" means the payment to the State of a percentage of the value of the delivered minerals.

"Effective date" means the date on which a permit or concession is signed by the Minister.

Article 4

The present Law governs the relationship between the State and physical or juridical persons with respect to the obtaining of mining rights and the execution of mining activities. Petroleum that is in a liquid or gaseous state, natural gas that is in a liquid or gaseous state, and water are not subject to this law.

Article 5

All mining rights granted pursuant to this Law and the exercise of any mining activities shall be governed by, and be subject to, the Laws of Albania.

Article 6

Activities under a mining right are declared to be in the public interest for purposes of allowing access to and use of land.

Article 7

The State encourages the ongoing development and modernization of the mining sector in Albania in a free market economy based on competition and open access to economic activities.

CHAPTER III : DOMINION OF THE STATE AND MINING RIGHTS

Article 8

All minerals existing in the territory to which this Law extends, regardless of origin, form, or physical state within or on the surface of the earth, in the depths of the earth or in the waters are the inalienable and non-transferable property of the State represented by the proper Ministry

ARTICLE 9

The State may grant mining rights in accordance with this Law to persons, local or foreign, allowing the holder to carry out mining activities.

No person may carry out mining activities except in accordance with rights granted under this Law.

Article 10

Before granting any right pursuant to this Law, the Minister or his delegate shall make consultations with any relevant local authorities the Minister deems appropriate in cases where the granting of a right may seriously and adversely affect the residents of locality.

Article 11

Any rights to conduct mining activities granted before the effective date of this Law must be in accordance with this law.

Article 12

A mining concession is an intangible right, distinct and independent from the right of land ownership. Subject to the prior written consent of the Minister, the rights emanating from a mining concession may be transferred. Constructions and other installations that effect the permanent operations are considered immovable accessories to the concession.

Article 13

No mining right shall authorize the holder to use the underground or any shafts, adits, tunnels, or other accesses to the underground for any purpose other than that expressly specified in the concession or permit. The use of the underground or access thereto for storage or disposal of toxic, radioactive, or other wastes is prohibited.

Any cultural, monetary, historical, archeological, or other such materials found in permit areas are inalienable and non-transferable property of the State. The concessionaires who find these materials must give immediate notice to the General Mining Directorate.

CHAPTER IV : GROUPING OF MINERALS

Article 14

For purposes of this Law, minerals are divided into the following groups:

- a) Group 1 Metallic Elemental Minerals
- b) Group 2 Non-metallic Elemental Minerals
- c) Group 3 Coal and oil-shale
- d) Group 4 Quarry and construction
- e) Group 5 Precious stones
- f) Group 6 Semi-precious stones

The minerals that fall within each Group are listed in Schedule A, which is a part of this Law.

CHAPTER V : ADMINISTRATION

Article 15

The Minister is designated as the competent authority to act on behalf of the State to implement this Law.

Article 16

The General Mining Directorate is hereby created and authorized to implement this Law on mining activities in Albania.

The research and science institutes on mining activities shall provide technical advice and assistance to the Minister and to the General Mining Directorate on the specific aspects of the mining industry that fall within their respective technical expertise.

Article 17

The Minister has authority to issue any necessary sub-legal acts to implement this law.

CHAPTER VI

STATE MINING ENTERPRISES

Article 18

All economic sectors, and state owned enterprises which are not included in economic sectors, engaged in mining activities shall operate autonomously, and their activities shall be treated in all respects in the same manner as private sector entities.

Article 19

The State with legal acts shall aim toward the privatization of areas and activities of economic sectors and state mining enterprises that are not included in economic sectors.

Article 20

The contribution of state mining enterprises in privatization shall be valued at the reasonable fair market value of the rights and assets assigned by state mining enterprises at the time of transfer.

The method of evaluation of the contribution of state mining enterprises shall be determined by regulations.

CHAPTER VII

MINING RIGHTS FOR GROUPS 1, 2 or 3 OF MINERALS

A) PROSPECTING PERMIT

Article 21

The Minister may, upon the application of any person, grant to that person a prospecting permit in the form prescribed by Regulation, with which the person shall have the exclusive right to search within the permit area for indications of minerals.

Article 22

The area of a prospecting permit shall not exceed 400 contiguous, square kilometers and shall not cover any area that is subject to another prospecting permit or exploration concession or exploitation concession granted pursuant to this Law unless the holder of produced existing permit or concession specifically consents in writing.

Article 23

The term shall be for maximum of one (1) year, not subject to extension.

Article 24

A person may hold more than one prospecting permit simultaneously.

Article 25

An application for a prospecting permit shall include:

- a) name and address of the applicant;
- b) particulars of the financial and technical resources available to the applicant for the permit as well as their experience in the mining industry
- c) a description of the area over which the permit is sought, including a map, and
- d) particulars of the program of reconnaissance operations proposed to be carried out, proposed methods of work, an estimate of the costs, and of the period required for completion of the program.

Article 26

Within sixty days after receipt of an application, the Minister shall give notice of decision to the applicant for the grant of a prospecting permit.

Article 27

A prospecting permit confers the following rights on the prospector:

- a) to enter the permit area with any agents, employees, vehicles, machinery, and equipment as may be necessary for the purpose of the expedient prospecting for minerals in the land or underground;
- b) to prospect for minerals and to carry out produced operations and produced works as necessary, provided that the permit may not allow one to engage in drilling, excavation, or other subsurface techniques except where and to the extent that person is authorized by permit to use any of those techniques; and
- c) to extract and remove from produced land samples minerals in non-commercial quantities for purposes of analysis.

Article 28

In addition to other conditions imposed in the prospecting permit, every prospecting permit shall be subject to the following:

- a) the prospector shall promptly report to the Minister in writing the discovery of any minerals of economic interest;

- b) all disturbances to the surface of the land which are made while prospecting shall be filled in or otherwise made safe to the satisfaction of the Mining Directorates; and
- c) the prospector shall take any necessary steps to prevent damage to vegetation or other property.

Article 29

The prospector shall, at prescribed times and in a prescribed manner according to the regulations, file or cause to be filed with the General Mining Directorate reports on the damage done within the permit area, the money expended, and the results. A representative portion of all geological samples extracted by the permit shall be provided to the General Mining Directorate along with the results of all tests or treatments carried out on the samples.

B) EXPLORATION CONCESSION

Article 30

The Minister may, on the application of any person considered to have the requisite financial and technical resources and mining experience, award an applicant an exploration concession granting the concessionaire the exclusive right to explore for specified minerals in the concession area. The exploration concession shall be in the form prescribed by Regulation.

Article 31

The application mentioned above shall include:

- a) identity and address of applicant;
- b) statement of relevant experience;
- c) statement of financial and technical resources available to the applicant for purposes of the requested concession;
- ç) proposed area of concession, including map;
- d) mineral or minerals (Group 1, 2 and/or 3) for which the concession is sought;
- dh) proposed method of explorations, and
- e) proposed working program and anticipated schedule and expenditure for carrying it out. An exploration concession shall specify the minimum working conditions to be undertaken by the concessionaire that shall be guaranteed by a guarantor approved by the Minister.

Article 32

The holder of a prospecting permit shall have a priority right over other applicants during the term of the prospecting permit and for a period of thirty days after the term, provided that the Minister is satisfied with items (b), (c), (d) and (e) of Article 31.

Article 33

Within sixty days after the receipt of an application the Minister shall notify the applicant of the decision regarding the application

Article 34

The initial term of an exploration concession shall be for two (2) years, subject to a maximum of three (3) extensions of one (1) year each, if requested by the concessionaire at least thirty days before the end of the previous period, provided that the concessionaire has fully complied with its accrued obligations under the concession, and provided further that the concessionaire offers a working program for the requested extension that is satisfactory to the Minister.

Article 35

Within ninety days after the effective date of the exploration concession the concessionaire shall commence field operations.

Article 36

The maximum area of an exploration concession shall be 200 square kilometers which are all contiguous and this shall not include any area that is subject to a prospecting permit or an exploration or mining concession held by another, unless the Minister and the other concessionaire agree that the new concession will not unreasonably affect the existing contractual rights.

Article 37

An exploration concessionaire may hold more than one exploration concession simultaneously.

Article 38

The exploration concessionaire shall relinquish portions of the concession area progressively during the term in accordance with the following schedule:

- a) at least forty percent of the original concession area, no later than the end of the initial term;
- b) at least fifty percent of the original concession area, no later than the end of the first one year extension;

- c) at least seventy five percent of the original concession area, no later than the end of the second one year extensions; and
- d) no portion of the original concession shall be covered by a mining concession by the end of the third one year extension (up to the end of the fifth year).

Article 39

Minister must agree with every one-year extension that the concessionaire requests, as a condition of the extension of the exploration concession. Once approved by the Minister the concessionaire shall deem it a firm undertaking.

Article 40

The exploration concessionaire shall pay to the State an annual rent; payable on the effective date of the exploration concession and on each anniversary of the effective date on the number of square kilometers comprising the concession area on the date payment is due. The annual rate of the rent must be specified in the exploration concession and shall be equivalent in Lekë to 300 Swiss Francs at the moment of payment.

ARTICLE 41

An exploration concession confers on the exploration concessionaire the following rights:

- a) to enter the concession area with produced agents, employees, vehicles, machinery and equipment as necessary for the purpose of exploring for minerals in, on, or under the land;
- b) to explore for minerals and to carry out produced works and operations for that purpose as may be necessary including digging pits, trenches, holes, sinking bores, and tunnels in, on, or under the land; and
- c) to extract and remove minerals from land, and to export samples of minerals in non-commercial quantities for the purpose of testing.

Article 42

The exploration concessionaire shall keep complete and detailed records of the surveys and other operations conducted pursuant to the concession and shall make the records available at all reasonable times for inspection in Albania by authorized institutions defined by the Minister.

The exploration concessionaire shall furnish the General Mining Directorate with copies of produced information relating to surveys and other operations conducted by it as the General Mining Directorate may request.

The obligations of Articles 28 and 29 shall also apply to an exploration concessionaire.

Article 43

The exploration concessionaire shall have the right during the term of the exploration concession to elect to convert portions of the exploration concession area that it commits to develop and exploit into one or more mining concessions, provided that it has complied with its obligations under the exploration concession.

The application for the mining concession shall be filed in accordance with Article 45.

C) MINING CONCESSION

Article 44

The Minister may, upon application of any person considered to have the requisite financial and technical resources and mining experience, award applicant on behalf of the State a mining concession granting concessionaire the exclusive right to mine and extract one or more specified minerals from the concession area. The document evidencing the mining concession shall be in the form prescribed by Regulation.

The Minister is authorized to negotiate and enter into an investment agreement with the concessionaire on behalf of the State.

Each investment agreement shall require the prior approval of the Council of Ministers and Parliament granting investment facilities, incentives, and guarantees not included in the Albanian laws.

Article 45

The application for a mining concession shall:

- a) provide identity and address of applicant;
- b) specify the area over which the mining concession is sought (including map);
- c) specify the mineral or minerals in Groups 1, 2 and/or 3 for which the mining concession is sought;
- ç) give details of the mineral deposits in the area over which the mining concession is sought, including details of all known minerals proved, estimated or inferred, ore reserves and mining conditions;
- d) be accompanied by a technical report on mining, treatment, and value added possibilities within Albania and the intention of the applicant in relation thereto;
- dh) provide a proposed development and investment program and schedule;
- e) give particulars of the proposed mining operations, including:
 - (i) estimated capacity of production and scale of operations,
 - (ii) nature of the products,
 - (iii) proposals for the prevention of pollution, the treatment of wastes, the safeguarding of natural resources, the progressive reclamation and rehabilitation of land disturbed by mining, and for the minimization of the effects of mining on surface water and ground water and on adjoining or neighboring lands,
 - (iv) the anticipated residual effects on the environment of the mining operations and proposals for their minimization and mitigation, and
 - (v) any particular risks (whether to health or otherwise) involved with the mining of the mineral and proposals for their control or elimination;
- e) give a detailed forecast of capital investment, operating costs, revenues and the anticipated type and source of financing
- f) give particulars of the applicant's proposals with respect to the employment and training of citizens of Albania, and

- g) give particulars of expected infrastructure requirements and arrangements for provisions.

Article 46

In situations where the applicant is not the holder of an exploration concession, the application shall also include full details of the financial and technical capacity of the applicant and information regarding their relevant experience in the mining sector.

Article 47

The Minister shall notify the applicant for a mining concession of its decision regarding the application within ninety days from receipt of the application. With regard to applications from exploration concessionaires, decision shall be taken in accordance with Article 45.

The Minister shall assure that the land that is being considered for a mining concession has been properly surveyed prior to the granting of the mining concession. For the purposes of surveying, the Minister may direct the applicant for the mining concession to prepare a survey at the applicant's expense in accordance with any requirements specified in the direction.

All mining rights must be published in the official papers or other manner of information.

Article 48

The maximum area for a mining concession is fifteen contiguous square kilometers. The same concessionaire may hold more than one mining concession simultaneously.

Article 49

The duration of a mining concession shall be twenty years from its effective date, subject to up to four renewals of up to five years each if requested by the concessionaire no less than one year before the expiration of the existing term.

Article 50

The mining concessionaire shall pay to the State an annual rental fee on the effective date of the mining concession and on each anniversary date of with respect to the concession area. The Minister, subject to the criteria approved by the Council of Ministers, shall periodically determine the rate for a particular mining concession.

An annual rental fee for a concession area shall be a minimum of the equivalent in Lekë of 3,000 Swiss francs and as maximum the equivalent in Lekë of 10,000 Swiss Francs, at the moment of payment, for each square kilometer.

Article 51

No later than fifteen days after the end of each calendar month, the mining concessionaire shall pay to the State in Lekë a royalty of two per cent of the market value of the total volume of minerals from the concession area delivered to customers during produced calendar month.

The procedure for determining the market value of the minerals shall be specified in the Regulations.

Article 52

A mining concession confers on the concessionaire the following rights:

- a) to engage in all acts necessary to carry out effectual mining operations in, on, or under the concession area;
- b) to take and remove from the land the mineral or minerals for which the mining concession is granted and to properly dispose of the waste; and
- c) to install and operate within the concession area plants for bonification, smelting, refining, an otherwise adding value to the minerals extracted from the concession area.

Article 53

A mining concessionaire has right to construct, install, and operate within the concession area buildings, camps, storage facilities, pipelines, electric generation and transmission facilities, communication systems, railway lines, petroleum storage facilities, and other infrastructure or facilities required for its operations.

Article 54

The State has no obligation to provide any infrastructure within or outside of the concession area. In the event that the concessionaire wishes to use facilities or infrastructure belonging to the State that are generally available to the public, they shall have the right to do so in accordance with laws in force.

Article 55

A mining concessionaire has the right without further license or authorization to export or sell within Albania all minerals produced pursuant to the mining concession from the concession area, as well as finished products and by-products.

Article 56

The mining concessionaire shall keep complete and detailed records of all operations conducted pursuant to the concession and shall make records available at all reasonable times for inspection by authorized institutions defined by the Minister.

Article 57

The mining concessionaire shall maintain in Albania full and complete books of account and other books and records that may be necessary to show the work performed under the concession, the costs incurred and the quantity, quality and value of all minerals extracted from the concession area. All produced records and accounts shall be maintained in accordance with Albanian legislation and generally accepted accounting practices in the international mining industry.

Article 58

The mining concessionaire shall furnish to the General Mining Directorate technical, operational, and production data in completed form, at periodic intervals, with respect to production periods, containing all details that are prescribed by Regulations.

ARTICLE 59

The mining concessionaire shall present for the Minister's approval an annual work program and budget and production schedule for the concession area.

The first produced program shall cover the balance of the calendar year in which the effective date occurs and shall be presented within thirty days after produced effective date. For each subsequent year, the submittal shall be made at least ninety days prior to the calendar year to which the proposed program, budget, and production schedule relate. The concessionaire's submittal shall be deemed approved if the Minister does not take written exception thereto within forty days after receipt.

ARTICLE 60

Where the Minister considers that the holder of a mining concession is using wasteful mining or treatment practices or is conducting its operations contrary to the object of optimum exploitation of minerals, the Minister may give notice to the concessionaire (giving in the notice particulars of produced practices) and require the concessionaire to show cause within produced period as the Minister shall specify in the notice why it should not cease to use those practices.

Where within the period specified in the notice under the first paragraph, the concessionaire fails to satisfy the Minister that the practices specified in the notice are not wasteful or contrary to optimum exploitation or that the use of those practices is justified, the Minister may issue a direction ordering the concessionaire to take produced rectifying steps within a period specified in the direction as may be required by the Minister.

ARTICLE 61

If any person in any manner uses or causes to be used or intends to use the surface of any land which may in the opinion of the Minister detrimentally affect the object of this Law in relation to optimum exploitation of any mineral which occurs or which may occur in economically exploitable quantities in or on produced land or in tailing on produced land, the Minister may investigate the matter and may issue an order in accordance with the laws in power.

ARTICLE 62

The concessionaire shall give notice to the Minister:

- a) one (1) year in advance if they propose to cease production from a mine in the concession area concerned;
- b) 180 days in advance if they propose to suspend production from any mine, and
- c) 90 days in advance if they propose to curtail production from any mine by more than ten per cent of the volume anticipated in the approved production schedule.

Notice shall state in detail the reason or reasons for proposed cessation, suspension, or curtailment.

CHAPTER VIII

MINING RIGHTS FOR GROUP 4 MINERALS AND CONSTRUCTING MATERIALS

A) PROSPECTING AND EXPLORATION PERMITS

ARTICLE 63

The Minister may, upon the application of any person considered to have the requisite financial and technical experience with group 4 of minerals, award to such applicant a prospecting or exploration concession described in the regulation, granting the concessionaire the exclusive right to prospect or explore for group 4 minerals in the concession area which are primarily minerals to open a quarry of type 2.

The duration of this concession shall be two years from its effective date; the maximum area for a prospecting and exploration concession is thirty contiguous square kilometers.

The same concessionaire may hold more than one mining concession simultaneously.

In case of the exploration permit the concessionaire must pay to the state a rental fee equal to the equivalent in Lekë of 100 Swiss Francs at the moment of payment for each square kilometer of the concession area.

Article 64

The application for a prospecting and exploration permit for group 4 minerals shall include:

- a) identity and address of applicant;
- b) statement of financial and technical resources available to the applicant for purpose of the requested concession, statement of relevant experience in prospecting, and exploration for group 4 of minerals;
- c) proposed area of concession, including map;
- ç) mineral or minerals (group 4) for which the concession is sought;
- d) proposed method of exploration, proposed work program, and anticipated schedule and expenditure for carrying it out.

ARTICLE 65

Within sixty days after receipt of an application, the Minister shall notify the applicant of their decision regarding the application.

B) MINING CONCESSION

ARTICLE 66

A quarry permit is required for the mining of construction minerals and materials except in following instances:

- a) the owner of the surface taking materials for use in construction on his own property;
- b) local authorities or other persons engaged in the construction of public roads or other public works utilizing the spoil from necessary excavations or from burro pits close to produced roads or works;
- c) the holder of a mining concession taking construction materials from its concession area for use in its mining operations.

ARTICLE 67

The Minister, whose decision in the matter shall be final, shall decide any dispute as to whether a person qualifies for an exception under Article 66.

ARTICLE 68

The Minister shall establish any public quarries by sub legal acts (type 1). A public quarry shall be under the operational jurisdiction of the General Director of the General Mining Directorate.

ARTICLE 69

Two types of quarry permits are authorized:

- a) Type 1 quarry permit, which is a permit to remove construction minerals and materials from a public quarry on payment of produced fee as may be imposed by the Minister with respect to the materials removed. The maximum initial duration of a type 1 quarry permit is one (1) year, subject to renewal for successive periods of six (6) months each, by request at least thirty days prior to the expiration of the then current period.
- b) Type 2 quarry permit, being an exclusive permit to develop and mine a quarry for specified Group 4 minerals or materials in consideration of paying the fee specified in permit with respect of the minerals or materials removed. The maximum initial duration of a type 2 quarry permit is ten years, subject to renewal for successive one (1) year periods if request at least thirty days prior to the expiration of the then current period.

ARTICLE 70

An application for quarry permit shall:

- a) state name and address of the applicant;
- b) indicate the Group 1 minerals or materials for which the permit is sought;
- c) specify the initial duration for which the permit is sought;
- ç) provide particulars of the financial resources available to the applicant to pay for the minerals and materials to be extracted;
- d) in the case of a type 1 quarry permit, indicate the minimum and maximum quantities on an annual basis and the specifications of each mineral or material for which the permit is sought;
- dh) in the case of a type 2 quarry permit,
 - 1) specify the exact location of the applicant's proposed quarry,
 - 2) give details of the deposit over which the quarry permit is sought,
 - 3) provide a proposed development and investment program and schedule,
 - 4) give a detailed forecast of capital investment, operating costs and revenues and the anticipated type and source of financing,
 - 5) give particulars of expected infrastructure requirements and arrangements for provision,
 - 6) provide a detailed list of construction materials and minerals to be produced from the quarry, estimated capacity of production and scale of operations, and planned markets for the production,

- 7) detail the experience of the applicant in operating quarries and in marketing minerals and materials of the type to be produced from the quarry;
- 8) give particulars on environmental aspects of the proposed quarry operation, including:
 - i) proposals for the prevention of pollution, the treatment of wastes, and the safeguarding of natural resources;
 - ii) the anticipated residual effects on the environment of the quarry operations and proposals for their minimization; and
 - iii) any particular risks (whether to health or otherwise) involved in mining the materials and minerals and proposals for their control or eliminations;
- 9) give particulars of the applicant's proposals with respect to the employment and training of citizens of Albania.

ARTICLE 71

Within thirty days after receipt of an application, the Minister shall notify the applicant of his decision regarding the application. The permit shall be in the form prescribed by the Regulation. The permit shall contain specific conditions established in the permit.

ARTICLE 72

With respect to a type 2 quarry permit involving an export-oriented project, the Minister is authorized to negotiate and enter into, on behalf of the State, an investment agreement of the type referred to in Article 44

ARTICLE 73

The mining concessionaire shall pay to the State on the effective date of the mining concession and on each anniversary date of the effective date an annual rental fee with respect to the concession area. The rate shall be the equivalent in Lekë of 1,500 Swiss Francs at the moment of payment for each square kilometer.

ARTICLE 74

No later than fifteen days after the end of each calendar month, the mining concessionaire shall pay to the State, in Lekë, a royalty of two per cent of the market value of the total volume of minerals from the concession area delivered to customers during the calendar month.

The procedure for determining the market value of the minerals shall be specified in the Regulations.

ARTICLE 75

The Minister has the right to give at local authorities with a particular decree the administration of the minerals and materials of group 4 minerals.

CHAPTER IX

GROUPS 5 AND 6 MINERALS

Article 76

No person may prospect for or mine Group 5 or Group 6 minerals without a mineral claim granted by the Minister.

ARTICLE 77

Before applying for a mineral claim the applicant must stake out the area of land over which they wish the mineral claim to be granted and must notify the owner or owners of land, or the State through local authorities, of the applicant's intention to seek a mineral claim over the respective property.

ARTICLE 78

Any person, including a person who has previously held a mining claim for other groups of minerals on some or all of an area, may apply to the Minister for a mineral claim covering specified Group 5 or Group 6 minerals. The application shall:

- a) provide the name and address of the applicant,
- b) identify the land to which the application relates and specify whether the land is owned by the State or by third parties,
- c) where the land is not owned by the State, give the name and address of each registered owner of the land to which the mineral claim application relates, provide a consent in writing from the registered land owner to the granting of the mineral claim over the property, and
- d) specify the Group 5 and Group 6 mineral or minerals with respect to which mineral claim is sought.

ARTICLE 79

Within thirty days after receipt of the completed application the Minister shall notify the applicant of their decision regarding the application. If the Minister is willing to grant the mining right, he shall include in the notice the rate or rates of royalty payable as well as special conditions, if any, that are applicable to the mineral claim and the amount and type of bond or other security that the applicant must post with the Minister and guarantee: (i) the correct reporting of all minerals extracted from the mineral claim area; (ii) its correct value; and (iii) proper and timely payment of royalty concerning the mineral claim.

ARTICLE 80

A mining claim may be granted over a maximum area of two contiguous hectares. The same person may hold more than one mining claim simultaneously. A mining claim may not be granted on any area over which another mining right has been granted pursuant to this Law unless the holder of the other mining right gives an irrevocable consent in writing.

ARTICLE 81

A mining claim shall have a maximum validity of five years from the date of the Minister's notice to the applicant that the application was accepted.

ARTICLE 82

The holder of a mining claim may, in accordance with the conditions prescribed by the Minister with respect to a claim, prospect, explorer, or mine the Group 5 and 6 mineral or minerals:

- a) erect buildings and structures;
- b) exercise any rights in the nature of easements;
- c) carry out within the mining claim area any activities of prospecting, exploration and mining;
- c) extract from the claim area all minerals authorized by the mining claim, and
- d) dispose of the minerals extracted through a licensed mineral dealer, but not otherwise.

ARTICLE 83

The holder of a mining claim shall pay to the State within five days after the end of each calendar month in Lekë a royalty of two per cent of the market value of all minerals from the claim area sold during each month.

ARTICLE 84

The holder of a mining right shall comply with any rules and procedures prescribed by Regulations in relation to the registration and sale of minerals extracted by the mining claim holder.

ARTICLE 85

No person may trade Group 5 or Group 6 minerals unless that person holds a mineral dealer's license issued by the Minister.

ARTICLE 86

An application for a mineral dealer's license shall:

- a) state the name and address of the applicant;
- b) detail the experience of the applicant in the commerce of Group 5 and Group 6 minerals;
- c) indicate the mineral or minerals for which the mineral dealer's license is sought, and
- d) provide evidence of the source of financial sources available to the applicant for conduct of the proposed commerce in minerals.

ARTICLE 87

The Minister shall notify the applicant under Article 86 of his decision regarding the application within thirty days after receipt thereof.

CHAPTER X

RELATIONSHIP BETWEEN THE HOLDERS OF MINING RIGHTS AND THE OWNERS OF THE SURFACE

ARTICLE 88

The relationship between holders of mining rights and the owners of the surface shall be regulated in accordance with the Albanian laws in power.

CHAPTER XI

GENERAL OBLIGATIONS OF HOLDERS OF MINING RIGHTS

Article 89

Every holder of a mining right shall give preference in selecting employees at all levels to applicants of Albanian nationality who possess the requisite skill and experience.

ARTICLE 90

Every holder of a mining right shall undertake the development and training of its Albanian personnel.

ARTICLE 91

The holder of a mining right shall conduct all mining operations in a safe, prudent, responsible manner, and shall take reasonable measures to protect all persons against potential dangers from operations in accordance with the mine safety regulations.

ARTICLE 92

The holder of a mining right shall provide basic medical facilities and staff.

ARTICLE 93

The holder of a mining right shall maintain at all times insurance as required by applicable laws. Any insurance obtained by the holder of the mining right or shareholders must be in accordance with Albanian Insurance Legislation.

ARTICLE 94

The holder of a mining right shall facilitate the inspection and audit of its operations by duly authorized representatives of the State.

ARTICLE 95

The holder of a mining right shall assure that all activities related to the mining right be carried out in an environmentally responsible manner. The holder of the mining right shall take necessary steps to prevent pollution or damage to the environment including: the undertaking of remedial measures within a reasonable period of time; the repair or offset of damage to the environment in cases where it is determined that works or installations of the holder of the mining right or any operations conducted by or on behalf of produced holder endanger property of others or cause pollution or harm flora, fauna, or the ecosystem. When pollution occurs the holder of the mining right must promptly treat or disburse it in an environmentally acceptable manner.

ARTICLE 96

The holder of a mining right shall prepare and implement an environmental management plan to protect the environment for the Minister of Health and Environmental approval and, once approved, this plan will, among things, address the handling and acceptable disposal of all solid, gaseous, and liquid wastes from the holder's operations.

ARTICLE 97

The holder of a mining right that uses water in its operations must return the water to the river, lake, or other source from which taken, free from contamination that could adversely affect human health or the development of flora and fauna.

ARTICLE 98

The rehabilitation of the surface of land concerned in a mining activity shall be carried out by the holder of the mining right in accordance with a specific rehabilitation program proposed by the holder and approved by the Minister.

ARTICLE 99

Whenever a mining right is terminated or lapses or an area covered by a mining right is surrendered, the person who was the holder of the mining right immediately prior to the termination, lapse, or surrender shall restore within a reasonable time any surface to its natural state to the satisfaction of the Minister. The demolition or removal shall not be applicable with respect to structures, buildings, or objects: which the State may elect, by notice from the Minister, to succeed to the ownership free of charge; or which the owner of the land wishes to retain and which has been agreed upon between the former holder of the mining right and the owner of the land in a writing lodged with a notary.

CHAPTER XII

SPECIAL BENEFITS TO PROMOTE PRIVATE INVESTMENTS

Article 100

With the object of promoting investment in the mining sector, the following benefits are guaranteed to holders or shareholders of mining concessions for types 1, 2 or 3 minerals, and may at the discretion of the Minister be extended in accordance with Article 44 as the Minister considers justified to the holders of any other type of mining right for an activity that is primarily export oriented:

- a) right to import directly goods and equipment required for operations;
- b) right to maintain books of account in US dollars or other foreign exchange acceptable to the Albanian National Bank;
- c) right to exchange foreign currency into local currency at the generally prevailing rate for commercial transactions at time of the exchange;
- d) right to receive and retain abroad proceeds from export sales and to cover local costs;
- e) right to convert local currency income into foreign exchange at the generally prevailing exchange rate for commercial transactions as required for purposes of paying for imports, and remitting abroad debt service, profits and dividends;
- f) right to open foreign trust accounts in connection with project financing;
- g) right to maintain and operate bank accounts both in Albania and abroad;
- h) the following undertakings in the mining sector in relation to other sectors of economic activity will not be discriminated against:
 - (i) land and property rental at the applicable rate specified in Albanian legislation;
 - (ii) import duties at generally applicable rates under Albanian legislation;
 - (iii) royalties or fee as applicable specified in this Law;
 - (iv) corporate profit tax at rates under Albanian legislation in effect on date of granting of the mining concession, permit, or authorization as applicable, calculated in accordance with rules under Albanian laws in effect on that date;
 - (v) taxes or fees on locally formed companies with rules under Albanian laws;
- i) exemption from turnover tax under Albanian laws and from other taxes which may substitute this for the holder of the mining right or its shareholders which profit from this law;
- j) guarantee of stability of the fiscal package set forth for the full term of produced mining right granted to entities by this law;
- k) guarantee that the legal regime under which the mining right is granted shall apply to the holder of the mining right and its shareholders for the full term of the mining right, and that changes in produced legal regime, including enactment of new laws, shall not be applicable unless the Minister and the holder of produced mining right agree in writings; and
- l) right to have any disputes between the State and the holder of the mining right settled by arbitration in accordance with the rules of the International Chamber of Commerce in Paris, France, or a competent Albanian court.

ARTICLE 101

In cases where the Minister extends some or all of the benefits under Article 100 to the holder of another type of mining right, the benefits so granted shall be specified in the document granting the mining right or in an investment agreement.

CHAPTER XIII

REGISTRY OF MINING RIGHTS

ARTICLE 102

The General Mining Directorate shall maintain a registry of all mining rights granted, renewed, transferred, or canceled. For each registration a fee in Lekë equivalent to 100 Swiss francs should be paid. The register shall be kept available for inspection.

ARTICLE 103

For purposes of any legal proceeding concerning a mining right that is registered:

- a) a registered interest has priority over an interest that is not registered, and
- b) an earlier registered interest has priority over a later registered interest.

ARTICLE 104

No transfer of a mining right or an interest therein shall be effective unless approved in writing by the Minister and until both the transfer and the Minister's approval thereto are recorded in the register.

CHAPTER XIV

PENALTY FOR CONDUCT OF MINING ACTIVITIES WITHOUT VALID MINING RIGHTS; RIGHT OF MINISTER TO TERMINATE MINING RIGHTS

Article 105

A person who carries out mining activities without a valid mining right issued under this Law shall be guilty of an offense and liable for payment of a fine imposed by the Minister no less than the equivalent in Lekë of 50,000 Swiss francs and no more than the equivalent in Lekë of 500,000 Swiss francs at the moment of payment for each violation.

ARTICLE 106

The Minister shall have the right to terminate any mining right where the holder:

- a) is found to have made material misrepresentations in their application for the mining right especially for the material and financial resources;
- b) commits a material breach of this Law;
- c) commits a material breach of obligations under the document granting its mining right;
- d) closes down or ceases to operate a mine for 180 consecutive days, or
- e) unreasonably curtails production from a concession area.

Article 107

The following procedure shall be followed in giving effect to a termination under Article 106:

- a) the Minister shall give notice to the holder of the mining right specifying his intention to terminate the mining right and the reason for the termination,
- b) the holder of the mining right shall have a period of ninety days after receipt of the notice to:
 - i) appeal to the tribunal having jurisdiction over disputes between the State and the holder of the particular mining right (international arbitration or the courts in Albania, as applicable) upon dispute of the validity of the cause for the termination; or
 - ii) remedy, to the Minister's satisfaction, that which caused the termination when the cause falls within Article 106 b), c) or e);
- c) if the holder of the mining right appeals, pursuant to b)(i) above, the validity of the cause for termination, the Minister may not proceed with the termination until a final decision is rendered by the tribunal of proper jurisdiction, provided that the holder of the mining right is diligent in pursuing its claim in the proceedings; and
- d) if the holder of the mining right fails to pursue either of the rights listed in b) above, the mining right shall terminate effective ninety days after receipt of the Minister's notice under a) above.

ARTICLE 108

In the event of a termination for a reason specified in Article 106, the Minister shall have the right to execute any item of agreements carried out by this holder of the mining right, or on behalf of holder, and to pursue without limitation any other legal rights it may have including collection of compensation and damages from the person.

CHAPTER XV

MISCELLANEOUS

Article 109

All notifications required or permitted under this Law shall be in writing.

ARTICLE 110

Technical data and samples provided by the holder of a mining right to the General Mining Directorate shall be maintained by the State as confidential, unless otherwise agreed by the provider of data or samples, until the first of the following occurs:

- a) the termination or expiration of the mining right;
- b) the relinquishing of the area to which the data or samples relate;
- c) the elapse of two years from the date on which the General Mining Directorate received the particular information or samples;
- d) the publication of data.

The above is true provided that nothing in this Article shall be construed as limiting the right of the State to use produced information in the preparation of economical-financial reports and returns required of or by the State.

ARTICLE 111

The holder of a mining concession for Group 1, 2 or 3 minerals shall have the right to import minerals into Albania for processing and then to re-export, with both the import and export being exempt from all taxes, duties, or other impositions by the State.

ARTICLE 112

Under no circumstances shall the State, or any person acting on its behalf, be liable to third parties as a result of injury to persons or damage to property resulting from the grant of or exercise of rights or the performance of any duty or function conferred or imposed by this Law. The holder of a mining right shall indemnify and hold harmless the State and any person acting on behalf of the State from any such claim by third parties.

ARTICLE 113

This law comes into force 15 days after the publication in Fletorja Zyrtare.

TABLE A GROUPS OF MINERALS

GROUP (1)	METALLIC
Antimony	Molybdenum
Silver	Monoxide
Gold	Nickel
Arsenic	Oxide of iron
Copper	Osmiridium
Bismuth	Pyrites of arsenic
Caesium	Platinum
Cinnabar	Lead
Fluorspar	Rubidium
Galena	Rutile
Garnet	Selenium
Germanium	Sulphur
Iron	Scheelite
Ilmenite	Tantalus
Indium	Titanium
Tin	Thorium
Cadmium	Tungsten and its ores
Cobalt	Vanadium
Chromium	Wolfram
Columbium	Wulfenite
Lithium	Zinc
Manganese	Zircon
Iron ore	Zircon
Platinoid minerals	Mercury
Rare earth minerals	

GROUP (2) NON-METALLIC

Alumina	Cryolite
Alunite	Rock salt
Apatite	Quartzite
Asbestos	Laterite
Barytes	Magnetite
Bauxite	Mica
Beryllium and its ores	Ores of silicon
Borates	Perlite
Ceolite	Mineral pigments
Diatomaceous earth	Pyrophyllite
Feldspar	Reef quartz
Phosphates	Chert
Graphite	Steatite
Graphite clays	Emerald
Emery	Iceland spar
Soapstone	Talc
Halite	Peat

Shale ash	Topaz
Calcite	Vermiculite
Chloride	Wollastonite

GROUP (3) COAL AND OIL SHALE

Coal	Oil shale
Bituminous	Pyrobituminous
Bituminous sands	

GROUP (4) MINERALS AND CONSTRUCTION MATERIALS

Marine aggregate	Gyps
Anhidritet	Gabroide
Bentonite clay	Kaolin
Brick clay	Marble
Pipeclay	Ophiocalcite
Pottery clay	Slate
Fire clay	Plagigranite
clay and clay shale (for construction)	Sands
Bentonite	Serpentine
Brecsious	Syenite
Dolomite	Clay shale
Fuller's earth	Travertine
Granite	Tufts
Limestone	Gravel
	Zhuret

GROUP (5) PRECIOUS ROCKS

Diamond	Ruby
Corundum	Sapphire

GROUP (6) SEMI PRECIOUS ROCKS AND OPAL

Agate	Rhodonite
Chalcedony	Torquoise
Quartz crystal	Tourmaline
Nephrite	Jade
Opal	

LAW no. 7829, dated June 1, 1994

ON NOTARY

- This Law has not been updated -

Based on Article 16 of Law no.7491, dated April 29, 1991 "On the Main Constitutional Provisions", with the proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

SECTION I NOTARY ORGANIZATION

CHAPTER I GENERAL PROVISIONS

Article 1

Notaries in the Republic of Albania deal with legal activity serving physical and juridical persons through the preparation of documents and performing notarial procedures according to the provisions in force.

A notary, in exercising their profession, is independent and subordinate only to the Law.

Article 2

Any Albanian citizen who has the following qualifications can engage in the notary profession:

- a) university legal training;
- b) one (1) year apprenticeship in a notary office and a certificate of qualification from the supervising notary;

Citizens who have worked as teachers of legal materials in the Faculty of Law as judges, lawyers, legal advisers to ex-judicial offices, or lawyers in central state institutions for a minimum of three (3) years are exempted from the one (1) year apprenticeship requirement.

c) passed the respective qualification examination.

ç) member of a district notaries chamber.

d) has not been incarcerated for more than one (1) year for intentional crimes and has shown good moral behavior.

dh) has received the relevant permission from the Minister of Justice and has been registered in the register of notary offices of the Ministry.

Citizens who have received permission to become notaries according to the regulations must begin the notary activity within six (6) months from the date the permission was given. Permission shall be repealed for individuals who exceed this period, but can be given again after the individual repeats the qualification examination.

Article 3

The Minister of Justice shall appoint a commission to prepare the notary professional qualification examination.

This commission shall allow people who satisfy points "a", "b", and "d" of the Article 2 of this Law take the exam.

Those choosing to retake the exam must first enter into another apprenticeship for no less than a six (6) month period.

The Minister of Justice shall determine the composition and rules of the commission, the procedures for taking the notary exam, and subjects of the exam. The Minister shall also establish rules for the periodical professional training of notaries.

A representative of the Council of the National Chamber of Notaries shall participate in this Commission.

Article 4

A notary is equivalent to a public employee and is protected by the laws governing public employment.

Article 5

A notary cannot be a judge, prosecutor, investigator, lawyer, an arbitrator, or engage in any other private or public activities, except for scientific and teaching activities.

Article 6

Notaries are nominated and may cease their function by decision of the Ministry of Justice and the opinion of the Council of the National Chamber of Notaries.

Notaries shall cease their functions by:

- a) resignation;
- b) certification that the notary does not satisfy Article 2 of this Law;
- c) incarceration for an intentional act contrary to the Penal Code certified by a formal court verdict;
- ç) demonstration of incompetence;
- d) inability due to illness;
- dh) serious or repeated violations of the professional rules.

Article 7

A notary can appeal the decision for refused nomination or dismissal within ten (10) days from the date of its notification to the district court with jurisdiction over the notaries.

Article 8

Notaries who violate the provisions that regulate their activities shall face the following disciplinary measures:

- a) warning;
- b) warning with a notification of possible dismissal;
- c) fine from 5,000 lekë to 50,000 lekë;
- ç) dismissal from notary employment for a period of five (5) years.

The disciplinary measures mentioned in points "a", "b" and "c" of this article will be determined by decision of the Chamber of Notaries of the District, while the dismissal from the notary employment will be determined by the Ministry of Justice.

Article 9

A notary may appeal decisions made by the District Chamber of Notaries according to the points "a", "b" and "c" of Article 8 and dismissals ordered by the Minister of Justice within ten (10) days from the date of its notification to the district court with jurisdiction over the notary.

Article 10

Disciplinary measures shall be taken within six (6) months from the date of awareness of the violation, but not later than three (3) years from the date of the violation.

Decisions regarding disciplinary measures shall be sent to the Ministry of Justice for the purpose of recording.

Article 11

Notaries shall take the following oath prior to employment:

"I take the oath that I will perform notary duties under the law and conscience, keep the professional secret, and in my attitude and behavior be guided by the principles of humanism and respect for the people". The oath will be taken in the presence of the Minister of Justice or a person authorized by the Minister of Justice.

Article 12

A notary shall not have more than one (1) notarial office.

Before recording the permission to exercise the notary profession, the Ministry of Justice should confirm that the notary has an office with enough space and adequate security according to the requirements of law.

Article 13

A notary has the right to have a bank account.

Article 14

The Ministry of Justice will exercise control over the legal activity of the notary.

The acts of the last will and testament, as long as the heir to the will is alive, are not subduced by the control of the Ministry of Justice.

Article 15

The Albanian language will be used for notarial activity. When the client does not know Albanian or when notarial acts are required to be formulated in a foreign language and the notary does not understand that language, a translator will be used.

Article 16

The Ministry of Justice will maintain the register of the notary offices. The notary office will exercise its activity according to the territorial administrative division of the Republic of

Albania. The territorial activity of the Chamber of Notaries may be changed by the simple decision of the Ministry of Justice and the National Council of Notaries.

Official acts and activities of a notary outside the notary's district are not invalid.

Article 17

Each notary will have his or her own seal with his or her name and surname, emblem and location of the notary office.

Article 18

Each notary is obligated to always fulfill their functions, especially for notarial activities that are urgent, and answer the requests of citizens throughout the area where the notary office extends its jurisdiction.

Article 19

Every notary office should have a list containing the identity of persons who, by the peremptory decision of court, have been deprived of the ability to act, are declared bankrupt, or are prevented from taking certain public duties. The court shall send to each District Chamber of Notaries these respective notifications.

Article 20

In the case of a notary death or dismissal the District Chamber of Notaries will take over and store the registers of deposited notarial acts under wax-seal, until a new notary is nominated or delegated or a temporary substitution is performed, whereupon the seal is immediately taken out of use and delivered to the Ministry of Justice.

Article 21

Excluding the control for professional activity foreseen in this Law, the notary office cannot be controlled without a court decision that is properly motivated and expresses the legitimate purpose and degree of this control.

CHAPTER II RIGHTS AND DUTIES OF NOTARY

Article 22

A notary's rights include the following:

- To prepare wills and projects for other legal procedures and documents, to give copies of documents to the parties, and to perform other notarial acts as foreseen by this Law.
- To give explanations for problems which involve performing of notarial procedures.
- To request data and documents from physical and legal persons, which are requisite to perform the notarial acts and procedures.

Article 23

A notary's duties include the following:

- To perform procedures for physical and legal persons with the goal of carrying out their rights and protecting their legal interests, to explain the rights and duties deriving from these interests to them, and to advise them of the consequences that will follow from the performance of the notarial procedures so as not to harm their interests because of non-awareness of the law.
- To perform notarial duties with impartiality according to the law and the notarial oath.
- To save data of activities which create professional secrets.

Data on the context of performed notarial acts can be given only to the persons for whom those procedures were done.

When penal prosecution has initiated against a notary concerning their job, or against a citizen who is subject to performed notarial acts, the court or attorney's office shall have access to notarial data, but only without harming the fundamental interests of the state or its citizens.

- To neither divulge the content of wills nor give copies or summaries of the wills before the death of the will bequeather, except for cases when the will bequeather or their representative request it by a special certificate.
- To refuse the performance of notarial procedures that are not allowed by the laws of the Republic of Albania or international conventions that are generally accepted or in which the Republic of Albania has participated.
- To counsel the parties present to the taxation office and pay the necessary fees when notarial procedures concerning transfer of ownership are performed.
- To take repeated training.
- To pay the fees annually assigned by the National Council of Notaries.

- To keep the notarial office open according to the rules approved for this purpose. When for justified reasons the notary is away for more than three (3) days, they shall appoint a deputy of the Chamber of Notaries in compliance with the Chief of the Chamber of Notaries.

Article 24

When a notary exercises their activities in opposition to this Law they will be responsible for any damage caused.

Article 25

A notary is obligated to make a security contract for their notarial activity by the criteria established in this Law.

CHAPTER III FINANCING THE NOTARIAL ACTIVITY

Article 26

Notaries will be paid a fee assigned by the Ministry of Justice, which takes into consideration the opinion of the Ministry of Finance and National Council of Notaries. The list of fees shall be displayed in each notarial office.

The Council of Ministers can liberalize these fees if necessary and reasonable.

Article 27

The source for financing notarial activities shall be the income of money that the notary will profit through performance of notarial acts and activities.

Income from the notarial activities after fees and other charges mentioned in the law shall pass to the notary.

Article 28

When a physical person is not able to afford the fees required to perform notarial procedures, these fees can be completely or partly exempted by the notary or by decision of the District Council Chamber of Notaries.

CHAPTER IV
ORGANIZING THE PROFESSIONAL NOTARIES REPRESENTATION

Article 29

Notaries will be organized at the district and country level through professional representation to the Chambers of Notaries, which are legal persons.

Article 30

The Chamber of Notaries in each district will consist of the notaries of one or several districts.

Article 31

The leading organs of the Chamber of Notaries will include the General Meeting of notaries and the Council of the Chamber of Notaries.

Article 32

The General Meeting of the Chamber of Notaries will be called according to the rules assigned to the status of the Chamber as well as by the request of the Minister of Justice.

Decisions of the General Meeting will be made by majority vote.

Voting will be done by secret ballot.

Article 33

Powers of the General Meeting of the Chamber of Notaries will be assigned in this Law and in the regulations. The purpose of the General Meeting is to:

- represent and protect the interests of notaries who act under its supervision;
- assist the normal functioning of notary offices;
- determine the necessity for the further training of notaries and follow the execution of social insurance for notaries;
- elect the council, head, and deputy head of the Chamber;
- elect the members of the National Chamber of Notaries by the standards of representation foreseen in the regulations;
- approve the Chamber budget and annual outputs;

- assign the fees that notaries will pay toward the account of the Chamber of Notaries.

Article 34

The Council will consist of 3 - 5 members when the Chamber consists of 1-20 notaries the Council will consist of 3-7 members when the Chamber consists of more than 20 notaries.

The head of the Council of the Chamber will represent the Council and govern all the activities of the Council.

The deputy head will represent the Council when the head is absent.

Article 35

The Council of Chamber of Notaries will have the following powers:

- 1) to give the opinion to nominate or dismiss a notary;
- 2) to care for the activity of notaries in cooperation with the Minister of Justice;
- 3) to organize the continued training of notaries and to supervise and control the practice period;
- 4) to administrate the property of the Chamber of Notaries;
- 5) to call the General Meeting and follows its decisions;
- 6) to keep the list of notaries of its jurisdiction;
- 7) to exercise other functions according to this Law and the regulations.

Article 36

The National Chamber of Notaries will consist of elected notaries to the General Meeting of the Chambers of Notaries in districts according to the standards of representation assigned to the model statutes.

Article 37

The National Chamber of Notaries will have the following powers:

- 1) to coordinate the activities of all the Chambers of Notaries in the Republic of Albania;

- 2) to represent and protect the interests of Chambers of Notaries to state and other agencies;
- 3) to provide for the protection of social and professional rights of notaries;
- 4) to provide further training for notaries and notary apprentices;
- 5) to design rules to be approved by the Ministry of Justice;
- 6) to represent the Albanian notary to international agencies;
- 7) to approve the model statutes of the Chamber of Notaries and its internal rules;
- 8) to create a solidarity fund to benefit notaries who do not secure the minimum of income;
- 9) to assign the fees that will be paid for the National Council to fulfill its activity.

Article 38

The highest organ of the National Chamber of Notaries is the General Meeting of the representatives of Chambers of Notaries in districts.

The National Chamber of Notaries will be headed by the President of the Chamber and its National Council is elected of the General Meeting. The National Council will be considered a legal person. The powers of the President and the National Council will be assigned in the statutes of the National Chamber approved by the General Meeting of the National Chamber and this law.

SECTION II ACTIVITY OF NOTARY OFFICES

CHAPTER I GENERAL PROVISIONS

Article 39

Notaries have the power to:

- a) edit notarial acts;
- b) notify with notarial or other non-court acts;
- c) legalize citizen signatures endorsed in acts;
- ç) design objections for transactions and certification of check non-payment;

- d) certify the date of the presentation of documents to the notary office;
- dh) certify the existence of a person and their stay at a certain place;
- e) accept documents from physical and legal persons at the notary office for preservation purposes;
- ë) give copies and summaries of acts deposited at the notarial office;
- f) certify that the copies or summaries of documents are the same as the originals presented by the interested person;
- g) make or certify translations from one language to another;
- gj) edit reports and make inventories describing requests of citizens and charges by the court;
- h) edit statements and documents requested by interested persons, and other acts and procedures which shall, according to this Law, be performed by a notary.

Article 40

Notarial acts prepared according to this Law will have the power of authentic acts.

When editing an act or performing a notarial procedure the notary will clarify to the parties the requirements of the laws that govern their case, and within these limitations the notary will preserve the interests of parties and the interests of third persons.

Article 41

A notary shall refuse the editing of any acts that are clearly in opposition to the requirements under this Law.

Notification of a refusal shall be made in an explained decision of the notary to the interested person within five (5) days from the date of the presentation of the request for editing the act.

Persons who have requested an editing of an act or who are directly interested in the editing can complain within five (5) days from the date a decision was notified to the district court in the territory where the notarial activity was exercised; the district court will in turn reach a decision regarding the matter within five (5) days from the date of the presentation of the complaint.

Article 42

The notary shall not perform notarial acts when:

- a) they are involved or have a personal interest in the matter; or
- b) their spouse, children, adopted children, other relatives as distant as the third cousins, or other persons under their protection have a personal interest.

CHAPTER II

EDITING ACTS

Article 43

The notarial act shall be edited clearly and in a way that does not produce misunderstanding or misinterpretations.

Article 44

The notarial acts will be edited in the Albanian language. When an interested party or parties do not know the Albanian language the notary shall ask for the assistance of a translator who is accepted by all parties and who will translate everything literally; all of this information shall be mentioned in the act; statements of persons who do not understand the translation shall also be noted in the act.

When one or more of the parties are blind, mute, or deaf the notary shall interact with the assistance of a person or expert who knows how to communicate with them. The act will be edited after the notary is assured that everything is clear and well understood, and when the act is explained to the parties in a point-by-point manner.

Article 45

Proof of the identity of each party involved in the notarial act will be established by passport or some other trustworthy document, except when the notary knows the participant. Notary shall also be assured as to the abilities of all parties to adequately act. If there is suspicion, the notary shall ask that the party in question take a medical certification. All of these will be mentioned expressly in the act.

Article 46

All parties and participants involved in the act, in the presence of the notary, will sign the acts with name and surname. If a party does not know how to write, the notary will authorize another person to sign, the identity of whom the notary is assured in the same way as for parties.

When the signature is placed with non-Albanian letters, the notary will certify the signature through a translator known and chosen by the notary. The notary will mention all these above-mentioned procedures in the act.

Article 47

Third persons personally interested in an act may not participate as translators, nor shall they certify or sign for a party.

Article 48

Notarial expenses will be split evenly among the parties, except when otherwise agreed.

Article 49

The notary in the presence of all parties will formulate the notarial act.

The notarial act shall include:

a) day, month and year of editing, type of act, and when necessary the time and minute of its start and completion;

b) place of its editing and the repertory number;

c) name and surname of the notary and the location of the notary office;

ç) name, surname, father's name, birthday, profession and residence of parties; denomination and location when it is a juridical person; name, father's name and surname of a representatives and every other person involved in the act; certification made by the notary regarding the identity, legal ability, and the mental capacity of the parties;

d) statements of parties and acts presented by them;

dh) clear description of objects referred to by an act including features and distinguishing marks; for stable objects, a detailed description of the location and accurate borders;

e) mention of serious circumstances and events which are certified during the editing of an act, at the desire of the parties;

ë) the fact that the notary has read and explained the act to the parties, statements that the parties understand and accept the act, the fact that signatures were placed in the presence of a notary, and if necessary the act should also include payments of money made in the presence of the notary;

f) signatures of the parties and all other persons involved in the act including the notary's signature and seal.

Article 50

The scratching and scribbling in of words and sentences in notarial acts will not be allowed. If there arises a need to scratch in words or sentences they shall be put in brackets, underlined, and in the succession it shall mentioned how many words or sentences are deleted. The parties and the notary shall sign next to the scratches but they will not have validity and will not be taken into consideration in the entirety of the act. When the act consists of several pages, they should be numbered and collated.

Article 51

Upon request of a party the notarial act will be formulated in multiple copies that will be delivered to the parties, one of which will be kept in the notary office. The original acts will be maintained in the archive of the notary office and may not be removed, except in the cases where it is requested by the court or attorney's office. In such situations a note will be put in the file where the act is taken from. After those offices are presented with what they need for the inquiry or judicial process, they are required to return it to the notary office.

CHAPTER III NOTARIAL ACTS AND PROCEDURES

Wills

Article 52

When a will is required to be made by notarial act the bequeather shall present to the notary who will make the appropriate act according to the rules established in this Law.

After the notary has noted the identity of the bequeather, date, correct time of making the act, and established that they are convinced of the juridical ability of bequeather to act, the notary shall make it known whether the will is in opposition to the law, but may not enter into an analysis of concrete concerns, e.g., the people assigned in the will as heirs, bequeather being as the owner of the property bequeathed, and other concerns of this nature.

Article 53

When a notary officially becomes aware of the death of person who has written a will, that notary shall make a report in which the death act is mentioned and then pass the will into the general register of notarial acts.

At the same time the notary will inform in writing the people who are involved in the will.

Article 54

Acts for transferring immovable property

The notary shall make acts for transferring or certifying the ownership or rights of immovable property, after verifying the ownership of the immovable property. For this purpose the party shall present documents of ownership issued by the relevant office to the notary; if the

immovable property has no evidence of registration, then the party shall present a court decision certifying ownership.

The notary shall make note of the verification in the act.

Certifying signatures

Article 55

Certification of signatures shall be done for private acts that do not contain contracts or other juridical procedures. Certification shall be done at the end of act, after the signatures, and the notary shall note that the parties personally participated and signed in the notary's presence or accepted that the signatures were theirs.

State organs may also do the certification of signatures in certain legal conditions.

Certified copies and summaries in accordance with the original

ARTICLE 56

The notary will certify copies or summaries of documents in accordance with the original after comparing them. The notary shall mention in the certificate that the person who presented the document, of which the copy is made or summary is extracted, whether they had been drawn from another original or copy, and shall also make note of any corrections, additions, erasures, or other specific indications.

Issuing copies or summaries of acts

ARTICLE 57

For notarial acts and other documents which will be stored at the notary office, by the request of the interested person, the notary shall issue copies and summaries and certify them by noting that the copies or summaries are the same as the original and then write down the date of issuance. Changes and additions made on the original in compliance with article 50 of this Law shall be reflected in the document that is being issued.

Certifying the date of document presentation

ARTICLE 58

The notary shall certify the date of presentation of one or several documents to the notary office by putting a note into the document for the person who has presented it and for the date of its presentation, and if required, the correct time of its representation.

Certifying the existence of a living person and the location of that persons stay

ARTICLE 59

The fact that a person is alive or is staying at a certain location shall be made by a notary when the person presents them self or when the notary goes to the place where the person is located and establishes verification of the persons identity; the notary shall also make a note of any incontestable facts and whether the notary is convinced of the fact of identity.

The correct date and time of the person's existence shall be mentioned in the certificate.

The storing of documents

Article 60

The storing of documents in a notary office shall be made by the request of interested persons or by special provisions. Storing of documents may also be done in closed and wax-sealed envelopes. In such cases the person shall place their own signature on the envelope.

Article 61

When accepting documents for storage the notary shall draft a report that includes the date of accepting the items, the complete identity of the person, and a complete description of the accepted document. The notary shall then issue a certificate that establishes the accepting of the document.

A document will be delivered to the rightful heirs of the document through the request of the person or their representatives,

The notary shall make a report when documents are returned.

Article 62

If Albanian or foreign currency is accepted by the notary for the purpose of giving it to persons that according to the law have a right to it, the notary will accept the currency by opening a special bank account. The notary will make a report that includes a description of the date of accepting the items, the entire identity of the person who delivers them, the date of receiving the funds, and the identity and location of the receiver.

The notary shall give a certificate when receiving the funds.

Notifications of non-court acts

Article 63

Any person can request that a notary communicate or deliver to another person a declaration or document which states the realization of legal effects.

The requester shall deliver the document or communication to the notary or make the declaration in the presence of the notary. In these later cases, the notary shall make the respective report after making the communication to the other person or party.

In all of these situations the notary will make a report and store it in their archive.

Communication may also be made by telegram, fax, or telephone under the rules as defined by the Minister of Justice.

Opposing checks and transactions

Article 64

Opposing checks and transactions shall be made according to the rules established in the respective law.

Making and certifying translations

Article 65

The notary may translate a document from a foreign language into the Albanian language, or if the notary does not know the foreign language, a translator known by the notary may translate. Translations will be written on the bottom of documents, or next to it, and will be signed by the notary or the translator. The notary shall certify the signature of the translator.

Making inventories

Article 66

A notary, by the request of citizens or when obligated by the law or court, will make inventories of property, descriptions of conditions of items, or other procedures of this nature. For all of these activities the notary shall make a report as required by this Law.

CHAPTER IV : INVALIDITY OF NOTARIAL ACTS AND PROCEDURES AND NOTARY OFFICE REGISTERS

Invalid notarial acts and procedures

Article 67

Legal acts and procedures will be invalid when:

- a) performance is under the power of another state organ;
- b) persons mentioned in article 42 of this Law have been involved in the notarial act or procedure;
- c) the notarial act benefits persons mentioned in article 42 of this Law.
- ç) the notarial act of certification of signatures is made outside the presence of parties or the parties representatives;
- d) the notary has not read the notarial act to the parties;
- dh) the identity of the parties, date, and place of drafting are not written in the notarial act;
- e) acts or other procedures are not signed by the parties, the notary, or the notary's official seal;
- ë) the notarial act is formulated without respecting the rules as defined in articles 43 through 46 of this Law.

Article 68

Declarations of the invalidity of notarial acts or procedures can be requested by persons who have taken part in its formulation, or by any person who will receive rights and obligations from them.

Requests will be examined by the district court in which territory the notary office that has performed those notarial acts or procedures exercises its activities.

Article 69

When a decision of the court declares a notarial act invalid, the respective notary office will be ordered to make the needed corrections into the originals of the act, which will be stored in their office.

Notarial registers

Article 70

Every notarial office will be obliged to keep:

- a) general register where all the notarial acts and procedures are registered;
- b) register of wills;
- c) register for depositing money or other values.

A judge, by decision of the head of the district court, shall number the sheets of above-mentioned registers, place the relevant notes from the beginning to the end of them, and sign and seal them with the court seal.

The registers will be associated with an alphabetical index of participants involved in the notarial act or procedure.

Article 71

The Minister of Justice shall issue special instructions for evidencing and storing notarial acts and documents, as well as for organizing, functioning, and preserving the notarial archives.

CHAPTER V

LAST PROVISIONS

Article 72

Chapter XVII, Articles 220 to 225 of the Civil Code of the Republic of Albania, approved under the Law No.6341, dated July 27, 1981, and any other provision which contradicts this Law, are abrogated.

Article 73

This law will come into effect 15 days after its publication to the Fletorja Zyrtare and it will be a retroactive law as concerns the examination of training mentioned in the point "c" of Article 2.

LAW no. 7832, dated June 16, 1994
FOR THE PRICE OF THE SITE BEING COMPENSATED

- Amended through Decree 1351, dated 1996 -

Based on Article 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1

The purpose of this Law is to establish the criteria for determining site prices for compensating former site owners.

Article 2

For purposes of this Law, sites being compensated shall be divided into:

- a) sites inside the delimitation of residential centers; and
- b) sites within the tourist zones.

CHAPTER II
CRITERIA FOR DETERMINING PRICES

A. Sites inside the delimitation of residential centers.

Article 3

The price for compensation of a site inside the delimitation of residential centers, shall be determined based on the following criteria:

- a) the population of the residential center;
- b) the location of the site according to the zone category;
- c) the structural adaptability of the site.

Article 4

The base price for the compensation of sites inside the delimitation of Tirana is 800 Lekë per square meter.

The base price for residential centers with a population of over 20,000 residents is 480 Lekë per square meter.

The base price for residential centers with a population under 20,000 residents is 320 Lekë per square meter.

Article 5

Urban zones in municipalities shall be classified as category A, B, or C in accordance with their respective development. The Regulation Council shall approve these lists.

The City of Tirana shall be divided into three zones classified as category A, B, or C; the site prices will be 1600 Lekë per square meter for category A, 1200 Lekë per square meter for category B and 800 Lekë per square meter for category C.

Residential centers with populations over 20,000 shall be divided into zones classified as category A or B; the site price will be 720 Lekë per square meter for category A, and 480 Lekë per square meter for category B.

Residential centers with population under 20,000 are not divided into zones, thus all site prices will be 320 Lekë per square meter. If residential centers are near national roads, airports, ports, etc., the site price will be 480 Lekë per square meter. The Albanian Territory Regulation Council via proposal from a district territory regulation council shall make these determinations

Article 6

Based on geological and geo-technical studies, urbanistic offices in municipalities shall identify certain sites where it is necessary to use large investments for the upkeep of their structures. The territory regulation council of the district approves the list of those sites.

In cases where there are no geological or geo-technical studies, the urbanistic office shall assign a group of three (3) specialists for the verification of site characteristics and the compilation of lists.

In cases of maintenance of unsound structures, the value of the site per square meter shall be multiplied by the coefficient 0.5.

B. Sites in tourist zones.

Article 7

Compensation prices for sites within tourist zone are determined based on the following criteria:

- a) the type of tourism;
- b) the structural adaptability of the site;
- c) the distance from lakes and main communication roads within Albania.

Article 8

Through Tourism Development Committee proposals and with approval of the District Territory Regulation Council, the Albanian Territory Regulation Council shall classify tourist zones into three categories, based on tourism development strategies:

- a) Zones of tourism development at the luxury level;
- b) Zones of tourism development at the high level;
- c) Zones of tourism development at the middle level.

Article 9

The base price for a site located within a tourism development zone at the luxury level is 3200 Lekë per square meter.

For a site that is located within a tourist zone at the high level, the base price shall be multiplied by the coefficient 0.5.

For a site that is located within a tourist zone at the middle level, the base price shall be multiplied by the coefficient 0.25.

Article 10

The urbanistic offices in municipalities and districts shall divide the residential centers within tourist zones into two territories; the center that is labeled “A”; and periphery labeled “B”. When the residential centers are near water, the division at zone A and B will be defined based on the distance from the water. The district territory regulation council shall approve these divisions.

The base price for sites designated zone “A” will be valued according to Article 9.

The base price for sites designated zone “B” will be multiplied by the coefficient 0.75.

Article 11

The engineering adaptability of a site for maintaining structures shall be determined based on Article 6 of this Law.

CHAPTER III

THE LAST PROVISIONS

Article 12

Property compensation commissions in municipalities and districts shall determine the value of sites that are to be compensated according to the provisions of this Law. The commissions shall notify interested physical or juridical person of their decisions in writing.

Article 13

Commission decisions can be appealed to a respective district court within thirty days from the date of notification.

Article 14

All provisions contrary to this Law are hereby repealed.

Article 15

This Law comes into force fifteen (15) days after publication.

LAW no. 7836, dated June 22, 1994

**ON PRICE OF AGRICULTURAL LAND FOR COMPENSATION
PURPOSES**

- Updated through Law 7982, dated 1995 -

On the Basis of Article 16 of Law no. 7941, dated April 24, 1991 "On Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

This law defines the value of agricultural land to compensate in value the physical and juridical persons that benefit from the Law no. 7699, dated April 4, 1993, for their former properties.

CHAPTER II

THE COMPENSATION VALUE OF AGRICULTURAL LAND

Article 2

The compensation value that will be given for one hectare of land, regardless of the class under which the land is registered in the cadaster, will be calculated based on the average classification of land within the boundaries of a commune, a village, or a city.

The Council of Ministers has authority to define standards for establishing an average classification of land for each commune, village, or city.

Article 3

The compensation value of agricultural land, based on Article 2, is as follows:

<u>Categories</u>	<u>Value of each hectare in 000/Lekë</u>		
	<u>Up to 15 ha</u>	<u>15-100 ha</u>	<u>100-1100 ha</u>
Category I	280	310	360
Category II	244	274	324
Category III	210	240	290
Category IV	171	201	251
Category V	135	165	215
Category VI	107	137	187
Category VII	62	92	142
Through X	62	92	142

ARTICLE 4

Assessment for olive trees is done for each tree.

For compensation purposes, each olive tree shall be valued at 3,000 Lekë.

The surface occupied by each olive tree, that is calculated with a land surface of 60 square meters, and has remained in the cadaster as olive tree, is estimated as agricultural land.

Article 5

For valuation and compensation purposes, the conversion of trees into land surface is done according to the respective table that is attached to this law.

CHAPTER III

PRESENTATION OF CLAIMS FOR THE COMPENSATION OF THE VALUE OF AGRICULTURAL LAND

Article 6

The State Committee for Restitution and Compensation of Properties is charged with the duty of implementing this law. The Committee shall begin the activity of defining the competent structures no later than one month from the date this law comes into force. The Council of Ministers is charged with the duty of defining the competencies of the Committee.

Article 7

Former owners or their heirs must submit the necessary documentation of ownership to the Commission for Restitution and Compensation of Former Property Owners.

Article 8

The Cadastral Office in a district, after marking the property of former owners on the topographic map of a commune, village, or city has authority to issue a certificate to each concerned person. The Cadastral Office shall prepare and make public a list of persons who claim to have property in a commune, village, or city, when the necessary documentation that certifies ownership of the property by the claimants does not exist. The Cadastral Office may agree to mark on the topographic map the claim of a concerned person based on an official document issued by the village dignitary, and approved and legalized by the council of the commune. The Cadastral Office may issue a refusal certificate when the claim is made for property that belongs to another former owner. The Commission will rule in favor of the former owner who has certified their ownership through cadastral or mortgage documentation, and will reject the claim of a former owner who has certified the ownership through some other form of factual corroboration. In these situations concerned persons may file a claim against the Cadastral Office regarding recognition of ownership. The ownership will be certified with a court decision in the presence of both parties, when the concerned persons possess written proof or some portion of proof in writing.

Article 9

Article 9 is repealed by Law no. 7982 "Some Changes and Additions to Law no. 7836".

Article 10

For the persons who have been given land but have refused to receive it, according to Law no. 7501, dated 19 July, 1991 "On land", as changed by Law no. 7715, dated June 2, 1993, the surface of this land shall be deducted from the total surface of land for compensation purposes.

Article 11

The relevant compensation commission dealing with agricultural land shall examine claims submitted by former owners and, on the basis of the documentation submitted, make their decision.

Interested physical and juridical person shall be notified in writing regarding the decision of the commission.

Article 12

Former owners of agricultural land, whose ownership is recognized by the competent organs, shall present themselves to the treasury branch of the district to receive their respective compensations.

CHAPTER IV

Final Provisions

Article 13

Decisions of the commission can be appealed to the court of the respective district, within 30 days from the date of notification of the decision.

Article 14

This Law comes into force 15 days after publication in the Official Gazette.

Law no. 7843 dated July 13, 1994

ON THE REGISTRATION OF IMMOVABLE PROPERTY

- Updated through Law 8090, dated 1996 -

On the basis of Article 16 of Law No. 7491, dated April 29, 1991, on the main dispositions of the Constitution, "on proposal of the Council of Ministers",

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

PART I: PRELIMINARY

Article 1. Definitions

In this Act the following definitions shall apply:

"Chief Registrar" means a person appointed who assures that the Registrars of the immovable property registries throughout the country manage their Registries in accordance with the law;

"court" means the place which resolves disputes concerning immovable property;

"immovable property" means land, water sources, buildings as well as other immovable objects defined in relevant legal acts;

"immovable property registration zone" means a local subdivision or geographic area designated by the Council of Ministers in collaboration with the Chief Registrar for purposes of registration of immovable property under this or any other law;

"instrument" includes any ownership document, court judgment, legal state agency document or other document requiring or capable of registration under this Act;

"proprietor" means the person whose name is registered under this Act as the owner of immovable property;

"the register" means the page of the volume of the Register Book which is kept for each immovable property;

"to register" means to make an entry, note or record in the register kept under the provisions of this Act;

"Register Book" means the set of all registers for immovable properties in a specific immovable property registration area;

"Registrar" means the person responsible for the Immovable Property Registry of a defined administrative sector;

"Registry" means the immovable property registry office established under this Act;

"Registry Index Map" means the map or series of maps referred to in Part III of this Act;

"restriction" means an order of the Registrar to restrict the registration and/or dealing of a particular immovable property;

"restrictive agreement" means a documented restriction on the use of immovable property;

"survey" means the determination of the boundaries of an immovable property;

"survey plan" means the document that shows the boundaries of an immovable property which is owned, leased or held in use.

PART II :
ORGANIZATION OF THE IMMOVABLE PROPERTY REGISTRATION SYSTEM

Article 2
Immovable Property Registries

There shall be established and maintained in each administrative center of the Immovable Property Registration zone defined under the authority of the Council of Ministers, an Immovable Property Registry, which is a juridical person, in which there shall be kept:

- a) Immovable Property Registers, in accordance with the provisions of Part II of this Act;
- b) a Registry Index Map of the administrative zone, in accordance with the provisions of Part III of this Act;

- c) all contracts of transfer, court judgments, mortgages, inheritances, and other legal documents which affect rights to immovable property as well as survey plans of immovable properties, indices of these records and other records necessary for the operation of an immovable property registry;
- d) all the information which is not prohibited by law, such as that of the kartela, registration indexes maps and submitted documents for registration are made available to any person who requests them.

Article 3 **Chief Registrar**

The Chief Registrar and his deputies who are nominated by the Council of Ministers direct the registration of the immovable properties throughout territory of the Albanian Republic. The authorities of the Chief-Registrar are equal to the authorities of the members of the Council of Ministry.

In the absence of the Chief Registrar, for whatever reason, of the Chief Registrar may designate a Deputy Registrar to exercise any of the powers vested in the Chief Registrar by this Act.

The Chief Registrar of Immovable Properties of the Republic of Albania organizes and directs the Central Office of Immovable Property Registration and up to the full functioning of the registration system it depends on the Council of Ministers.

The Central Office of Immovable Property Registration is a juridical person, it has its seal and it is located in Tirana.

Article 4 **The Registrar**

The Chief Registrar nominates the Registrar, the Assistant Registrar and approves the organizational structure of registration offices to administer the registration system, according to the provisions of this law, in a registration zone of immovable properties.

The Registrar for each immovable property registration area shall be responsible to the Chief Registrar for the maintenance of records and all other aspects of the administration of his/her registry.

Article 5

POWERS OF THE REGISTRAR

The Registrar may exercise the following powers in addition to any other powers conferred on him/her by this Act:

- a) issue certificates of ownership or lease or of any other interest recorded on a Register of immovable property to a person who makes such a request and is entitled to such a certificate;
- b) require any person to produce any ownership, lease, in use or mortgage document and any other document and survey plan relating to the immovable property, and that person shall be obligated to produce it;
- c) summon any person to appear before him/her or a person delegated by him/her and give any information or explanation respecting immovable property, a contract of lease or a mortgage; present ownership documents, certificate or other document or survey plan relating to the immovable property, contract of lease or mortgage in question, and that person shall appear and give the requested information or explanation;
- d) suspend registration if not having complete or delivered any instrument, certificate or other document, survey plan, information or explanation required to be produced or given is withheld or any act required to be performed under this Act is not performed;
- dh) administer and verify the above information;
- e) By the authorization of the Chief Registrar, the Registrar has the right to fine any person who submits incorrect information, in order to pay off the registration office for the expenses it had in the process of correcting this incorrect information.

Article 6

SEAL OF THE REGISTRY

There shall be a seal for the Registry. Every document issued by this office should contain its seal.

Article 7

LIABILITY OF REGISTRY OFFICERS

The Chief Registrar and any Registrar shall not, nor shall any other officer of the Registry, be liable to any documented action in respect of any act or matter done or omitted to be done in good faith in the exercise of the powers and duties under this Act, or any regulations made under it. Such officers shall be subject to the prescribed penalties for violations of law.

Article 8

THE IMMOVABLE PROPERTY REGISTER

Each volume of the Register Book in the immovable property registry shall include a register for each publicly owned immovable property and a register for each privately owned immovable property.

Article 9

Effect of Registration

Once an immovable property has valid registration, every subsequent transaction involving rights to it shall be registered in conformity with the provisions of this act.

The registration of an immovable property gives a person as individual, co-owner, or as representative of a family the right to enjoy the immovable property in conformity with the law.

Every proprietor acquiring any immovable property, contract of lease or mortgage shall be deemed to have had notice of every entry in the Registry relating to the immovable property, contract of lease or mortgage.

Article 10

Priority of Registration

Registration priority is defined according to the order in which the instruments that led to their registration are properly presented to the Registrar, irrespective of the dates of execution of the instruments and notwithstanding that the actual entry in the register may be delayed.

Article 11

Required Registration

Any contract or other document affecting rights to immovable properties shall be presented for registration no later than thirty days from the time the instrument or other document is executed.

Article 12
Delay in Registration

Where an instrument is presented more than thirty days after the date of the execution of the instrument, then, in addition to the registration fee, an additional fee equal to ten per cent of the registration fee shall be payable for each day which has elapsed since such date.

Every juridical and physical person, whose rights over immovable properties are affected by the instrument, will pay this fee.

Article 13
Power to Compel Registration

If the Registrar is satisfied that any person has intentionally failed to register any instrument which is registered under this Act, the Registrar may by notice in writing order such person to present such instrument for registration, and thereupon the registration fee and any additional fee payable shall become due and shall be payable by such person whether the instrument is presented for registration or not.

Article 14
Stay of Registration.

A person proposing to deal with registered immovable property, with the consent in writing of the proprietor, may apply to the Registrar for the suspension of any other transactions or actions concerning this property. If this application for suspension is approved, the registration of any instrument affecting the immovable property shall be stayed for a period (hereinafter referred to as the suspension period) of fifteen days from the time at which the Registrar approved application for the suspension, and a note shall be made in the kartela accordingly.

If within the suspension period the person who has requested the suspension presents a properly executed instrument for registration, such instrument shall have priority over any other instrument that may be presented for registration during the suspension period.

Article 15
Registration of Co-Proprietors of Immovable Properties

Every instrument that certifies the ownership of two or more persons, and its registration in the Registry must show the identity and where possible the appropriate share of each co-proprietor.

PART III
MAPS, PARCELS AND BOUNDARIES

Article 16
Registry Index Map

The Registrar shall be responsible for and maintain a map or series of maps, to be called the Registry Index Map for the immovable property registration area covered by that Registry.

The Registry Index Map shall show the boundaries and geographical locations of immovable properties as well as other features.

The immovable properties have a unique identification number, the same number being used to identify the immovable properties on their registers and on the Registry Index Map.

A survey plan may be filed of a particular immovable property to augment the information available from the registry index map, and the filing of the survey plan shall be noted in the register.

Article 17

CORRECTION OF THE REGISTRY INDEX MAP AND NEW EDITIONS

The Registrar may cause to be made a survey of any immovable property for the purposes of this Act and, after informing every person affected thereby, may cause the Registry Index Map to be corrected as a result of the mentioned survey.

The Registrar may correct any error in the Registry Index Map that does not affect the interest of any person.

The Registrar, may at any time, direct the preparation of a new Registry Index Map or any part thereof, and there may be omitted from the Map any matter which the Registrar considers obsolete.

Article 18
Boundaries

The Registry Index Map indicates the approximate boundaries, areas and location of the immovable properties.

When the parties to a dispute concerning a boundary or boundaries agree to resolve the dispute, the Registrar shall record the agreement on the Registry Index Map and on the affected registers, and shall file the agreement signed by the parties to the dispute.

Where any uncertainty or dispute arises as to the position of any boundary, and the parties to the dispute cannot agree concerning such boundary, the Registrar shall instruct them to present the dispute to the competent court within fifteen (15) days, and shall make a notation on

the Register. If there is no petition to the court within the specified time, the Registrar shall make the appropriate notation.

ARTICLE 19

Maintenance of Boundary Features

Every proprietor of immovable property shall maintain in good order any features that demarcate the proprietor's boundaries.

The Registrar may in writing order the demarcation within a specified time of any boundary in such manner as he/she may direct.

The Registrar decides which of adjoining proprietors shall be responsible for the care and maintenance of any feature demarcating a common boundary, and the person so identified will have the responsibility.

Within 30 days the proprietors have the right to appeal in court against the order of the Registrar. If within this period of time there is no exercise of this right, the order is considered as accepted.

ARTICLE 20

Interference with Boundary Features

Any person convicted of illegally modifying or damaging any boundary whether or not any penalty is imposed upon him/her, shall be liable to pay the cost of restoring the boundary feature, and such cost shall be considered as a civil debt by any person responsible for the maintenance of the feature.

ARTICLE 21

Combinations and Subdivisions

Where contiguous immovable properties are owned by the same proprietor and are subject in all respects to the same rights and obligations, the Registrar, on application by the proprietor, may combine those properties by closing the registers relating to them and opening a new register or registers and revising the Registry Index Map in respect of the immovable property or properties resulting from the combination.

Upon the written application of the proprietor or successors for the division of an immovable property into two or more immovable properties, the Registrar shall effect the division by closing the register relating to the subdivided immovable property and opening new registers and revising the Registry Index Map in respect of the new immovable properties resulting from the division, and recording in the new registers all existing entries appearing in the closed register.

The Registrar, on the application of the proprietors of contiguous immovable properties who are desirous of changing the boundaries of their properties, and with the consent in writing of all other persons in whose name any right in such properties is registered, may cancel the registers relating to such properties and update the registers and Registry Index Map in accordance with the revised layout;

In case that the Registrar determines that the proposed reparation involves substantial changes of ownership which should be effected by transfers, the Registrar may in his/her discretion refuse to effect such reparation.

The Registrar must not allow any transfer that deletes legal rights.

Where a proprietor wishes to subdivide his/her immovable property, the Registrar shall require the proprietor to submit a survey plan of the proposed subdivisions prepared by a licensed surveyor and certified by the appropriate authority as conforming with the requirements of law.

ARTICLE 22

Transfers of Part of the Immovable Property

No part of the immovable property included in a register shall be transferred unless the proprietor has first subdivided the immovable property, in accordance with the law, and new registers have been opened in respect of each subdivided portion of the immovable property.

PART IV:

FIRST REGISTRATION OF AN IMMOVABLE PROPERTY

Article 23

First Registration

The first registration of any immovable property shall require the preparation of a Register in accordance with the provisions of this Act, and in accordance with the provisions of any other Act that define ownership or agreements or obligations which exist for the immovable property.

ARTICLE 24

Manner of First Registration

The Registrar, a person or any group designated by the Chief Registrar shall require that the ownership and boundaries of each property to be registered shall be documented, using the following criteria:

- a) Ownership and boundaries of immovable properties shall be considered as properly defined by a title issued under law 7501 of 19.7.1991, contracts of sale under law 7652 of 23.12.1992, decisions of the Commissions of Restitution under law 7698 of 15.4.1993, other laws, other official instruments which confer private ownership, and Court decisions legally approved or issued after 19 July, 1991.
- b) For those individuals, families and legal persons, private or state, who possess the property in conformity with law and do not hold any ownership document under Paragraph a, are obliged to present to the Registrar an application for registration of ownership. This application shall contain a notarized, personal declaration of ownership, a survey plan of the immovable property, and notarized declarations from neighbors and other persons as to the correctness of the boundaries and as certified copies of different documents which support the application for registration.
- c) Provisional registration shall be prepared from the information produced from a) and b).

Article 25

Public Notice

A public display of the provisional registration shall take place for 90 days in a prominent and relevant place for public examination within the geographic zone where the properties are located.

Notice shall also be provided for that 90-day period in a public manner designed to notify individuals who might make a claim to the immovable properties in question.

During that display period all errors or claims shall be made known to the Registrar in writing. No claim presented after that 90-day period will be accepted.

Article 26
Legalization of First Registration

Under the first paragraph of Article 25, following the public display period, all immovable properties for which there are no pending claims of error shall be given valid registration and from this moment certificates of ownership and other certificates which may be requested regarding the content of the registers and the index maps, may be issued by the Registrar.

Article 27
Resolution of Conflicting Claims in First Registration

The Registrar shall consult with the parties making claims about the information contained in the Registers or in the Registry Index Map to clarify and correct any errors and resolve any disputes. Such corrections and resolutions shall be made in a notarized document. Any disputes already resolved by any legally constituted commission or court precludes any further action by the Registrar.

Any disputes that cannot be resolved in this way with the agreement of the parties involved shall be referred to the competent Court, and a notation placed on the relevant Registers concerning the existence of the disputes and the Court to which the disputes have been referred.

PART V
CERTIFICATES AND SEARCHES

Article 28
Certificates of Ownership and Lease

The Registrar shall, if requested by a proprietor of immovable property or a lessee where no certificate of ownership or certificate of lease has been issued, issue to the proprietor a certificate of ownership or a certificate of lease in the prescribed form showing all information in the register affecting that immovable property or contract of lease.

For any immovable property registered in the appropriate Kartela for ownership, mortgaging or for different contracts that are carried out on this property, only one certificate shall be issued.

A certificate of ownership, lease or mortgage shall be only prima facie evidence of the matters shown therein, while ownership, lease or mortgage shall be subject to all entries in the register whether they are shown on the certificate or not.

The date of issue of a certificate of ownership, lease, or mortgage shall be noted in the register.

Article 29
Lost or Destroyed Certificates

If a certificate issued to a person under Article 28, he/she may apply to the Registrar in the Registry where the immovable property is located for the issuance of a new certificate, and shall produce evidence to satisfy the Registrar of the loss or destruction of the previous certificate.

If the Registrar is satisfied with the evidence as to the loss or destruction of the certificate, and after the publication of such notice as the Registrar may think fit, the Registrar may issue a new certificate.

When a lost certificate is found, it shall be delivered to the Registrar for cancellation.

Article 30 **Inspections and Copies**

Any person can examine and consult any register and can request a certified copy of it, a part of the Registry Index Map, any filed instrument or survey plan deposited in the Registry, by presenting a written request by paying the appropriate fees.

Article 31 **Evidence**

A copy certified by the Registrar of the Register or part of the Registry Index Map or any survey plan or instrument filed in the registry shall be acceptable with the same value as the original in all actions and questions regarding it and for all persons or parties until the contrary is proved.

Article 31a

The contract of selling of an immovable property is registered in the relevant Article of the immovable property kartela.

PART VI
The registration of the contracts of buying and selling, leasing,
mortgaging, and of acts of taking the land "in ownership" and "in use"
and of other interests in immovable properties

Article 32
Registration of Contracts of Sale and Lease

A contract for the sale of an immovable property shall be registered in the appropriate Article of the relevant Register.

A contract of lease for an immovable property for a period less than one year need not be registered. Any other contract of lease for an immovable property must be registered by noting it in the proper Article of the Register of the lessor's immovable property.

If a contract of lease is for a part of a state owned immovable property and has duration of one (1) year or longer, a separate Register shall be created for each part of the immovable property and a notation made on the Registry Index Map.

Article 33
Registration of Mortgages

The mortgage shall be completed by its registration in the appropriate Article of the register of the immovable property, or part of it, which is used as security for the mortgage and the registration of the person in whose favor it is created as its proprietor and by filing the instrument.

Article 34
Registration of Legal Mortgages

The Registrar shall enter legal mortgages which result from sale contracts in the appropriate Article of the Register of the affected immovable property that the seller owned.

Article 35
Satisfaction of a Mortgage

The Registrar, based on a written request prepared in the appropriate form required by law shall order that the mortgage be cancelled from the register of immovable property when the necessary acts required by relevant law or regulations to satisfy the mortgage are performed. Any request for cancellation of a mortgage must be accompanied by the document that justifies the cancellation and is signed by the Registrar.

Article 36
Registration of In Use Titles

A separate register shall be created and a notation made on the Registry Index Map for any "in use" title pertaining to state owned immovable property. The holder of the in use title shall be noted in the appropriate Article of the register and the state shall be noted as the Proprietor.

Article 37
The Registration of Immovable Property
Acquired by Prescription

Registration of immovable property acquired by prescription is accomplished by presenting to the Registrar a copy of the decision of the court that has declared that ownership has been achieved through prescription.

The Registrar, shall, in accordance with the decision of the court, register the immovable property in the name of the person who has acquired ownership by prescription.

ARTICLE 38
The Registration of Transfer of Ownership by Law, by Judgment of the Court, or by
Administrative Acts

Where the State or any physical or legal person has become entitled to the right of ownership of any immovable property, has contracted a lease or has acquired a mortgage based on a law, court decisions or any administrative agency, the Registrar shall, on the application of any interested person supported by such evidence as the Registrar may require, register the State, physical or legal person as the proprietor.

Article 39
The Registration of a Partition of Co-Owned Immovable Property

If all the co-proprietors agree through a notarial act, partition of immovable property owned by them may be made.

An application for the partition of co-owned immovable property may be made in the prescribed form to the Registrar by:

- a) any one or more of the proprietors; or
- b) any person in whose favor an order has been made for the sale of an undivided share in the immovable property in execution of a court decision.

Partition shall be completed according to the procedure set out in Article 21.

Article 40

Registration of Powers of Attorney

Upon the application of the person giving the power of attorney to another person, or the holder of the power of attorney, such power of attorney shall be entered in the ownership Article of the Register of the immovable property in question, and the original shall be stored in the archive.

ARTICLE 41

Registration of Instruments Completed Abroad

All relevant instruments prepared abroad, when presented for registration, shall be translated and legalized according to law.

PART VII

SERVITUDES, RESTRICTIVE AGREEMENTS, AND AGREEMENTS

Article 42

Registration of Servitudes

The proprietor of an immovable property may record a servitude through the presentation to the Registrar of the act of the creation of the servitude in the form required by law, which specifies:

- a) the nature of the servitude, the period for which it is granted and any conditions or restrictions intended to affect its enjoyment; and
- b) the immovable property or part of it affected by the servitude.

The instrument in legal form that applies for servitude shall be filed and shall include a survey plan sufficient to describe the location and extent of such servitude.

The registration of the servitude shall be completed by its notation in the appropriate Article of the register of the immovable property affected.

Article 43

Registration of Restrictive Agreements

Where an instrument contains a Restrictive Agreement and is presented to the Registrar, the Registrar shall note the restrictive agreement in the appropriate Article of the register of the immovable property burdened by the restrictive agreement, either by entering particulars of the agreement or by referring to the instrument containing the agreement, and shall file the instrument.

Article 44

Registration of Restrictions

For the prevention of any fraud or improper dealing, the Registrar may order that a restriction be recorded in the appropriate Article of an affected immovable property. This order may be given either with or without the application of any person interested in the immovable property, contract of lease or mortgage after directing inquiries to be made and notices to be served and hearing of such persons as the Registrar thinks fit. That restriction shall prohibit or restrict transactions involving the immovable property.

A restriction may last:

- a) for a particular period; or
- b) until the occurrence of a particular event; or
- c) until the making of a further order.

The Registrar shall order a restriction to be entered on the Register in any case where it appears to the Registrar that the power of the proprietor to deal with the immovable property, contract of lease or mortgage is restricted.

Article 45 Notice and Effect of Restrictions

Upon the entry of a restriction, the Registrar shall give notice in writing to the proprietor affected thereby.

So long as any restriction remains registered, no instrument that is inconsistent with it shall be registered except by court decision or by the order of the Registrar.

Article 46 Removal and Variation of Restrictions

Upon application by any interested person based on a notarized instrument certifies that there is no reason for the restriction being placed on the immovable property, the Registrar may order the removal or variation of a restriction.

The owner affected by the restriction has the right of appeal to a court, which will decide the case.

Article 47 Release and Modification of Servitudes, and Restrictive Agreements

Upon presentation of a request and appropriate documents by the person in whose favor the servitude has been granted, or upon the presentation of a request by the parties to the restrictive agreement in the prescribed form, the appropriate registration is done.

PART VIII RECTIFICATION AND COMPENSATION

Article 48 Rectification by the Registrar

The Registrar may rectify the register or any instrument presented for registration in the following cases:

- a) in the case of errors or omissions not materially affecting the interest of any proprietor;
- b) where any person has presented a certified copy of the court decision which proves that he/she has acquired ownership by prescription;
- c) in any case and at any time with the consent of all persons interested; or
- d) where, upon resurvey, a dimension or area shown in the register or on the registry index map is found to be incorrect, but in such case the Registrar shall first give notice to all persons appearing on the register who are interested or affected by the Registrar's intention so to rectify.

Upon proof of the change of the name or address of any proprietor, the Registrar shall, on the written application of the proprietor make an entry in the register to record the change.

The Chief Registrar, if so requested, may review the decision of the Registrar concerning the rectification of the register.

ARTICLE 49 **Procedure for Requesting Compensation**

Upon the request of any interested party, the Registrar shall make a rapid decision as to whether any right to compensation should be awarded for damages caused, which resulted from incorrect information. Upon approval by the Chief Registrar, the awarded compensation for the damages caused will be defined.

Article 50 **Amount of Compensation**

When compensation is awarded in respect of any loss relating to any interest in immovable property, it shall be calculated in accordance with the Regulations to this Act.

PART IX
DECISIONS OF REGISTRARS AND APPEALS

Article 51
Power of Registrar to Make a Statement

For any claim or dispute presented to the Chief Registrar concerning the exercise of the duties of any Registrar, the Chief Registrar is required, before making a decision, to request in writing the statement of the Registrar.

Article 52
Appeals

Any person aggrieved by a decision, direction, order, determination or award of the Registrar, which has been reviewed by the Chief Registrar, may, within thirty days of the rendering of the final decision, direction, order, determination or award by the Chief Registrar, give notice to the Registrar in the prescribed form of the intention to appeal to the appropriate court against the decision, direction, order, determination or award.

On receipt of a notice of appeal, the Registrar shall prepare and send to the appropriate court, with an information copy to the Chief Registrar and to the appellant, and to any other person appearing to the Registrar from a review of the register to be affected by the appeal, a brief statement of the question in issue.

Where an aggrieved party requires the Registrar to make a statement for the opinion of the court, such party shall deposit with the Registrar such sum as the Registrar shall consider sufficient to meet the costs of the document compilation.

Article 53
Effect of Appeal

A note that an appeal to the Chief Registrar or to the court is pending shall be made in the register affected by the appeal and any disposition shall be subject to such notice.

PART X
FEES AND OFFENSES

Article 54
Fees

Fees shall be payable in respect of certificates for immovable properties, certificates of leases, certified copies, searches, survey plans, printed forms and all other matters connected with registration.

The Registrar shall refuse registration until the fees are paid.

At the end of each financial year, the income in excess of the budget of the Registration Office goes to the central office budget.

Article 55 **Offenses**

Any declaration or action that is contradictory with Articles 11, 19, 24, 44, or 45 is an offense. When the offense does not constitute a penal act, the Registrar shall apply a fine from 5,000 Lekë to 50,000 Lekë. An appeal against the decision of the Registrar must be presented within 5 days from the day of the notification of the fine in the court of the district where the offense occurred.

The review of the administrative offenses and administrative decisions are made under the "Law of Administrative Offenses".

PART XI **MISCELLANEOUS**

Article 56 **Rules**

The Council of Ministers shall issue legal rules for the application of the provisions of this law.

ARTICLE 57 **Beginning Operation of a Registry**

The date for entering into operation of any Registry under this law is defined by a decision of the Council of Ministers. Upon beginning to function of a Registry, all existing instruments and documents under Article 24 from all appropriate agencies from before the approval of this law shall pass to the administration of the Registry.

Article 58

All dispositions that are contrary to this Law are repealed.

Article 59

This law enters into effect fifteen days after its publishing in the Fletoren Zyrtare.

LAW No. 7917, dated April 13, 1995

PASTURE AND GRAZING LAND

- Updated through Decree 1359, dated 1996 -

Based on Article 16 of Law No. 7491, dated April 29, 1991, "On the Main Constitutional Provisions" by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

Article 1

The purpose of this Law is the administration of the restitution of pastures and meadows to former owners, the use of pastures and meadows based on fair criteria, the increase of the carrying capability of pastures and meadows, and the retention of the ecological equilibrium of pastures and meadows.

Article 2

“Pastures”, “grazing lands”, and “meadows” refers to any piece of land covered with grass and shrub, used for pasture and mowing, which does not belong to the agricultural land fund or the forest fund, according to its cadastral designation as of August 1, 1995, excluding those that are changed according to the provisions in effect.

Pastures and meadows are classified as either summer or winter, depending on the season they are used, in conformity with the principles established by the Minister of Agriculture and Food.

CHAPTER II
OWNERSHIP, ADMINISTRATION, AND TREATMENT
OF PASTURE AND MEADOW

Article 3

Pastures and meadows are divided into:

State pastures and meadows; state pastures and meadows for general use; and private pastures and meadows (both personal and co-ownership).

- 1) State pastures and meadows are owned by the state and administered by the General Directorate of Forest and Pasture through its district bodies.
- 2) State pastures and meadows for general use are those that are administered by the corresponding municipality and commune, and used by the inhabitants under the jurisdiction of the commune or village.
- 3) Private pastures and meadows are either personal or co-ownership.

Article 4

This Article is repealed by Decree no. 1359, dated February 1996

Article 5

The borders of pastures among the villages, communes, and districts will be recognized as established in 1945. On the basis of cadastral documentation, the General Directorate of Forest and Pasture shall demarcate the state pasture boundaries, subject to approval by the Council of Ministers.

Article 6

State pastures and meadows may be rented out to national or foreign, physical or juridical persons according to a contract signed between the interested persons and the dependent organs of the General Directorate of Forest and Pasture within each district, in conformity with the technical principles established by the Ministry of Agriculture and Food.

Article 7

Water works and various other objects relating to pastures and meadows that are located in private pastures or meadows, shall be given as property to the pasture and meadow owners who shall, in turn, pay for the value of these objects as well as any necessary servitude placed on them.

Communes or municipalities may use water facilities and other installations that are within the territory of local pastures and meadows.

Article 8

The change in use of definite areas of state pastures and meadows in general use and private use shall be done with the approval of:

- a) the Director of the General Directorate of Forest and Pasture for areas up to 10 ha.;
- b) the Minister of Agriculture and Food for areas between 10 and 50 ha.; and,
- c) the Council of Ministers for areas over 50 ha.

Article 9

Each enterprise, commune, and municipality is responsible for the following activities: the administration of pastures and meadows in conformity with the arrangement and inventory plans of pasture and meadows; the maintenance of pastures and meadows each year through planting and cultivation; updating the district cadaster; making periodical assessments of the carrying capacity of pastures and meadows; organizing and controlling the use of pastures and meadows; making sure that construction work is being done according to the designed plans.

The General Directorate of Forest and Pasture, through dependent district organs, shall be responsible for securing and paying technical assistance for project designs and implementations in pastures and meadows which are administered by local governments and private owners.

The State shall finance infrastructure installation (water works, irrigation, buildings, roads) for pastures and meadows and the construction of buildings to assist in the rational utilization of the pastures and meadows that are administered by the General Directorate of Forest and Pasture.

Article 10

The general strategy for pastures and meadows development must include private persons who, alone or in co-ownership, own pastures and meadows.

**CHAPTER III
PASTURE AND MEADOW USE AND TREATMENT**

Article 11

A contract of ten (10) years shall be signed by interested persons for state pastures and meadows that are rented as well as other objects that are related to the pastures and meadows.

The renting of pastures, meadows, and water works by the lessee is done on the basis of a contract signed by the two parties.

The Council of Ministers shall establish the criteria for pasture fees.

Article 12

Pastures are prohibited in places where improvement works are in process, in nature sanctuaries, and in experimental seed parcels.

The enterprise or local power shall exclude from the "in use" category parts of parcels that are degraded or where improvement works are in process. The Minister of Agriculture and Food or the head of the commune or municipality shall do this for a definite period of time as defined in a separate act.

Article 13

Physical and juridical persons may collect Medical plants grown in pastures and meadows in conformity with the Law "On Protection of Medical, Ether-oil, and Medicinal Plants."

Article 14

The establishment of camps and other movable buildings and centers in state pastures and meadows, and in state pastures and meadows given in general use, shall be done only with permission and only in those places defined by the corresponding enterprise and/or local government.

Article 15

The use of pasture and meadow areas for purposes of mining, energy, industry, or for establishing stone pits, gravel pits, lime kilns, and other related works shall be done only by permission of the local government, and only for a definite time and place according to Article 8 of this Law, subject to any fees that are in effect.

CHAPTER IV PASTURE AND MEADOW PROTECTION

Article 16

The General Directorate of Forest and Pasture along with local powers are responsible and shall take proper measures for the increase and protection of pastures and meadows.

Article 17

Physical and juridical persons who are in possession pastures and meadows are obliged to protect them from damages.

This Law also protects springs, water works, buildings, experimental parcels, and nature sanctuaries of pastures and meadows.

Article 18

Burning pastures and meadows is prohibited. In special cases burning shall be allowed, but only with the authorization of the General Directorate of Forest.

Article 19

In case of fire in pastures and meadows, all corresponding enterprises, local governmental units (communes and municipalities), private individuals, members of the army, members of schools, and all those living in the proximity of the fire are obliged to notify the proper authorities about the fire and participate in its extinguishing. Local powers shall work at extinguishing the fire, and expenses shall be paid according to its administration.

Article 20

Any activity that damages pasture and meadows, water works, buildings and other installations, or affects the ecological equilibrium is prohibited.

CHAPTER V OFFENSES

Article 21

Violations of Article 8, 11, 13, 14, 15, 18 or 20 of this Law, which cause damage of up to 10,000 Lekë, is considered an administrative offense and punishable by a fine ranging from 1,000 to 10,000 Lekë, in addition to payment for any damages.

When the value of the damage exceeds 10,000 Lekë, the guilty person shall be treated according to the provisions of the Penal Code.

Article 22

For any violation of Articles 8, 11, 13, 14, 15, 18 or 20 of this Law, a responsible person shall keep the corresponding documentation from the relevant enterprise or local government.

Article 23

An established commission of three persons at the corresponding enterprise and/or unit of local government is responsible for the investigation of administrative violations. The head of the enterprise or local government selects the members of the commission.

Violators may appeal any decision rendered by the commission to the district court within five (5) days.

Payment of fine shall be done willingly within five (5) days from the date of notification of the final decision. After this deadline is passed, criteria established in Law no. 7697, dated April 7, 1993 "Administrative Violations" are applied.

Article 24

Council of Ministers shall establish criteria for the indemnification of damages caused in pastures and meadows.

Article 25

The Council of Ministers is responsible for the issuance of sub-legal acts for the implementation of this Law.

Article 26

Former owners or inheritors of pastures and meadows shall submit to their district restitution commissions all ownership documentation within one (1) year from the date this Law enters into effect. Documents shall not be accepted after the passage of that date.

Article 27

District commission decisions may be appealed to a district court of proper jurisdiction.

**CHAPTER VI
LAST PROVISIONS****Article 28**

Order no. 1, dated May 9, 1981, by the Council of Ministers and any other provision not in conformity with this law are hereby repealed.

Article 29

This Law enters into effect 15 days after publication in the Fletorja Zyrtare

LAW no. 7926, dated April 20, 1995

**FOR CHANGING STATE ENTERPRISES INTO COMMERCIAL
COMPANIES**

- Updated through Law 8237, dated 1997 -

Based on Article 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", proposed by the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

The purpose of this Law is to transform state enterprises into commercial companies.

Article 2

For the purpose of this law the following terms will be used:

a) "state enterprise" (referred to as "enterprises" in the paragraphs below) means legal entities that are created and function according to Law no. 7582, date July 13, 1992, "For State Enterprises";

b) "state commercial companies" (referred to as "companies" in paragraphs below) means all public legal entities that will be created as a consequence of changing state enterprises, and that will function according to Law no. 7638, dated November 19, 1992, "For Commercial Companies".

Article 3

All state enterprises will be changed into public or limited liability companies, and will function according to the provisions of Law no. 7638, dated November 19, 1992, "For Commercial Companies", except in cases defined otherwise in this law.

Each enterprise may be changed to one or more public or limited liability company.

Limited liability companies shall create a supervisory council.

Article 4

The Ministry of Public Economy and Privatization is the representative of the owner of the state property.

The Ministry of Public Economy and Privatization shall; accept the rights stemming from being representative of the state as an owner, carry out the transformation of state enterprises into commercial companies and their privatization, lead the work for compiling governing statutes and certificates of incorporation for companies created through transforming enterprises, sign the statutory capital, and authorize their registration.

Ministries, departments, directories, and other institutions under the direct supervision of the Council of Ministers, as well as respective local government institutions are responsible for administering state property under their supervision.

The institution which has signed the state share of capital has the right to manage the state property in joint ventures or, when this is not performed, by the central institution or local government institution which supervised the property at the moment when the joint venture contract was signed. The transfer of state partner rights in these companies (as the state share of capital, etc.) will be made in accordance with effective legislation, according to criteria established by the Council of Ministers.

Article 5

Article 6 of Decree no. 1631, dated November 1, 1996 repeals this article.

Article 6

The Ministry of Public Economy and Privatization shall manage the compilation of governing statutes and other documents for, and authorize the registration of companies that will be created by the change of enterprises.

The Council of Ministers, based on the proposal of the Ministry of Construction and Tourism and the Ministry of Privatization, has the authority to approve the method for evaluating assets of companies of water supplies and sewerage that will be transformed into commercial companies.

Article 7

The Minister of Privatization has the right to take disciplinary measures including removing any director from the office of a state own enterprise, who has obstructed the transformation and registration of the state owned enterprise into a commercial company.

Article 8

Public companies have the following leading bodies:

- * The Board of Supervisors
- * The Directorate

The Supervisory Council is composed of between three (3) and nine (9) members who may not be employees of the company. The Minister of the Ministry of Public Economy and Privatization has the authority to appoint all members of the Board of Supervisors of companies under its jurisdiction.

In all other companies the Minister of Public Economy and Privatization has the right to appoint members of the Board of Supervisors, but one-third (1/3) of its members are proposed by the related ministries, institutions, directories, or other institutions supervised directly by the Council of Ministers, as well as related local government institutions.

The Board of Supervisors has the authority to appoint and discharge the Directory, with the agreement of no less than two-thirds (2/3) of the votes.

The Council of Ministers by decision shall establish special compensations for participating in the Board of Supervisors and extraordinary compensations for services or duties carried out by members of the Board of Supervisors.

Article 109 of Law no. 7638, date November 19, 1992 "For Commercial Companies", shall not be implemented as long as the state will be the only shareholder.

Article 9

A company that has been created as a consequence of changing an enterprise is responsible for all obligations of the former state enterprise and is answerable to third parties for its property.

All contracts made with third parties by the former enterprises are valid also for the new company.

Article 10

The management staff of enterprises or companies does not have the rights; to authorize or carry out the sale of immovable property or machinery and equipment, to take loans, or to create joint ventures as of the effective date of this law and for so long as the state will be the only stockholder or partner.

The above-mentioned provision shall not be implemented for enterprises that are established in the second paragraph of Article 3 of Law no. 7512, dated August 10, 1991 "For Sanctioning and Defending Private Property, Free Enterprises, Private Independent Activities and Privatization".

Article 11

The Council of Ministers shall approve the model governing statute, other model documents needed for creation of a company, and the criteria for valuing the basic capital of companies that will be created through the process of changing state enterprises.

Article 12

Expenditures for the process of changing a state enterprise into a company, as well as for the registration according to provisions into force, are covered by the state enterprise itself.

Article 13

Article 191 and item 4 of Article 297 of Law no. 7638, date November 19, 1992 “For Commercial Companies”, are not implemented for state companies.

Article 14

Articles 94 and 95 of Law no. 7638, date November 19, 1992 “For Commercial Companies” are repealed.

ARTICLE 15

Law no. 7582, dated July 13, 1992 “For State Enterprises” will be in force for so long as enterprises do not change into companies, except in cases defined by this Law.

ARTICLE 16

State owned banks of the second level and state owned insurance institutes are not subject to this Law.

Article 17

All economic enterprises with a total state capital that will be created after the effective date of this Law will be established and registered as companies.

Article 18

The Council of Ministers is charged with the responsibility of issuing decisions or instructions to implement this Law.

Article 19

This Law comes into force on May 15, 1995.

LAW no. 7929 dated November 11, 1995
ON THE PROTECTION OF FRUIT TREES

Based on Article 16 of Law 7491, dated April 29, 1991 "On the Main Constitution Provisions" by the proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

The purpose of this Law is the protection of fruit trees from mechanical damages done on intentionally or negligently by any native or foreign, physical or juridical person.

CHAPTER II

DEFINITIONS

Article 2

The following definitions will be used in this Law:

"Fruit tree areas" are agricultural lands where fruit trees, vines, and olive trees are cultivated and registered as such in the cadastral office.

"Orchards" are lands where fruit trees and vines are cultivated and where over 50% of the plants are fruit trees or vines, according to the technological project.

"Olives orchards " are the lands where olive plants are cultivated and where over 50% of the plants are olive trees, according to the technological project.

"Grape vineyards" are lands where grapes are cultivated, and where over 50% of the plants are grape vines, according to the technological project.

"Degraded orchard" is an orchard which, due to age, lack of proper service, or other climatic or biological factors is seriously damaged to the point where neither agricultural nor technical measures can rehabilitate the orchard to a level of convenient productivity.

Chapter III

FRUIT TREE CLASSIFICATION AND REGISTRATION

Article 3

The category "fruit trees" consist of fruit trees, vines, or olive trees that may be cultivated in blocks or spread around.

Article 4

The inventory, cadastral registration, and change of designation of fruit trees shall be done according to a special regulation of the Ministry of Agriculture and Food.

CHAPTER IV

THE PROTECTION OF FRUIT TREES

Article 5

Fruit trees, vines, and olive trees are all national property and protected by the State despite whose owns them.

Article 6

Foreign and native, physical and juridical persons, with or without the cooperation of each other, who have in property or in use either blocks or spread amounts of fruit trees, are obliged to protect them from cutting and other physical damage.

Article 7

The cutting of fruit trees and the conversion of orchard land into arable land shall be done only in the following cases:

- 1) when the orchard has been degraded due to physical and biological factors, and potential investments for its rehabilitation, if any, are not economically efficient to the owner;
- 2) when the owner of the orchard wishes to convert it into arable land for economical reasons.

In both above-mentioned cases the owner must present the reconstruction design to the competent agricultural organs for approval, according to Article 8.

- 3) The plants are gravely damaged or faded due to the climatic factors, biological factors, or age.
- 4) It is envisaged that public, state or private buildings will be constructed in these orchards.

Article 8

The cutting of fruit trees according to Article 7 shall be done only with the permission of the relevant agricultural institutions, specifically:

- 1) for areas of less than 0.1 ha., the community agricultural expert who specializes in sporadic trees in orchards and vineyards; for areas over 0.1 ha., the agricultural and food department. An exception exists concerning the cutting of the nut trees, for which permission must be granted by the Department of Agriculture and Food within each district.
- 2) For individual olives trees, permission must be granted by the relevant department in the Ministry of Agriculture and Food, through a proposal by the Department of Agriculture within each district.
- 3) The collections of fruit trees, olives trees, and fruit vines, as well as single plants of special genetic value, may be cut only with the approval of the Department of Production in the Ministry of Agriculture and Food and the Institute of Trees and Vineyards.
- 4) State permission is not needed for the cutting of vines in tree canvasses or in tree supporters.

Article 9

Criteria for verification and permission issued by specialists are provided in the Regulation of the Ministry of Agriculture and Food.

Each specialist is disciplinarily and penally responsible for the execution of the evaluation criteria and for the issuance of permission.

Article 10

Any physical or juridical person who owns or uses any amount of fruit trees, and requests conditioned cutting according to Article 7 of this Law, must submit a written request to the agricultural department of their commune within 15 days. The agricultural department is then obliged to send a specialist to verify the situation and make the appropriate decision regarding whether to grant permission for the cutting.

Article 11

The Evaluation of Fruit Trees

If fruit trees are cut down for the purpose of constructing public buildings, or if some person damages them intentionally or negligently, the real value of fruit trees shall be determined for purposes of compensation from such persons.

The value shall be determined by the Expert of Agriculture within a commune, or by a group of experts in the Department of Agriculture and Food within a district. Authority limitations and evaluation criteria are defined in the regulations of the Ministry of Agriculture and Food.

Article 12

The cutting of fruit trees without permission is considered an administrative violation, punishable by either; a) a fine the amount of which is five times (5 x) greater than the amount of damage, or b) deprivation of freedom for 30 days.

The experts of agriculture within each commune or district and other persons specially designated by the Ministry of Agriculture and Food have the authority to fine.

The procedure for appealing administrative violation decisions is detailed in Law no. 7697, dated April 7, 1993 "Administrative Violations".

Article 13

When fruit trees are intentionally or negligently damaged, and the damage constitutes a penal offense, the violator shall be punished according to the Penal Code.

Article 14

In order that the provisions of this Law are properly implemented, the institutes of agriculture in each commune and district may, when necessary, demand the assistance of public order offices and the Office of Collection of Fees, who are obliged to assist.

Article 15

The Ministry of Agriculture and Food shall be responsible for issuing relevant regulations for the implementation of this Law.

Article 16

All prior legal and sub-legal acts for the protection of fruit trees are hereby repealed.

Article 17

This Law shall enter into effect 15 days after publication in the Fletorja Zyrtare.

LAW no. 7980, dated July 27, 1995

ON BUYING AND SELLING BUILDING SITES

- Updated through Law 8260, dated 1997 -

Based on the Article 16 of Law no. 7491, "On Main Constitutional Provisions", dated April 29, 1991, by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

A "building site" is defined as all the land that is within the boundaries of cities or municipalities without regard to whether it is used for construction, gardening, agricultural cultivation, or so forth. This includes land outside city boundaries which, at the moment of transaction, is or will be used for construction, provided that the documentation has been completed which certifies its transfer and its status as no longer being agricultural, meadow, pasture, etc.

A building site is considered "occupied" when legal investments e.g., foundations, excavations, installations, channels, buildings, etc., have been made and the value of the investments are more than that of the building site. The occupied building site includes as much area as needed for the normal functioning of the structure that is going to be built, including areas which, based on the regulations of the Planning Office, are not to be used by other persons. e.g., areas in front of windows of existing buildings, between buildings, etc.

Article 2

Albanian physical and juridical private persons have the right to buy and sell building sites amongst each other without any limitations.

Article 3

Until physical compensation is completed for former owners, the transferring of unoccupied building sites from state ownership to private ownership is allowed only in the following cases:

- a. for the construction of housing, with the purpose of freeing the housing of former owners and for the homeless, by the National Housing Agency or by other persons; and
- b. as a sale by decision of the Council of Ministers for very important national investments.

Article 4

Transferring an occupied, state owned building site to private ownership is compulsory, when an interested person, in the following cases, requests it:

- a. When objects that are privately owned or will be privatized, occupy the building site. Transferring will be done in the favor of owners of those objects.
- b. When private persons who obtain that right described in the second paragraph of Article 1 will use the site for additional construction or reconstruction. Transferring will be done in the favor of owners of objects that are added to or reconstructed.
- c. When uncompleted investments in the building site have occurred. Transferring will be done in favor of the owner of the completed object.
- ç. In any other case by the decisions of the Council of Ministers.

All former owners can use their right of physical compensation for building sites in the above cases.

Article 5

Foreign juridical or physical persons who make or have made investments in the territory of the Republic of Albania according to the Law no. 7764, dated November 2, 1993 "For Foreign Investments", have the right to buy state or privately owned building sites, either where investments are being done or have been completed.

Foreign juridical or physical persons may obtain the right to purchase building sites after they have made investments in compliance with the construction license that have a value no less than three times (3 x) the value of the building sites as defined by the Council of Ministers.

Foreign juridical or physical persons will pay rent for the use of the building site from the time they obtain the construction license until ownership is transferred to them. Rent shall be defined in the contract, where the eventual purchase price of the building site as well as the period during which this price is valid is stated in a preliminary manner.

Foreign physical or juridical persons, who have bought or constructed objects whose value is three times (3 x) more than the price of the occupied building sites, obtain the right to purchase the building sites.

Article 6

The sale, purchase, or leasing of building sites, either State owned or privately owned, to foreign physical and juridical persons, will be done by a contract in compliance with the relevant provisions of the Civil Code and the requirements specified in this Law.

The sale, purchase, or leasing of private building sites between Albanian private physical and juridical persons is done by an appropriate contract in compliance with the relevant provisions of the Civil Code.

Article 7

Foreign physical and juridical persons are not allowed to purchase building sites that have archeological or museum values, national parks, flora and fauna designated areas, and land sites that have special environmental or military importance.

Article 8

The sale price for state owned land will be decided by the Council of Ministers.

The sale price for privately owned land will be decided by agreement between interested parties.

Article 9

The Council of Ministers shall decide the rent to be paid for state owned land that is given in use to foreign juridical or physical persons according to Article 5 of this Law.

Article 10

The following laws and regulations are abrogated: Law no. 7512, dated August 10, 1991 "On the Legitimacy and Protection of Private Property, Free Initiative, Independent Private Activities and Privatization"; second paragraph of Article 21, amended by Law no. 7653, dated December 23, 1992, the second sentence "In special cases, for important investments, building sites can be sold to foreigners with the approval of the People's Assembly"; first paragraph of Article 36 of Law 7693, dated April 6, 1993, "For Planning Office"; and every other provision that is contrary to this.

Article 11

The Council of Ministers is responsible for issuing the sub-legal acts necessary for the implementation of this Law.

Article 12

This Law comes into effect on July 28, 1995.

LAW no. 8047, dated December 14, 1995

**FOR ADMINISTERING AGRICULTURAL LAND OF WHICH CITIZENS HAVE
REFUSED TO USE OR TO TAKE OWNERSHIP**

- This Law has not been updated -

Based on Article 16 of Law no. 7491, dated April 29, 1991 "For Main Constitutional Provisions", proposed by members of Parliament,

**PARLIAMENT
OF THE REPUBLIC OF ALBANIA**

DECIDED:

Article 1

The aim of this Law is to establish the legal basis for the administration of agricultural land of which families have not accepted ownership or use, such as land according to Law no. 7501, dated July 19, 1991 "For Land", as well as agricultural land that families have received on the basis of this Law and sub legal acts which implement this Law, but have refused to take Land-patents.

Article 2

Agricultural land mentioned in Article 1, after March 31, 1995, shall be considered state agricultural land and the General Directorate of Forests and Pastures has authority to administer such land.

The deadline for completing documents for passing land to the administration of the General Directorate of Forests and Pastures shall be established by a decision of the Council of Ministers.

Article 3

The General Directorate of Forests and Pastures, through local forests directories, in cooperation with commissions of land division in districts shall set the boundaries of land that citizens have refused to use or to take ownership of, on the basis of data of communes or municipalities which must be certified by the cadastral office of the district.

Article 4

Local forests directories, in cooperation with commissions of land division in communes or municipalities, with the approval of commissions of land division in districts, have the following rights on the agricultural land that will be administered according to this Law:

- a) to sell available state land to individuals or legal entities, giving the right of first refusal to former owners who may purchase the land with vouchers received from the compensation of former owners of agricultural land, for a price equal to the compensation value, or in cash without a fixed price;
- b) to rent land to individuals or legal entities, Albanian or foreign, on the basis of defined prices and priorities;
- c) the sale or rental of land which is subject to this Law shall begin only when the compensation to former owners of agricultural land is completed according to Law no. 7699, dated April 21, 1993, as amended.

Article 5

Individuals or legal entities who buy or rent agricultural land are required to use land according to Law no. 7501, dated July 19, 1991, as amended, and related sub-legal acts.

Changes in cadastral items of land will be made on the basis of the legal provisions in force.

Article 6

Land located in areas that have priority for the development of tourism will be treated according to appropriate legal acts and sub-legal acts.

Article 7

Any action for occupying agricultural land by individuals or legal entities, contrary to this Law, after the effective date of this Law, constitutes a criminal act and will be punished according to appropriate legal provisions.

Article 8

Commissions for land division in communes, municipalities, and districts; local forests directories, the General Directorate of Forests and Pastures, the Secretariat for local government attached to the Ministry of Internal Affairs, and the Ministry of Agriculture and Food all have authority to implement this Law.

Article 9

Legal and sub-legal acts that contradict this law are hereby repealed.

Article 10

This law comes into force 15 days after publication in Fletorja Zyrtare.

LAW no. 8053, dated December 21, 1995

**FOR TRANSFERRING OWNERSHIP OF AGRICULTURAL LAND
WITHOUT COMPENSATION**

- This Law has not been updated -

Based on Article 16 of Law no. 7491, dated April 29, 1991 "On the Main Constitutional Provisions", proposed by the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

D E C I D E D:

Article 1

The aim of this Law is to establish a legal basis for transferring ownership of agricultural land, without compensation, to agricultural families or individuals who are using the land.

Article 2

The following agricultural land will not be transferred:

1. Agricultural land that is located within the boundaries of cities, villages, or dwelling centers at the effective date of this Law.
2. Agricultural land included in zones with priority for tourism according to the Council of Ministers decision no. 88, dated March 1, 1993, "For Approving Zones that have Priority for the Development of Tourism."

Families or individuals who have received agricultural land, as defined by items 1 and 2, because they were cofounders of former agricultural cooperatives of farms, are not subject to items 1 and 2 of this Article.

3. Agricultural land included in scientific activities of national scientific institutions.
4. Agricultural land leased to agricultural specialists according to the Council of Ministers decision no. 452, dated October 17, 1992, "For Restructuring Agricultural Enterprises", item 5, second paragraph.

5. Agricultural land which:
 - a. has been occupied or received illegally; or
 - b. has been in use but the users have performed an illegal transfer of ownership or some other illegal type of act.

Actions for transferring ownership in cases mentioned in items 5a and 5b, as well as their registration, are invalid.

6. Agricultural land leased to joint ventures for the duration of the contract.

Article 3

Agricultural land, for which ownership is not transferred in circumstances established by Article 2, will remain the property of the State.

Article 4

After the effective date of this Law, agricultural families or individuals who have been provided with documents for obtaining agricultural land in use must present them to local government institutions, either commune or municipality, to complete the final documentation according to procedures defined by Law no. 7843, dated July 13, 1994, "On the Registration of Immovable Property".

Article 5

Legal and sub-legal acts that contradict this law are hereby repealed.

Article 6

This law comes into force 15 days after publication in Fletorja Zyrtare.

LAW no. 8093, dated March 21, 1996

ON WATER RESERVES

- This Law has not been updated -

Based on Article 16, of Law no. 7491, dated April 29, 1991, "On Main Constitutional Provisions", with the proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

D E C I D E D:

**CHAPTER I
MAIN PROVISIONS**

**Article 1
The purpose of the law**

The purpose of this law is:

- a) to provide for the preservation, development and rational use of water reserves, essential for the life and social-economic development of the country;
- b) to provide the proper distribution of water reserves based on the purposes of their effective use, management and administration;
- c) to prevent the contamination, overuse, and abuse of water reserves;
- d) to define an institutional framework at the national and residential level and to apply a national policy regarding the management and administration of water for the well-being of the population and the social-economical interests of the country.

**Article 2
Definitions**

In this law:

1. "The water reserves" are all internal waters of the sea, both superficial and underground, including waterbeds and atmospheric precipitation which under the jurisdiction and control of the Republic of Albania.

2. "The natural bed of permanent and temporary flow" is the segment of land under such a level of water that doesn't flood the nearby land.
3. "The flow bed", where the water of precipitation flows, is the average water area during an average annual precipitation season for a 25 year period.
4. "The bed of lakes, basins and superficial sources" is the area of land under the water, when the maximal level of a 25 year period is reached.
5. "The watersides " are strips of land along the sea, lakes, rivers, reservoirs, lagoons, basins, and streams which include a minimum of two zones depending on their use:
 - a) with a 5m width evenly to the land from the upper side of the natural bed in the oblique riversides and 20m from the maximal level of water in the last 25 years; this is used for public purposes according to certain special provisions;
 - b) with a 100m width in evenly to the land from the upper side of the natural bed in oblique riversides and 200 m from the maximal level of water in the last 25 years; all the activities regarding the above are defined by the authorities of the Water Directorate.

The boundary that demarcates the oblique and flat riverside is an inclination of 10% to the even riverside.

The width of both zones, specified above can be changed only according to specific provisions, when the topographic conditions or the conditions of water reserves make the change necessary for the public safety and for the security of the property.

6. "Water-collecting basin" is the area of land where the water collected from superficial and underground streams flows, the surface inside of which, after convergence in one single flowing stream through one superficial and subterranean flowing network, then flows to the sea. The geographical boundaries of this basin are specified according to topographic maps of watersheds.
7. "User" is any district, municipality, village, commune, association of water users, state or private enterprise, physical or juridical person working with the exploration, creation and use of water reserves, the draining of extra volumes of water, and the pollution of water with chemical substances.
8. "Drainage" is any direct or indirect pouring or collection of extra water, as well as polluted, sewage, residual, chemical productions and sub-productions, industrial or other substances, regardless of their nature.
9. "Water pollution" is the effect and influence of solid, gas, or liquid materials; live creatures, or forms of energy into the water which directly or indirectly change the quality of the water, and thereby risk its further use.

10. "Permission" is a right granted in written form by competent bodies as specified in this law, to use a volume of water for a certain purpose and within specified terms.

11. "Authorization" means a written permit defined by the competent bodies as specified in this law, that enables recipient to conduct research, explorations, studies or other activities of this type, but not for the use or drainage of water.

12. "License" is a right granted in a written form by competent bodies as specified by legal provisions, that enables recipient to conduct professional activities in areas specified by this law.

13. "Concession" is a type of written contract by which the competent bodies, as specified in this law, enable its holders to have the exclusive right to use the water reserves, or to drain the water, as specified in the terms of the concession. The use of water reserves and its drainage presume that the holder of concession be provided with proper licenses for the activities indicated by the concession.

14. "The national strategy regarding waters" is:

(i) to specify the national objectives regarding water reserves and the institutional structures for the implementation of the strategy, including the legal, regulatory and technical frameworks, and coordinating mechanisms;

(ii) to complete requests for water in accordance with national, regional and local developments, and to consider the potential for the use of water reserves;

(iii) to identify the programs and primary projects for the implementation of short-, medium-, and long-term strategies;

(iiii) to preserve and rationalize water use in harmony with the environment and other natural reserves.

15. "The Water Authority" is:

(i) the Council for the basin, authority of which is exercised within the limits of a basin;

(ii) the National Council for Waters and the technical secretariat, whose authority is exercised throughout the entire territory of the Republic of Albania;

16. "The free use of water" is use that is performed without any initial administrative formality.

17. "The harmful effects of water" are the damages that result from overflows, excessive salt, land erosion, solid materials, and so forth.

Article 3

State Ownership

1. State properties consist of:
 - a) The entire water reserves of the Republic of Albania, as indicated by the first paragraph of article 2 of this law.
 - b) All temporary or permanent beds and sides of rivers, streams, and other water flows, canals, lakes, lagoons, basins and artificial or natural reservoirs; sand, stone and soil accumulation in the river, lake, and reservoir beds; and the geological configurations of underground water.
 - c) All hydro-technical works and objects that state has constructed such as water barriers, irrigation and drainage channels, water-works, channels, and other works.
 - d) New land generated from previous water reserves or from the progress of land into the water.
2. The state right of ownership, as indicated from Article 1 of this Law, is non-transferable.

Chapter II

ADMINISTRATION OF WATER RESERVES

Article 4

Principles of administration

1. The public administration of water is based on the following principles:
 - a) Considerations of integrity of water-collecting basins with regard to social-economic requirements for water reserves and the quality of these reserves for the future, and environmental protection.
 - b) The integration of public control over the water reserves through territorial planning and projects for social-economical development at the national, regional and local level.
 - c) The rational use of water reserves and the controlled drainage of water.

Article 5

Water administration agencies

1. The Administration of Water Resources in the Republic of Albania stems from the National Council for Waters (NCW), from the technical secretariat at the national level, from the authorities for basins at the local level, and from other agencies appointed by the NCW.
2. The Council of Ministers appoints the NCW through representation by the agencies and institutions whose primary activities are related to water.
3. The NCW appoints the technical secretariat for waters and the councils for basins.
4. The Council of Ministers, by proposal from the NCW on the administration of nearby waters, shall appoint a special commission to administer the relationships with other boundary countries regarding these waters based on the Albanian legislation and the respective international covenants.

Article 6

The National Council for Waters and its duties

The NCW is the central decision-making agency with regard to the administration of water resources. The Prime minister heads the NCW.

1. It is the duty of the NCW to:
 - a. Propose draft-laws and sub-legal acts for various water resource activities.
 - b. Prepare the legal, technical, and regulatory framework for the implementation of this law; issue instructions and conduct other activities which are necessary for the implementation of a national plan on water resources.
 - c. Manage and approve the plans for water-collecting basins.
 - ç. Approve national and inter-regional projects in agriculture, urban planning, industrial and territorial development, to an extent that makes these plans and projects relevant for the planning, administration and preservation of water reserves.
 - d. Demarcate the territorial boundaries of water-collecting basins throughout the country, while specifying the midpoint of the basin and registering the water.
 - dh. Establish agencies and organizational units, depending on the Council, in order to ease the administration of water reserves and the implementation of this law.
 - e. Propose and approve the proper measurements for the implementation of international convents and agreements concerning water resources to be signed by the Republic of Albania.

ë. Approve concessions for water reserves according to the provisions of the Council of Ministers.

When these reserves are of national importance, agreements come into power only after ratification by the People's Assembly.

2. The NCW shall conduct other functions as assigned by Acts of the Council of Ministers.

3. The NCW has the right to request information, data, analysis or technical-consultative support from ministries, committees, agencies and other state institutions so that NCW can establish a national strategy for waters and a national plan for water reserves.

Article 7 **Technical secretariat**

The technical secretariat is an executive organ of the NCW, established by decision of the Council of Ministers; its duties include the following:

- a. Implement the national policy of water reserves as approved by NCW.
- b. Implement the provisions of this Law.
- c. Grant authorization and permission for water use and drainage when these activities are carried on outside the boundaries of a basin.
- d. Encourage the participants and users of water to administrate and preserve water reserves.
- dh. Implement provisions of international agreements on boundary water reserves when the Republic of Albania is a party.
- e. Issue reports and opinions regarding water reserves and present them to the NCW for approval. Research and scientific agencies have the obligation to timely answer requests from the technical secretariat regarding any information, assistance, or data that is necessary for purposes of conducting the studies.
- ë. Encourage studies and research that relate to the use, exploration, preservation, recycling, management, protection, and administration of water reserves.
- f. Indicate the areas of research on water reserves, in cooperation with scientific and research agencies, and its respective funding.

Article 8 **The councils for water-collecting basins (CB)**

1. The CB's are the local authorities responsible for the administration of water reserves and basins.
2. For any basin or group of basins in the Republic of Albania, a council for the basin shall be created, subject only to restrictions made by international agreements. Each CB has juridical status and is dependent of the technical secretariat of the NCW.
3. The composition, rights, and duties of the CB are assigned by the NCW.

CHAPTER III
THE NATIONAL STRATEGY FOR WATERS AND PLANNING
FOR WATER RESERVES

Article 9
The national strategy for waters

The national strategy for waters is designed by specialized agencies under the command of the technical secretariat and approved by the NCW.

Article 10
Planning for water reserves

1. The national plan regarding water reserves and basins shall reflect detailed decisions adopted by the NCW in order to implement the national strategy for waters. The territorial extent and the provisions for the implementation of these plans are specified in acts issued by the NCW.
2. The above-mentioned plans are public and mandatory. These plans shall be coordinated with other plans that cover the same subjects. The review and approval procedures for the plans of water reserves are defined from this.

CHAPTER IV
THE RIGHT TO USE WATER

Article 11
The purposes of water use

Water is used for the following purposes:

Domestic, communal, agricultural (including irrigation and water for livestock), aqua-culture, fishing, nautical transport, industrial, hydro-energy, commercial, tourism, entertainment (including sailing for fun), and other purposes that are approved by the NCW.

Article 12
Terms and regimens of water use

No person has the right to use the water without permission, authorization, or concession issued by the proper authorities, except for the situations indicated in Article 13.

The use of natural reserves of water shall undergo administrative control by the proper authorities. These authorities shall apply the four following regimens to manage the administration of water reserves:

- a. free use of water;
- b. use of water with permission;
- c. use of water with authorization;
- d. use of water on the basis of concession.

Article 13 **The free use of water**

1. Every person has the right to the free use of superficial water sources for the purpose of drinking, for domestic use, for livestock, and to meet the individual and family needs according to the respective laws and plans conducted by the CB, but no person has the right to abuse the water.
2. Every person has the right to the free use of water for purposes of swimming and water sports.
3. Every person has the right to the free use of water that falls in the form precipitation on private land, on the condition that this water is not collected through artificial installations.
4. Authorities that regulate water have the power to limit the free use of water throughout the country or in certain zones during periods of water shortage, bad water-quality, or when water can potentially cause diseases.

Article 14 **The use of water with permission**

1. The carrying on of the following activities in the territory of the Republic of Albania require administrative permission issued by the proper authorities.
 - a. Water use, when permanent installations are realized.
 - b. Irrigation.
 - c. Livestock.
 - ç. Aqua-culture.

- d. Industrial use of water, including mines.
- dh. The utilization of underground waters for various purposes, including domestic.
- e. Cultivation of plants and trees on the sides of rivers and streams when it constrains the natural water flow.
- ë. Collection of inert materials from the riverbeds and riversides, and the sides of streams and reservoirs, with or without water.

2. The following uses require special permission from the NCW.

- a. Navigability.
 - b. Construction of anchoring structures and ports.
3. The authorities that regulate water shall specify the water reserves in which fishing is prohibited.

The preservation, use, and utilization of fishing zones, and programs for improving fishing resources are realized according to the proper legal and environment protection provisions.

4. Any activity that is not included in this article, does not exclude the use of water reserves without permission according to the provisions of this law.

Article 15 **Use of water with authorization**

Many types of research, studies, and explorations of superficial and underground waters are conducted through the authorization of respective authorities of a certain area, even if water is not the subject of these activities.

Article 16 **Use of water on basis of concession**

1. The use of superficial and underground water reserves for public purposes such as the availability and supply of drinking water, the production of hydro-energy, land irrigation from an association of water users or agricultural enterprises, and the utilization of gases and chemicals from underground waters and the permanent installations shall be conducted on basis of concessions.
2. When an authorized subject conducts a successful study as anticipated by terms of authorization, the authorized party has the right to request permission or concession within

a six (6) month period from the day the study was completed. After the six (6) month period authorities have the right to apply normal procedures according to the provisions of this law.

Article 17
The duties of water users

It is the duty of water users to:

- a. use the water economically and rationally;
- b. consider the terms and obligations specified by the right of ownership;
- c. prevent water pollution, control water-quality, and prevent environmental pollution;
- ç. consider the rights of other formal users of water and the third parties.

CHAPTER IV
WATER PERMITS, AUTHORIZATIONS, AND CONCESSIONS

Article 18
**Common provisions for permits, authorizations,
and concessions of water use**

Permits, authorizations, and concessions for water use are issued by the proper authorities of water, based on the principal of free competition, according to the procedures anticipated from the articles of the Council of Ministers for the implementation of this law. When an activity is anticipated to be carried on inside the boundaries of the basin inside the territory of the Republic of Albania, the permit or authorization shall be issued by the council for the basin; when the activity is carried on outside the boundaries of the basin but inside the territory of the Republic of Albania the permit or authorization shall be issued from the NCW.

Concessions are managed by the NCW or CB based on the classification of water resources, approved by the Council of Ministers through sub-legal acts.

Permits, authorizations, and concessions for water use are:

- a. personal and cannot be transferred without the approval of the proper authorities;
- b. temporary and cannot be renovated at any time without impact to public interest;

c. subject to modification, restriction, or revocation via a request from the holder of the document, when violations occur, or when actions do not match with the terms of issuance;

ç. permits, authorizations and concessions are issued according to the following terms:

- Permit for users, up to 5 years.
- Permit for users from an association of water users.
- Permit to dig wells, up to 1 year.
- Authorizations for research, studies, and explorations up to 2 years.
- Concessions, with initial duration not to exceed 30 years.

Article 19 Extension of concession terms

During a period of concession, when it is absolutely necessary for extra work to be done, and when the cost for this work cannot be covered within the period of time remaining, the time period can be extended up to 10 years with permission from the proper authorities.

Extension shall be granted only when work is done according to the respective plan for water reserves. The holder of the concession must prove the damage potential if the time period is not extended.

Article 20 Permits and authorizations for the utilization of inert minerals from the bed of rivers, streams, etc.

Permits and authorizations for the utilization of inert materials (sand, gravel, etc.) from the side of rivers, streams, lakes, etc., with these ones being with or without water, are issued from the proper authorities.

Article 21 Priorities for permits, authorizations, and concessions

1. The respective authorities that deal with waters shall issue permissions, authorizations, or concessions based on the following priorities:

a. to supply the population with water (including the needs of industries that work inside the boundary line of residential areas and industries with low production);

- b. irrigation, agriculture, and aqua-culture;
- c. production of hydro-energy;
- ç. other industrial uses not included in the above categories (including the use in mines);
- d. fishing;
- dh. naval transport;
- e. entertainment and tourism, including sailing for fun;
- ë. other uses.

Article 22

Changes of terms for permits, authorizations and concessions

Any change in the terms of a permit, authorization, or concession must first be approved by the agency that issued the document. Permits, authorizations, and concessions shall be reviewed when:

- a. circumstances have changed from the date of issuance;
- b. major events have generated changes;
- c. the plans regarding water reserves need updating.

Article 23

The cancellation of permits, authorizations and concessions

1. Permits, authorization, and concessions may be canceled, suspended, or restricted when their terms or conditions are not met.
2. Permits, authorizations, and concessions may be canceled, suspended, or restricted by authorities when the water sources are running dry.

Article 24

Licenses for the perforators of underground water

1. Professional water perforators that conduct their activities for commercial purposes must be properly licensed. The procedures for license application are displayed in the regulations issued from NCW. The fees for administrative costs are applied to this license.
2. People who carry on perforating activities need to have a permit from the authorities, professional perforators, or from the person who has hired them for such an activity.
3. At the end of their activities, professional perforators shall provide the authorities for waters with a detailed hydro-geologic report regarding the operation conducted, samples of the layers that were dug-up, and the relevant documentation according to NCW regulations.
4. The permit shall specify the amount of water people can draw for uses other than drink, wash, livestock, and other domestic purposes. The applicant shall request concession when the water is used for other purposes.

Article 25
Curative, mineral and spa water

The use of curative, mineral, and spa water is controlled according to their respective laws.

CHAPTER VI
CONTROL AND PROTECTION OF THE QUALITY OF WATER RESERVES

Article 26
The quality of drinking water

1. The technical secretariat of the National Council for Waters in cooperation with the Ministry of Health and Environmental Protection shall set the state standards for the quality of drinking water. Any physical and juridical person, public or private, that offers or sells water to the public for consumption or for use in the processing of food must meet the state standards for human consumption.
2. Communes, municipalities, and other public or private agencies that have their own system of water supply must control the quality of the water they distribute on a regular basis. The authorities for waters can order for the cessation of water distribution when the quality standards are not met.
3. No physical or juridical person has the right to intercede into the public water supply system unless they possess a permit or concession for those purposes.

CHAPTER VII
DRAINAGES AND CHANNELS

Article 27
The drainage of materials into water

1. Drainage into water, land, underground, or pits, shall only be done by permit, authorization or concession issued from the authorities for the basin.
2. The NCW and the Ministry of Health and Environmental Protection shall cooperate in setting the standards and requirements for different types of drainage activities.

Article 28
Sewage channels

1. Sewage networks shall be designed in such a way that they can drain the sewage to designated locations away from residential areas.
2. Sewage networks must be constructed so as to prevent the contamination of superficial, underground, and sea waters during drainage. The authorities for waters shall issue concessions for the construction of the networks according to the legal provisions.
3. Authorities shall impose sanitary installations in existing buildings whenever needed.
4. The responsibility to collect, transport, and drain sewage to designated locations can be given to any person. Concessions must be issued from the water authorities for the installation and construction of networks.
5. No person has the right to access the sewage network except for the commissioner that leads the activity.

Article 29
Individual and public system of drainage

Enterprises utilizing the public system of drainage are themselves responsible to water authorities.

Individual persons who utilize the public system of drainage are individually responsible to water authorities.

Article 30
Control of purification plants

Water authorities shall take direct or indirect responsibility for the utilization of purification plants for sewage in cases when the possessor of the permit, authorization, or concession fails to meet the requirements of the permit, authorization, or concession. The possessor of the permit is obligated to pay the authorities for any damage resulting from the work, and:

- a. to fix or modify the plant, as indicated in the permit, authorization or concession;

- b. unpaid expenses that result from the use and maintenance of the plant.

CHAPTER VIII PERMITS, AUTHORIZATIONS, AND CONCESSIONS FOR DRAINAGE

Article 31

Main provisions for permits, authorizations, and concessions

1. Requests for permits, authorizations, and concessions for drainage must include details of criteria to be met according to the regulations that are in force. Requests shall include a description of the purification plant, equipment, operation procedures, and restrictions to chemical and bacteriological materials.
2. Characteristics of permits, authorizations, and concessions for drainage are the same as those for water use. They must include a description of the processing plants and standards.
3. Permits, authorizations, and concessions for drainage are subject to payments for administrative expenses toward the register of permits, authorizations, and concessions.
4. Permits, authorizations, and concessions for drainage shall be issued only after approval from professional agencies appointed by the Council of Ministers.
5. Permits, authorizations, and concessions for the drainage operations that may potentially cause infiltration or accumulation of materials into superficial or underground waters shall be issued only after a complex study is conducted, which shall be performed within one (1) year from the date the request for the permit was presented. Professional agencies appointed by the Council of Ministers shall conduct such studies; when a study confirms that no degradation in the quality of water reserves will occur, then the permit, authorization, or concession shall be issued.
6. The re-use of these waters is a subject to administrative permit. When a person other than the original permitted individual intends to re-use the waters, that individual needs their own permission. The NCW defines the regulations for direct water re-use based on processes of purification, quality, and purpose of water use.

Article 32

Administrative permits

Administrative permits for the construction or transfer of enterprises and industries for water and sewage drainage shall be issued only after a license, permit, authorization, or concession is provided for the drainage.

Article 33

Rejection of permits, authorizations or concessions

Water authorities have the right to reject permits, authorizations, and concessions for industrial operations and processes that represent a serious danger of pollution of water reserves, ecological system, and the environment in general.

**Article 34
Change of permits**

Councils for water-collecting basins shall make recommendations for superior bodies regarding the temporary or permanent suspension or change of the permit, authorization or concession, in the cases when:

1. there is competence;
2. situations have changed since issuance;
3. new situations have been created such that, if the situations existed at the date of the permit's issuance, the permit would have been rejected.

**Article 35
Interruption of activities**

Water authorities have the right to order the immediate interruption of all operations that result in unauthorized drainage that damages the public interest.

**Article 36
Payments for administrative expenses**

Authorized operations of drainage are subject to payments and administrative expenses according to criteria and tariffs set by the Council of Ministers.

**CHAPTER IX
HARMFUL EFFECTS OF WATER**

**Article 37
Main provisions**

The NCW in cooperation with respective agencies shall design projects and programs including; irrigation, cultivation practices, drainage, protection of riversides, and re-forestation in order to prevent the harmful effects of water.

**Article 38
Barriers**

1. Water authorities shall impose all necessary measurements to protect people and their properties in situations of flood. For large barriers, authorities may order emergency operations by authorizing the water users to use any necessary equipment and materials.
2. All juridical or physical persons shall cooperate with the councils of basins when facing the harmful effects of flooding, according to Article no.2, paragraph 17.

Article 39
Flooded lands

1. Land flooded by rivers, lakes, reservoirs, or streams will still have the same formal status. NCW may, in rare cases, place restrictions on the use of flooded areas or areas under the harmful effects of water when the lives of people or their property is in danger.
2. The storage of materials that can dissolve in water is prohibited in areas in danger of flooding. The construction of new buildings in those areas is also prohibited.

CHAPTER X

PROTECTED AREAS

Article 40
Areas of sanitary protection

1. Zones of sanitary protection are defined regarding superficial or underground water that supplies rural and urban populations with drinking water in order to protect the quality of water around the sources. The boundaries of these zones are defined according to regulations designed from the technical secretariat of the NCW and the proper health agencies.
2. Zones of protection consist of the following:
 - a. Areas of immediate protection that are under the control of the agency that distributes drinking water. The area it surrounds.
 - b. Areas of close protection where the construction of buildings, industry, agricultural and living-stock operations, digging of wells and channels; drainage of chemicals, sewage, and toxic materials; use of fertilizers and pesticides, and graves of people or animals are not allowed.
 - c. Areas of distance protection where the activities mentioned at item “b” are subject to administrative permit.

3. Juridical and physical persons whose interests are damaged by the assignment of protection zones shall be compensated according to the laws that are in force.

Article 41
Zones of emergency protection

Water authorities define protected zones when the quality or quantity of superficial or underground sources is in serious danger, when there are growing conflicts among water users, or when there exists danger of the spread of diseases. The regimens and restrictions for these zones are subject to change.

Article 42
Water reserves

Through proposal by the council for the basin and approval by the NCW, specific zones, basins, rivers, streams, and so forth can be defined as zones of special protection because of their natural characteristics and ecological interest. The regimen of the administration and protection of zones of special protection are decided according to special sub-legal acts.

Article 43
Coordination of urban planning studies and plans for water reserves

Urban planning studies shall consider the plans for water reserves that are established by the NCW.

Article 44
Lands under water

Swamps or flooded areas, as mentioned in Article 2, paragraphs 2, 3, and 4, including those created artificially, are considered lands under water. Their boundaries are demarcated by the NCW. All the activities that have an impact on swamps or flooded areas require permits, authorizations, or concessions.

Article 45
Zones dangerous for the health

The NCW, in cooperation with the relevant health agencies and environmental protection, shall define zones that are dangerous for health, life and public interest; they shall also make decisions regarding the draining of such drains.

**CHAPTER XI
PROTECTION OF THE BANKS**

**Article 46
Temporary protection**

Juridical, public, and private persons shall carry on activities of temporary protection in cases of emergency. These activities shall be carried on with the authorization of water authorities.

**Article 47
Protection of the banks**

Protection of the banks is a public task achieved through construction, reconstruction, the maintenance of water barriers, and other technical works including the biological works.

**Article 48
Construction activity of banks**

Objects that protect the banks such as walls, bridges, stairs, fences, pipes, columns, and roads shall be constructed, modified, or destroyed only with the permission of water authorities.

**Article 49
Prohibited activities in banks and beaches**

1. The following activities are prohibited in banks and beaches:
 - a. the change or movement of vegetation or artificial cover;
 - b. the collection of inert materials, e.g., sand, gravel, stones, sods, etc.;
 - c. the construction of parking sites for cars or ships;
 - ç. the drainage of water in order to use fishing nets;
 - d. the digging, perforating, or draining of materials.

2. According to main provisions, water authorities have the right to regulate, restrict, or prohibit the operations at beaches, the bottom of the sea, dunes, sloping sides, and any other area designed for the protection and maintenance of the banks.

**CHAPTER XII
WATER WORKS AND OBJECTS**

Article 50

Construction

1. Administrative permits or concessions are required for the construction of water works and objects in order to prevent the negative effects of water; these constructions shall take place within the framework of public services.
2. Juridical or physical persons who author construction must notify the water authorities that issued the authorization or concession so that the authorities can conduct the final inspection of water work or object.

Article 51

Powers of water authorities

1. Water authorities have the power to impose the installation of equipment that control and measure water in private lands, and the servitude necessary for the installation and construction; to control the operations and the maintenance of water works within the terms indicated by the permission; to impose the installation of pipes for drinking water and for channels of water.
2. Water authorities shall conduct periodical controls over water objects; persons authorized to inspect the objects and ask for proper documentation execute this.

CHAPTER XIII

ASSOCIATIONS FOR WATER USE AND DRAINAGE

Article 52

Associations for water use and drainage

Water users and other state or private juridical persons that use water from a single source; or that drain industrial, irrigation, or other types of sewage into water shall establish associations for water use and drainage.

Article 53

Procedures for establishment and registration of associations

Establishment and registration of associations for water use and drainage shall be accomplished according to legal provisions and sub-legal acts.

CHAPTER XIV SERVITUDES

Article 54
Servitude

Landowners or lessees shall resolve any problems they might have regarding servitude according to the Civil Code. When the Civil Code does not resolve disagreements regarding servitude, the courts shall resolve them.

Article 55
Activities on banks

On private or state land along the banks of rivers, streams, channels, lakes, reservoirs, coastal lagoons, and seas the following are required:

a. A vacant area with a 5-20 meter width for public use according to definition no. 5/a of Article 2 of this Law. The width of these areas may go further than the 20 Meters when topographical or hydrological conditions of rivers, lakes, or reservoirs make this necessary for the safety of people and property.

b. An area of land with a 100-200 meter width where the activities that are to take place are indicated by the water authorities, according to definition 5/b of Article 2 of this Law.

Article 56
The rights of owners of adjacent lands

The owner of the land who is designed the servitude can offer their land for the construction of water works. In these cases, the owner shall cover:

- a. part of the cost for the construction of the work which is beneficial to the owner;
- b. expenses for any improvement that might take place while exercising the right of the servitude;
- c. part of the cost for the utilization and maintenance of the works.

CHAPTER XV
FINANCIAL PROVISIONS

Article 57
Payment of tariffs for water use (water price)

1. The Council of Ministers decides on the tariffs to be paid for different purposes of water use. The Council of Ministers shall consider the following factors while making the decision:

- a. type of water that is to be used;
- b. purpose for water use;
- c. season of the year, when water is used;
- ç. quantity of water;
- d. whether the water used is for consumption;
- dh. cost of planning, construction, utilization, maintenance of water objects and the anticipated incomes of water users due to the use of this water object;
- e. correct use of water plants for water drainage after use with regard to the impact on peoples' health, water quality, and the environment;

2. The Council of Ministers by proposal of water authorities can exclude the tariffs for certain physical or juridical, state or private persons, when this exclusion favors public interests.

3. Payments of tariffs for water use are collected from water authorities.

Article 58 **Payments for administrative expenses**

Persons that require permit, authorization, or concession for water use or drainage, or the ones that require permit or concession for the construction of water works and objects must also pay for administrative expenses, according to this law. The water authorities will collect the payments.

The collected payments and tariffs of water use shall be used for the utilization of water reserves at the national level, for research, databases, water registers, cadastral registers, protection from floods, improvement and maintenance of water reserves, and other necessary investments for water use.

Article 59 **Financial incentives**

1. The government may encourage financial incentives such as loans, exemption from taxes, and reimbursements for water use for persons involved in research and development of technology, new equipment that lower water use, and consumption or water contamination. The governments can also provide financial incentives for persons that improve forests and protect water resources.

2. The government is also encouraged to provide such incentives for those involved in de-soiling activities, the drainage of sewage, using modified methods and processes, and research activities.

CHAPTER XVI

VIOLATIONS AND SANCTIONS

Article 60

For the violations anticipated in item 1 of Article 14, Paragraphs a, b, c, ç, d, dh, e and ë, violators shall be charged penalties of up to 1,000,000 Lekë. For violations anticipated in item 2 of this Article, Paragraph a and b, and in article 26, item 3, violators shall be charged penalties of up to 2,000,000 Lekë.

Article 61

For violations anticipated in Article 15, violators are subject to penalties of up to 1,000,000 Lekë.

Article 62

For violations anticipated in Article 15, violators are subject to penalties of up to 1,000,000 Lekë.

Article 63

For violations anticipated in Article 20, violators are subject to penalties of up to 500,000 Lekë and sequestration of their means of work.

Article 64

For violations of Article 22, violators are subject to penalties of up to 100,000 Lekë, and suspension of their activities until the terms of permit or authorization are updated. In terms of concessions, the procedures are designed according to the contract of concessions.

Article 65

For violations anticipated in Article 24, violators are fined as follows:

1. penalties of up to 1,000,000 Lekë and confiscation of equipment and means of work;

2. penalties of up to 1,000,000 Lekë.
3. for a violation of terms—penalties of up to 100,000 Lekë, and in continuous cases up to 1,000,000 Lekë.
4. penalties of up to 500,000 Lekë, and in continuous cases suspension of activities for a 2-month period or suspension of permit.

Article 66

For violations anticipated in item 1 of Article 27, and item 5 of Article 28, violators are subject to penalties of up to 500,000 Lekë.

Article 67

For violations anticipated in item 2 of Article 40, Paragraph a, b, and c, violators are subject to penalties of up to 100,000 Lekë and they are penalized when this is a legal violation.

Article 68

For violations anticipated in Articles 48, 49 and 50, violators are subject to penalties of up to 200,000 Lekë and suspension of their activities.

Article 69

Appeals against the decisions of water authorities can be presented to the district court within five (5) days from the date the water authorities make their decision. Court decision is final.

Article 70

Regulation of the activities that were conducted before this Law comes into force.

Juridical and physical persons that exercise their activities over water reserves, or utilize inert materials according to Article 20, can continue to conduct their activities as indicated in their permits or authorizations; they shall renew the permits and authorizations within 60 days from the date the councils of basins is established.

Article 71

Permits or authorizations that are issued before this law comes into power, and that violate provisions of this law shall be suspended, but their holders shall have the right to request new permits or authorizations.

Article 72

The Council of Ministers shall issue the sub-legal acts for the implementation of this law.

Article 73

In Articles 3 and 75 of Albanian Mineral Law no. 7796, the words “sand, gravel” are removed, and at the fourth group of table “A” the words “sand, gravel” are removed.

In Article 8 of Law no. 7846, dated July 21, 1994, “On Construction, Administration and Maintenance of Irrigation and Drainage Systems”, the second paragraph is removed.

Any provision that violates this law is invalid.

Article 74

This law comes into power 15 days after publication in the “Fletore Zyrtare”.

LAW no. 8102, dated March 28, 1996

**ON THE REGULATORY FRAMEWORK OF THE WATER SUPPLY SECTOR
AND THE SECTOR OF THE DRAINAGE AND PROCESSING OF
CONTAMINATED WATER**

- This Law has not been updated -

Based on Article 16 of Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL INFORMATION**

**Article 1
Purpose of this law**

The purpose of this law is the establishment of a regulatory framework and an Independent Regulatory Agency for water supply, and drainage and processing of contaminated water. This Law defines the functions, competencies, procedures, and standards by which the Regulatory Agency will operate.

An important objective of this Law is to guarantee and protect the public interest, and to create a transparent legal and regulatory environment that will encourage private investments in this sector.

**Article 2
Definitions**

1. "Law" means the law on the regulatory framework of water supply sector, and the sector of drainage and processing of contaminated water (waterworks, channels).
2. "Regulatory Agency" means the agency for the regulation of water supply sector, and the sector for drainage and processing of contaminated water.
3. "Commission" means the National Regulatory Commission that heads the Regulatory Agency.

4. “Ministry” means the Ministry of Construction and Tourism.
5. “Water reserves” are all of the superficial and underground water resources located within the borders of the Republic of Albania.
6. “Contaminated water” means water used for industrial and sanitary purposes, when their collection, processing, and drainage is ordered for the protection of public health.
7. “Water supply sector” means all the activities regarding the collection, management, and distribution of water resources for public purposes.
8. “Water production” means all the natural sources of water within the territory of the Republic of Albania, including underground aqueous stratum and all superficial and underground sources of water.
9. “Water collection” refers to activities with the following structures: dikes, wells, water deposits, cisterns, channels, water-works, pipes, drainage channels, and sewage channels that collect or distribute water for public purposes.
10. “Distribution of water” refers to activities that distribute, transport, and pump water from one place to another, for public interests.
11. “Water strategy” refers to methods and means, e.g., chemical, mechanical, electrical, etc., that are used to clean water for public interests.

Article 3 **Sphere of law operation**

This law operates in all private and state activities of the sector of water-works and channels, including but not limited to the rights of physical and juridical persons, and those of local and central governmental agencies.

CHAPTER II **ESTABLISHMENT OF REGULATORY AGENCY**

Article 4 **Composition of the Agency**

1. When this law comes into power, the Council of Ministers shall appoint an independent regulatory commission, called the National Regulatory Commission of Water Supply Sector and Drainage and Processing of Contaminated Water (“Commission”), which has the competencies and functions indicated by this Law.
2. The Agency is a juridical person with all the rights and duties according to the legislation in force.

3. The Commission consists of five members that are appointed by the Council of Ministers, from the persons selected by the Selecting Team.

The list includes:

a. Two qualified professional members with university degrees and at least 10 years of experience in construction engineering, hydrology, urban planning, health, epidemiology, microbiology, or other similar disciplines; their mandate is respectively 4 years and 1 year since the date of the establishment of the Commission.

b. Two qualified professional members with university degrees and at least 10 years of experience in economy, business, trade, monetary system, statistics, justice, public administration and other similar disciplines; their mandate is respectively 3 years and 2 years, since the date of the establishment of the Commission.

c. One member who is the Head of the Commission. The Head must be an outstanding individual with at least 15 years of experience in one or more of the disciplines mentioned in items a. and b. above. The head shall be appointed for a five (5) year mandate from the date of the establishment of the Commission.

d. When the mandate of the previous members of the Commission expires, as described at the above items a., b., and c., the future members are to be appointed for a four (4) year mandate. When a member leaves or dies before the mandate expires, the substituting person has that position until the mandate expires.

e. No member has the right to be appointed in the Commission for more than two (2) full mandates.

f. Members shall notify the Council of Ministers before their appointment and they shall resign from other positions, employment, or consulting. Members must also sell and liquidate any financial interest they might have in any business, company, or group of persons that exercise their activities under the jurisdiction of the Regulatory Agency.

4. The Selecting Team:

a. Meets when necessary but no later than three (3) months prior to the date of expiration of the mandate of any member of the Commission.

b. Consists of three members: one of them appointed from the Parliament, one from the Council of Ministers and one from the Ministry. The Selecting Team shall identify and voice their opinions about the candidates who are being considered for membership in the Commission, and who meet the minimum requirements of item 7 of this Article. The Selecting Team will work quickly for two months from the date of establishment, will identify and give opinions about qualified candidates, and will appoint the best candidates through the majority of votes; these candidates will promise to accomplish the functions,

tasks, and competencies of members of Commission, as indicated in this law. During the selection of candidates, the Selecting Team will also consider the skills, qualities, and experience of the existing members of Commission, to ensure that they still meet the qualifications and qualities indicated in item 7 of this Article.

5. The Selecting Team shall promptly present the Council of Ministers with the list of Commission candidates. Within 30 days from this notification the Council of Ministers shall appointment the commission members, selected from the list drafted by the Selecting Team.

6. The appointed Commission members will, during their mandate, work according to the highest standards of public service while avoiding conflicts of interests, their main purpose being the protection of public interests.

7. A person cannot be a member of the Commission if that person:

a. is a deputy of the Peoples' Assembly or has another position, elected or appointed, in the local or central government;

b. has familial or marital ties with members of the Council of Ministers, thus causing conflicts of interests;

c. has been sentenced for theft, corruption, fraudulence, or other non-political crimes;

d. has financial interests in a corporation that is subject to the regulatory framework of the Agency;

e. is prevented from taking state or public positions according to Laws or legal provisions that are in force.

Article 5

Dismissal of Commission members

1. The Council of Ministers can dismiss any member of the Commission who:

a. has problems of mental disability or when their physical status prevents them from accomplishing the requisite tasks of members of the Commission;

b. is penalized for fraudulence, corruption, theft, or other crimes committed during the mandate;

c. secures or attempts to secure a position in state administration, as deputy of Peoples' Assembly, or any other appointment or election except for membership in professional or political associations;

d. refuses to accomplish a task or is incapable to work for a period of six (6) months or more without a reasonable excuse;

e. is disqualified by one of the provisions of item 7, Article 4 of this Law.

2. When a member resigns or is dismissed under item 1 of this Article, the Council of Ministers shall appoint substituting persons from a list of candidates presented by the Selecting Team, as indicated in item 4b of Article 4.

3. Any member dismissed according to this Law does not have the right to be re-elected to the Commission.

Article 6 **Procedures of the Regulatory Agency**

1. Headquarters of the Regulatory Agency will be in Tirana. However, the Regulatory Agency can organize work sessions and consultation throughout the entire Republic of Albania.

2. The Regulatory Agency issues regulations and procedures in order for its tasks to be met according to this Law. Regulations, procedures, standards, orders, and formal acts of the Regulatory Agency shall be published or be open for the public. The final orders of the Regulatory Agency will be in written form and shall include details of the decisions of the Regulatory Agency.

3. The Regulatory Agency can inquire into any facts, terms, practices, or questions necessary:

- a. to decide whether a person has violated this Law, or regulations based on this Law;
- b. to help the implementation of provisions of this Law or regulations based on this Law.

Article 7 **Role of the Head of Commission**

1. The Head of Commission is the main executive leader of the Regulatory Agency.

2. One member of the commission shall be the vice-head, who shall exercise the competencies of the head when the latter is absent. The first vice-head shall be one of the members appointed by the head and will have a one (1) year mandate. The rest of the members will be rotated in to the position of vice-head every year.

Article 8 **Awards and terms of awards**

1. The Council of Ministers defines the wages of members of Commission. The Council of Ministers shall not reduce this amount during the members' mandate, but when necessary they can increase it periodically by order.

Article 9
Organizational structure of the Regulatory Agency

1. The Council of Ministers shall design the organizational structure of Regulatory Agency. The Commission has full rights to elect, appoint, offer a higher position, dismiss, re-appoint, define tasks, and determine professional staff wages.

2. The Commission shall determine the regulations for hiring professional staff and define the organizational structure of the staff according to the legislation in force.

Article 10
Funding of Regulatory Agency

1. Operations of the Regulatory Agency are funded by:

a. An initial Governmental fund in an amount specified by the Council of Ministers, to be delivered simultaneously with the appointment of the Head of the Agency according to item 4c of Article 4 of this Law.

b. Tariffs specified by the Regulatory Agency for administrative expenses such as application processing and other tariffs for licenses issued by the Commission.

2. Funds of the Regulatory Agency shall be administered through accounts opened in Albanian banks approved by the Government of Albania.

Article 11
The budget and financial accounts of the Regulatory Agency

1. The Regulatory Agency shall establish a fund for operative expenses and seek the approval of the Council of Ministers no later than three (3) months prior to the ensuing fiscal year.

2. The Regulatory Agency shall keep full and accurate records of expenses according to Albanian financial legislation.

3. Extra money from the Regulatory Agency will go to the state budget.

CHAPTER III
REGULATION OF WATER SUPPLY SECTOR

Article 12

Competencies and general tasks of the Government regarding water supply, drainage, and processing

1. The Government has the competence to establish directives and policies for the water supply sector.

Article 13

General tasks of the Regulatory Agency

1. The Regulatory Agency operates and exercises its functions and competencies according to this law, in a way that will:

- a. encourage licensed persons to use water effectively and safely;
- b. enable licensed persons to fund the activities authorized by the license;
- c. meet reasonable requirements for the water supply within economical limits;
- d. guarantee that licensed persons can work according to the terms of their licenses and to protect consumer interests in terms of: (i) prices, tariffs, and terms of service; (ii) quality, efficiency, continuity, and guarantee of service;
- e. encourage competition when possible;
- f. conduct activities transparently;
- g. reach an even balance among the interests of consumers, government, public, investors, and participants in the water supply sector.

Article 14

Main competencies of the commission

1. The Commission shall have the following competencies in order to exercise its mandate according to the law:

- a. issue licenses to commercial agencies that are engaged to supply the population with water;

- b. approve prices, tariffs, and terms of service carried on by the licensed subjects or even subjects without licenses, when necessary;
- c. define procedures and standards for programs and investments, and for the sale of assets by subjects licensed in the sector of water-works and channels;
- d. establish and guarantee the implementation of work standards for licensed subjects;
- e. encourage rules and standards for the entire sector;
- f. conduct studies regarding the situation of the sector, collect information from the licensed subjects, and inform the government of any findings;
- g. determine tariffs applicable for licenses;
- h. set administrative and monetary sanctions;
- i. formulate regulations to help exercise the competencies and functions indicated in this Law;
- j. exercise any other function that derives from the above-mentioned functions.

Article 15

1. No juridical or physical person without a license shall carry on the activity of collection, distribution, drainage, and preservation of water for public interests.
2. When disagreements and conflicts of ideas exist regarding the functions mentioned in item 1 of this Article, the question is sent to the commission, whose order is final.

Article 16

Terms for license issuance

1. Any juridical or physical person may request a license if the Commission decides that person has met the following requirements:
 - a. (i) professional and technical ability;
(ii) financial ability, necessary to meet the requirements for the license the subject is applying for;
 - b. expertise in water-works and channels necessary to accomplish the tasks that the license offers;
 - c. personal qualities, credibility and seriousness;

- d. maintains a permanent residence in the Republic of Albania and a representative in order to communicate with the Commission and other state agencies regarding the licensed activities.
2. The Commission shall request data and information in support of a request for license; the Commission can refuse to issue a license if the records presented from the applicant violate items 1a, 1b, 1c, or 1d of this Article.

Article 17
Issuance of licenses from the commission

1. The Commission, after receipt of the application and the respective tariff may issue the license that authorizes qualified persons to:
 - a. collect and preserve water in water plants;
 - b. distribute water for public use;
 - c. drain and process contaminated water.
2. License categories and application procedures are defined through an order by the Council of Ministers.
3. The Commission has the right to modify or make changes in the licenses, but the Commission shall allow the applicant to give their own opinion regarding these modifications.

Article 18
Amendment and revocation of licenses

1. The Commission has the right to modify or revoke a license when the licensed subject does not respect the terms of the license or for other reasonable purposes.
2. The Commission defines the procedures regarding amendments to the revocation of licenses including proper notification to the licensed subject giving the subject an opportunity to answer prior to any action by the commission.

Article 19
Restrictions, licenses, and licensed subjects

1. Licensed subjects do not have the right to buy or appropriate the license of another licensed subject whose activity deals with water distribution, without the written approval of the commission.
2. Licensed subjects do not have the right to transfer license through sale, mortgage, lease, or exchange without the written approval of the commission.
3. Unless prohibited by the terms of license, a license holder may agree to sell or buy water with:
 - a. the possessor of a distribution license that enables the holder to supply with water other subjects licensed to distribute water, and;
 - b. any person approved by the commission.
4. Commission approval is required for any agreement regarding the transactions described in items 1 and 2 of this Article.

Article 20
Annual balance records of the licensed subjects

Licensed subjects shall prepare and present to the commission the statistical tables of the business and any business units, detailed according to the terms of the contract, unless formulated differently in the terms of the contract. The control and publication of these statistical calculations shall be made part of the terms of license.

CHAPTER XIV

WATER TARIFFS

Article 21
Standards and tariffs

1. Within one year from the date this Law comes into force, the Regulatory Agency shall draft and approve regulations concerning; procedures and standards for commission approval, agreements to modify or retain the prices and tariffs, and terms of the services to be conducted by the licensed subject according to this law.
2. The Regulatory Agency shall define the prices for water distribution according to item 1 of this Article, in order to:
 - a. protect consumers from the monopoly of prices;

- b. give licensed subjects the opportunity to recuperate reasonable costs for effective services, including the opportunity to make profits from their investments;
- c. encourage efficiency in interior operations, increase the financial gains of licensed subjects, increase net incomes and reduce service costs once the licensed person meets the requirements for the license and other requirements that are applied;
- d. encourage the economic efficiency of the sector by setting accurate prices regarding the reduced or increased supply;
- e. clearly present government subventions;
- f. present modifications in costs and other aspects of clients and services, depending on subventions that are applied;
- g. provide licensed subjects with the opportunity to respect the laws of environmental protection.

Article 22

Procedures of tariffs

The Regulatory Agency shall design the methodology for the tariffs based on the provisions of this Law. The public shall be notified and given the option to comment on the way the Regulatory Agency defines the tariffs. Tariffs can be modified only once within a financial year.

CHAPTER V

MISCELLANEOUS

Article 23

The guarantee for the implementation of law

1. When the Regulatory Agency finds that a licensed subject has violated the terms of their license or the provisions of this Law, the commission shall issue an order to guarantee their implementation.
2. When the Commission decides to issue an order it shall notify the licensed subject:
 - a. that it is preparing to issue an order;

- b. of the request through which they intend to guarantee implementation of the law, of the action that has violated the terms, and justification of the issuance of the Commissions order;
 - c. of the specific period of time the licensed subject may present objections against the proposed order; this period of time must be more than 5 days from the date of notification.
3. The Commission shall give the licensed subject an opportunity to defend themselves against the accusations; they shall study the objections and explanations according to item 2c of this Article; they shall then issues an order, which can be modified based on the objections presented, at any time after the time period mentioned in item 2c of this article, if:
- a. the Commission has strong reasons to believe that the licensed who was issued the order has violated the terms or conditions;
 - b. the issuance of the law is beneficial in order to avoid a violation of terms or conditions of the licensed subject.
4. After the order is issued, the commission shall:
- a. give a copy to the person who was issued the order;
 - b. publish the order in such a way as to attract the attention of the person;
 - c. begin any administrative actions based on the order.

Article 24
Availability and effects of the order

1. If the recipient of an order doubts the validity of the order, or believes that the issuance of the order and the sanctions are not within competence of the commission according to Article 23, or believes that the commission does not give a good reason for the order, then that person may file a complaint to a court of proper jurisdiction.

Article 25
Technical conditions and standards

1. The Regulatory Agency shall encourage by all means the establishment of work standards and technical conditions for all sectors throughout Albania. These rules and standards shall include:

- a. planning, safety, and efficiency criteria;
- b. practices and standards of construction;
- c. practices and procedures for systems use;
- d. terms of maintenance;
- e. standards and specifications of equipment;
- f. health standards.

CHAPTER VI PROCEDURES AND ADMINISTRATION

Article 26 Regulatory framework

1. Regulations that are published by the Regulatory Agency are mandatory. The regulatory framework can be modified.

2. Once per year the Commission shall prepare a detailed report informing the government of the work it has been engaged in regarding the completion of a regulatory framework and other tasks described in this Law.

Article 27 Inquiries

1. The Regulatory Agency has the right to investigate any evidence, conditions, practices, and questions it considers necessary for the purpose of ascertaining whether a person has violated any of the provisions of this law, or to help implement those provisions and the regulatory framework.

Article 28 Sub-legal acts

Orders, decisions, and rules of the Agency shall:

1. be in written form;
2. specify:

- a. the members of the commission, including the head, who voted in favor of the order, decision, or rule;
 - b. votes of every member;
3. display the list of members or people that participated in the committee when an order or decision is made by special committee appointed by the Commission;
 4. explain in writing the reasons for the establishment of the special committee.

Article 29 Procedures

1. One (1) year after this Law comes into force the Regulatory Agency shall complete the procedural regulations to be used by the commission for the purpose of accomplishing the functions given to it by this Law. These regulations require, as a minimum:
 - a. public notification regarding:
 - (i) the purpose Commissions investigations and the issuance of rules;
 - (ii) the filing of applications, complaints, and other requests presented to the commission;
 - b. options for public comments including comments of the government.
2. Based on instructions, the head shall organizes all public sessions of the commission.

Article 30 Complaints

Persons interested in presenting a written complaint to the commission against a licensed person they believe has violated provisions of this Law or any order, rule, license, or instruction resulting from this law, may do so. The commission shall notify the licensed subject immediately, in writing, about the complaint and give to the licensed person an opportunity to answer in writing.

Article 31 Collection of reports and information

1. The Agency shall present to the government and Peoples' Assembly;

- a. the following materials, at the end of each fiscal year, but no later than last day of January:
- (i) an annual report describing the work of the Agency during the prior year, and what they anticipate for new year;
 - (ii) a report regarding the situation of the sector of water-works and channels in Albania, including but not limited to;
 - 1- ownership, use, and control of water-works,
 - 2- actual capacity of management and distribution of water, and requests for the future use of water,
 - 3- cost of service for water supplies,
 - 4- application of these questions relative to the standards of life in Albania,
 - 5- recommendations regarding any actions the government should take;
- b. whenever it is requested by the government of Peoples' Assembly:
- (i) any form, table, calculation, statistics, or information regarding questions under the investigation of the commission;
 - (ii) reports about this question;
 - (iii) copies of documents stored by the commission.

2. Based on the regulatory framework of the Commission, persons licensed according to this law are obligated to provide the Commission with reports, financial tables, and any other information the Commission needs for the safe and guaranteed operations of the national water supply system and for the efficient operation of the Regulatory Agency.

Article 32 Public filing

1. All document that the Agency files are open to the public during the work hours. These files include the respective information stored and indexed according to instructions, procedures, and standards of the Agency. This process shall undergo procedures for secret keeping as defined by the Commission.

Article 33 Reports to other laws

1. Legal provisions that violate this law are invalid.
2. This Law is the only authority to define tariffs and prices of the water work sector in the Republic of Albania.

Article 34

This law comes into force 15 days after publication in “Fletore Zyrtare”.

LAW NO. 8312, DATED MARCH 26, 1998

FOR NON-DIVIDED AGRICULTURAL LANDS

Based on the Article No. 16 of the Law no. 7491, dated April 29, 1991, "On the Main Constitutional Provisions", by proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

The purpose of this law is the arrangement of non-divided and refused agricultural land due to individuals or families that have refused to take in ownership or use land given them under Law no. 7501, dated 19 July, 1991, "On the Land" and other legal and Sub-legal acts that have been implemented.

Article 2

Non-divided agricultural land are cadastral surfaces of agricultural land as of August 1, 1991, within the boundaries of a appointed administrative units (villages, communes, or cities) which have not been divided by the commission of land, or which ownership has been refused by families or other individuals, or which have not changed cadastral status from the date this Law comes into power.

Article 3

Agricultural land of former state agricultural enterprises that is outside the scope of this Law will remain in state ownership

Article 4

Agricultural land located in zones set aside for tourism development shall be treated under the appropriate legal and sub-legal acts.

Article 5

Non-divided land under the administration of a commune council or town hall that controls the commissions of the land, or a village that deals with the re-division of land, shall be treated according to the criteria provided by the law.

Article 6

The illegal occupation, abuse, or damage of agricultural land that is governed by this Law, by juridical or physical persons, constitutes a penal violation and the appropriate provisions of the civil code shall sentence perpetrators.

Article 7

Commune councils, city halls and other commissions at all levels are charged with the implementation of this law.

Article 8

The Council of Ministers is charged to approve the appropriate sub legal acts for proper implementation of this Law.

Article 9

Law No. 8047, dated December 14, 1995, “About the Administration of the Refused Agricultural Land” and other sub-legal acts that contradict this Law are abrogated.

Article 10

This law comes in power 15 days after publication in the Official Gaze.

Law no. 8318, dated April 01, 1998

**ON LEASING OF AGRICULTURAL LAND, FOREST LAND,
MEADOWS AND PASTURES, WHICH ARE STATE PROPERTY**

- Updated through Law 8408, dated 1998 -

Based on Article 16, Law No. 7491, dated April 29, 1991, "On the Main Constitutional Provisions" by proposal from the Council of Ministers,

PARLIMENT

OF THE REPUBLIC OF ALBANIA

DECIDED

**CHAPTER I
GENERAL PROVISIONS**

Article I

This Law entitles the State to lease land under its ownership to foreign or national physical or juridical persons.

Article 2

The definitions of this Law are as follows:

"Land" means the land owned by the State, classified in the fund of agricultural land, forest land, meadow and pasture land.

"Lessor" means the State, represented by the Ministry of Agriculture and Food, and other institutions under its dependence which have the right to make lease contracts for agricultural and forest land, meadows and pastures, which are State property, with the approval of the Ministry of Agriculture.

"Lessee" means any foreign or national, physical or juridical person that leases state land according to the requirements of this Law.

CHAPTER II

CONTRACTUAL TERMS OF LEASING

Article 3

The terms for leasing land are regulated between contracting parties, by a special contract in accordance with the requirements of the Civil Code and legal and sub-legal acts concerning agricultural land, meadows, pastures, forests, hunting, waters, fishing, and the environment.

Terms not specified in the leasing contracts between parties, but later arise, shall be resolved through an agreement between the parties. In cases of disagreement the parties involved shall present the disagreement to a court of proper jurisdiction.

Article 4

Parties who violate the terms of a land-leasing contract shall make compulsory payments according to the Civil Code, for damages caused.

Any claim of one party must be presented to the opposing party within 90 days of the expiration of the contract.

Article 5

When a lessee intends to terminate a land-leasing contract prior to the term foreseen in the original contract, the lessee is obliged to notify the lessor in writing at least 180 days prior to the existing expiration date of the contract.

Article 6

In land owned by the State, the lessor shall notify the lessee in the leasing contract between the parties that the lessor is entitled to re-take the land before the contract expires, according to the urban plan, in situations where there is a foreseen investment to be made for public purposes for this area.

The lessor is obliged to notify the lessee in writing at least one (1) year prior to the date of re-taking in ownership the leased land.

The lessor is obliged to compensate the lessee for any expenses the lessee made, according to the respective provisions of the Civil Code and the type of investment.

CHAPTER III THE TIME TERMS OF LAND LEASING

Article 7

The time terms of a leasing contract are determined according to the use of the land and the investments made on the land.

The time terms of a contract for forests, pastures, and meadows will be determined according to the respective provisions of the Law, “On Forests and Forest Police” and “On Pastures and Meadows”.

Article 8

The time terms of leasing State owned land are as follows:

1. Up to 10 years for short-term leasing contracts, where the activities include field crops and edible oils.
2. Up to 30 years for mid-term leasing contracts, where the included activities concern animal production, protected environments, and low forests.
3. Up to 99 years for long-term leasing contracts, where the included activities concern tourism, recreation, high forest and fruit tree production.

When the activities described in points 1 and 2 are accompanied by investments for processing the products, they will be handled as long-term leasing contracts.

Article 9

The criteria for the calculation of the annual value of the lease for State owned land are defined by decision of the Council of Ministers.

Article 10

The criteria and payment of the lease by the lessee is defined by a decision of the Council of Ministers.

CHAPTER IV THE MINIMUM PLOT SIZE OF LAND

Article 11

The areas of forest land, meadows, and pastures that are leased out shall not be less than the defined limits for a sub-parcel.

With respect to forestland, the forest sub-parcel cannot be divided.

Article 12

The criteria for the minimum size, according to Article 11, are not applied when the lease request includes an area of land made up of different types of land for purposes of tourism development, agro-tourism, or for the preservation of the biodiversity of the area.

Article 13

When a state agency intends to lease land it shall establish a board of agricultural, forest, urban, and environmental specialists and lawyers who resolve the technical requirements of the lease foreseen by this Law.

The board defines the area of land to be leased according to the criteria below:

1. The area of land for leasing must not be subject to a claim concerning the laws for the restitution of properties to former owners.
2. The area must not be subject to public investments within a time period of 10 years.

The state agency shall present to the board the requests for leasing land and then present them for approval to the Ministry of Agriculture and Food.

Article 14

For land located in tourist zones, national parks, and strictly protected areas, the Albanian Council for Territorial Adjustment shall make the appropriate approval.

Article 15

The leasing of State land by the respective organs of government is carried out through public auction.

The rules for public auction and the type of contract given in a lease are defined by a decision of the Council of Ministers.

Article 16

Every foreign or national, physical or juridical person that applies to take land by lease must present a written request that fulfills the following conditions:

- a) Describes the activity to be conducted and the person's attitude towards the environment.
- b) Attestation that confirms that the person has no financial or legal obligations toward the State.

Article 17

Registration of the land-leasing contract according to this Law is excluded from payment of the fee in the Immovable Property Registration Office.

Article 18

This Law becomes effective 15 days after publication in the official Gazette.

LAW no. 8515, dated July 30, 1999
‘ON IRRIGATION AND DRAINAGE’

- This Law has not been updated -

Pursuant to Articles 78 and 83,1 of the Constitutional Provisions and by proposal of the Council of Ministers

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER 1
GENERAL PROVISIONS

Article 1
Purpose of the law

The purpose of this law is:

- a) To establish a comprehensive legal framework for the establishment and operation of Water User Associations, Federation of Water User Associations and Drainage Boards.
- b) to define institutional arrangements and competencies supporting a national policy in respect of irrigation, drainage and flood protection in Albania;
- c) to determine the legal rights and duties of legal and natural persons involved in irrigation, drainage and flood protection;
- d) to provide for the transfer in use and in ownership of irrigation systems to Water User Associations and Federations of Water User Associations; and
- e) to provide for the transfer in use and in ownership of drainage systems and flood defense works to Drainage Boards.

Article 2 Definitions

Within the meaning of this law:

An “Association” means a Water User Association established in accordance with the Civil Code and the provisions of this Law.

“Meeting of Association” means the main decision-making body of the Association.

A “Beneficiary” means farmers or inhabitants living in the irrigation areas defined in this article who benefit from the relevant services.

A “Federation” means a Federation of Water User Associations established in accordance with the provisions of this Law.

An “Administrative Council” means the body charged with the management of an Association or a Federation.

A “Drainage Board” means a body established in accordance with article 39.

A “drainage pumping station” includes groups of or separate electropumps, electricity supply lines, telephone lines and sub-stations that are connected to it, which serve to drain land.

“Flood defense works” include flood protection embankments and structures constructed alongside rivers, collector drains and other water courses for the purpose of preventing flooding.

An “irrigation service area” means a defined geographical area in which an Association using an irrigation system can provide irrigation water.

A “drainage service area” means a defined geographical area that benefits from a specified main drainage system.

An “irrigation system” means a network of irrigation canals, together with any associated hydro-technical equipment, pumping stations, roads, buildings and associated infrastructure, which is supplied from a primary canal or a primary water source for irrigating an area of land and includes drainage pipes and channels which drain that land only. An irrigation system includes land adjacent to irrigation canals that has been retained in state ownership for the purpose of granting access to such canals.

A “main drainage system” means a network of drainage pipes, canals, and channels together with associated hydro-technical equipment and infrastructure, including drainage pumping stations, roads, and buildings which serves to drain land, including agricultural land, roads, and urban areas. A main drainage system includes land adjacent to drainage canals and channels that has been retained in state ownership for the purpose of granting access to such canals and channels.

A “primary canal” means an irrigation canal that carries water from a river, drain, reservoir, or other watercourse to one or more irrigation systems.

The “Supervisory Department” means the Irrigation and Drainage Supervisory Department established within the Ministry of Agriculture and Food.

Article 3

Water sources of rivers, streams, underground waters and irrigation and drainage systems that irrigate land are in ownership of the State.

Article 4

PRINCIPLES

The operation and administration of irrigation systems, drainage systems, and flood defense works shall take place in accordance with the following principles:

- a) irrigation systems and drainage systems shall be operated in an equitable manner so as to promote and protect the interests of all beneficiaries; and
- b) irrigation systems and drainage systems shall be operated in a rational manner so as to prevent over-watering, erosion, and pollution and to promote the protection of the environment.
- c) the beneficiaries of irrigation systems, drainage systems, and flood defense works shall bear the costs of their operation and maintenance;

Article 5

ADMINISTRATION OF THE IRRIGATION AND DRAINAGE SECTORS

1. The Ministry of Agriculture and Food is the principal government body responsible for the irrigation and drainage sectors.
2. District Water Directorates shall undertake the tasks and functions in the irrigation and drainage sectors set out in this law until such time as these tasks and functions are transferred to Associations, Federations, or Drainage Boards.

3. Associations shall undertake the operation and maintenance of irrigation systems that have been transferred to them in accordance with Chapter III of this Law.
4. Federations shall undertake the operation and maintenance of primary canals that have been transferred to them in accordance with Chapter IV of this Law.
5. Drainage Boards undertake tasks specified in this Law in accordance with Chapter V of this Law.

Article 6
The competencies of Ministry of Agriculture and Food

1. The Ministry of Agriculture and Food:
 - a) shall determine the national policy on irrigation and drainage;
 - b) shall determine the tasks, accounts, budgets, and work-plans of the District Water Directorates and supervise their operation;
 - c) shall provide legal supervision over the operation and functioning of Associations, Federations and Drainage Boards;
 - d) shall provide technical supervision of irrigation and drainage infrastructure;
 - e) may propose the establishment of Drainage Boards;
 - f) may authorize the transfer of irrigation networks and primary canals to Associations and Federations; and
 - g) shall undertake other tasks specified in this law.
2. The Ministry of Agriculture and Food may delegate its tasks to the District Directorates of Agriculture at the district level.
3. Within the Ministry of Agriculture and Food, the Irrigation and Drainage Supervisory Department is established. The Supervisory Department shall:
 - a) maintain the Register of Associations, Federations and Drainage Boards;
 - b) provide advice and guidance to Associations, Federations, and Drainage Boards at their request in respect of legal, accounting, taxation, and technical matters;
 - c) supervise the election of Administrative Councils of Associations and Federations;
 - d) undertake audits of Associations, Federations, and Drainage Boards;
 - e) undertake technical supervision and physical inspections of irrigation networks, primary canals, main drainage systems, and flood protection works;
 - f) undertake the monitoring of irrigation-drainage water quality and land under the system of these waters; and
 - g) undertake other tasks specified in this law.

Article 7

DISTRICT WATER DIRECTORATES

1. District Water Directorates are special enterprises of the Ministry of Agriculture. They perform tasks of the type specified in this Article until such time as these tasks are transferred to Federations, Associations, or Drainage Boards.
2. The tasks of District Water Directorate include:
 - a) the operation and maintenance of primary canals and the supply of irrigation water from those canals to Associations on a contract basis;
 - b) the operation and maintenance of main drainage systems;
 - c) the operation and maintenance of flood protection works; and
 - d) the performance of such other services as may be specified in sub-articles.
3. The annual budget and work-plan of each District Water Directorate shall be approved by the Ministry of Agriculture and Food. Funding for District Water Directorates shall be from revenues received from the supply of irrigation water, from the state budget, and from income generated through other permitted activities.
4. Tariffs for water supplied under sub-article 2(a) shall be based on the quantity of water which is supplied or the area which is irrigated and shall be determined on the basis of negotiations between the District Water Directorates and the Associations involved. The tariffs that Association or Federation will pay to the District Water Directorates shall be determined on the basis of negotiations between the parties. Such tariffs shall be notified by the District Water Directorates to the Ministry of Agriculture and Food which shall give its approval.
5. District Water Directorates shall not supply water directly to the owner or occupier of land located within the irrigation service area of an Association. If farmers are not engaged in Associations, special tariffs shall be applied by a decision of the Minister of Agriculture and Food.
6. A District Water Directorate which operates within the drainage service area of an Advisory Drainage Board shall cooperate fully with that Advisory Drainage Board and shall promptly make available to that Advisory Drainage Board copies of any documentation or records in its possession.

CHAPTER 2
IRRIGATION AND DRAINAGE INFRASTRUCTURE

Article 8

INVENTORY OF IRRIGATION SYSTEMS AND DRAINAGE SYSTEMS

The Ministry of Agriculture and Food shall prepare, maintain, and periodically review and update an inventory of state-owned irrigation systems and drainage systems and flood defense.

ARTICLE 9

Basis for the transfer of infrastructure

1. Until such time the Council of Ministers makes a determination in accordance with Chapter V of this Law, a transfer of infrastructure shall take place on the basis of contractual use right. Each such transfer shall be recorded in a written agreement in the prescribed form between the Ministry of Agriculture and Food and the transferee. Such an agreement shall contain conditions specifying the rights and duties of the parties to the agreement concerning the operation and maintenance of the infrastructure.
2. The Council of Ministers, on the proposal of the Minister of Agriculture and Food, may determine that transfers of infrastructure are to take place on the basis of:
 - a) a transfer into use
 - b) a concession agreement in accordance with the concession law.

The Ministry of Agriculture and Food shall be the authorized body for the purpose of that law.

Article 10

TRANSFER OF INFRASTRUCTURE

Subject to approval by the Ministry of Agriculture and Food:

- a) a primary canal or a reservoir which serves more than one Association may be transferred to a Federation which has been established to operate and maintain that canal or reservoir;
- b) a primary canal or a reservoir which serves only one Association may be transferred to that Association;
- c) an irrigation system which serves an Association may be transferred to that Association;
- d) a main drainage system may be transferred to a Drainage Board;

- e) each transfer shall take place in accordance with a map or plan which includes the primary canal, the reservoir, the irrigation and drainage system which is to be transferred.

Article 11 **Operation of infrastructure**

1. An Association shall operate an irrigation system that has been transferred to it in an equitable manner so as to ensure that each Association member receives a fair and timely supply of water.
2. An Association may supply water on a contractual basis to a person who owns land located within its irrigation service area who is not a member of that Association. An Association may, according to its statute, impose charges for the supply of such water at a rate that is higher than that charged to its members, except that the level of such charges shall not exceed twice the amount charged to members.
3. Each Association shall take all reasonable measures to maintain and protect any irrigation systems that have been transferred to it, and to prevent unauthorized encroachments on to such an irrigation system including in any adjacent land which is included in that system.
4. A Federation may supply water on a contractual basis to an Association that is not a member of the Federation at a rate which is higher than that charged to its members, save that the level of such charges shall not exceed twice the amount charged to members.
5. Each Federation shall take all reasonable measures to maintain and protect any infrastructure that has been transferred to it, and to prevent unauthorized encroachments on to such infrastructure and any adjacent land.
6. Each Federation and Association shall:
 - a) maintain and operate any infrastructure that has been transferred to it;
 - b) comply with the provisions of environmental and water legislation;
 - c) maintain a written record of the quality of water it uses annually.

CHAPTER 3
WATER USER ASSOCIATIONS

Article 12

ESTABLISHMENT OF ASSOCIATIONS

1. Associations shall be established on a voluntary basis in accordance the provisions of the Civil Code. Each legal or natural person that uses or owns land within the irrigation area of an Association has the right to be a member of this Association. The Association is registered in a competent district court after its statute is approved by the Ministry of Agriculture and Food.
2. Amendments to the statute of an Association shall take place in accordance with the Civil Code except that every proposal to amend a statute of an Association shall be approved by the Ministry of Agriculture and Food as well as the General Meeting. The Association shall file the amended statute at the competent district court within 30 days of the receipt of approval from the Ministry of Agriculture and Food.
3. The Minister of Agriculture and Food may make regulations concerning the procedures to be followed for the established of Associations.

Article 13

Associations shall make their statute in accordance with the provisions of the Civil Code. The statute sets out the task of Associations, the rights and duties of Association members.

Article 14

Organizational Structure of Associations

1. Each Association shall have a General Meeting, Administrative Council, and a Chairperson.
2. An Association with less than 30 members may dispense with the need to have Administrative Council and may provide for the tasks of the Administrative Council to be performed by the Chairperson.
3. An Association may provide in its statute for the establishment and operation of additional organs such as an Executive Council, an audit committee, and an arbitration panel.

Article 15
The General Meeting

1. The General Meeting is the principal decision making body of an Association and shall meet at least once a year at an Annual General Meeting. Every member of an Association shall be entitled to attend the meetings of the General Meeting.
2. Extraordinary meetings of the General Meeting may be called by the Administrative Council at its discretion and must be called by the Administrative Council on the written request of at least twenty percent (20%) of the members, or their representatives, or as specified in the statute.
3. Decisions of the General Meeting shall be made by simple majority of the votes cast when not less than one-half of the members are present. The Chairperson of the Association shall chair General Meeting, or in his absence the Deputy Chairperson or such other person as may be specified in the statute.
4. In addition to the powers granted by the Civil Code, the General Meeting shall have the power to deal with the following matters:
 - a) approval of the accounts, annual report, and proposed budget;
 - b) approval of the annual operation and maintenance plan;
 - c) approval of the annual cropping plan, water delivery schedule, and watering plan;
 - d) approval of the level of fees and charges to be levied by the Association as well as any penalties to be imposed by the Association;
 - e) any amendment to the statute;
 - f) the making of internal rules and operational regulations as permitted by the statute; and
 - g) decisions regarding the merger of the Association and its membership in a Federation.

Article 16

REPRESENTATIVE SYSTEM

1. If the number of members of the Association is so large that it is impracticable to hold meetings of the General Meeting which all members can effectively participate, the statute may provide for the establishment of a representative system in accordance with this article.

2. A representative system shall provide for members to be divided into separate groups each of which will elect a representative to represent that group at meetings of the General Meeting and to vote on its behalf. The statute may provide that each representative shall have one (1) vote or that each representative shall be entitled to exercise the votes of the members he or she represents. Where a representative system is in place members of the Association shall be entitled to attend meetings of the General Meeting but shall not be entitled to vote.
3. The statute shall specify the term of office of representatives and procedures for electing representatives.

Article 17

ADMINISTRATIVE COUNCIL

1. The Administrative Council shall be responsible to the General Meeting for supervising the operation of the Association and shall consist of a minimum of three persons.
2. Members of the Administrative Council shall be members of the Association and shall be elected by the General Meeting at the Annual General Meeting for a period of up to four years. A retiring member of the Administrative Council may stand for re-election. No person shall be eligible to stand for election to the Administrative Council if that person owes outstanding charges, fees, or penalties to the Association.
3. The tasks of the Administrative Council shall include:
 - a) the calling of meetings of the General Meeting;
 - b) the preparation of draft budget, work-plan, and operation and maintenance plan for approval by the General Meeting;
 - c) the awarding of contracts in accordance with the approved budget, work-plan and operation and maintenance plan;
 - d) hiring and dismissing Association staff;
 - e) the proposal of matters to be determined by the General Meeting;
 - f) monitoring the operation of the Association;
 - g) ensuring that the Association's financial and accounting procedures are followed; and,
 - h) such other matters as may be specified in the statute.

4. Meetings of the Administrative Council shall take place each month or as otherwise specified in the statute. Additional meetings may be called as required by the Chairperson or one third of the members of the Administrative Council. Decisions of the Administrative Council shall be made by a simple majority vote of those members present and the Chairperson shall have a casting vote in the case of equality of votes. The statute shall specify the number of members of the Administrative Council required to be present in order to render a meeting quorum.
5. The Chairperson is to be elected by the Administrative Council from among its members directly by the General Meeting from among the members of the Association. The tasks and duties of the Chairperson shall be specified in the statute.

Article 18

EXECUTIVE STAFF

1. An Association may employ executive staff and a workforce. The number of such staff and the duration of their terms of appointment may be established in the statute or by a decision of the General Meeting.
2. The executive staff of an Association may include an Executive President, a General Secretary, an Accountant, a Supervisor, and a Water Master. The tasks, powers and job descriptions of these office holders shall be specified in the statute or by a decision of the General Meeting.

Article 24

Fees payable by Association Members

1. The statute of each Association shall require members to promptly pay any fees levied by the Association in accordance with the statute including:
 - a) irrigation water supply charges;
 - b) drainage charges;
 - c) an annual membership fee; and
 - d) any other charges levied by the Association.
2. A person who is expelled or required to resign from an Association in accordance with Article 20, remains liable for all unpaid fees and charges due to the Association.

Article 20

RESIGNATION AND EXPULSION OF MEMBERS

1. Any person who is a member of an Association shall have the right to resign from the Association, except that the statute may specify that such a right cannot be exercised until the end of the irrigation season. If an Association has incurred specific expenditure relating to the design, construction, refurbishment or operation of an irrigation system as a result of a person's membership, such a person may not resign from the Association until they have reimbursed the Association an amount equivalent to that expenditure.
2. A person must resign from an Association if he or she sells all of his or her land within the irrigation service area of the Association or ceases to occupy such land and is no longer eligible for Association membership in accordance with Article 13. Before the sale the buyer and seller shall inform the Association who will be responsible for any debts to the Association owed by the seller. The buyer may only become a member of the Association if all charges and fees owed to the Association by the seller have been paid off.
3. A person may be expelled from an Association on the following grounds in accordance with the statute:
 - a) systematic violation of the by-laws, internal rules and regulations of the Association;
 - b) unreasonable delay in paying charges and fees levied by the Association;
 - c) refusal to pay charges and fees levied by the Association; or
 - d) refusal to repair damage that they have caused to Association property.

Article 21

REMOVAL OF MEMBERS OF THE ADMINISTRATIVE COUNCIL

1. The General Meeting may vote to remove all or some of the members of the Administrative Council and/or the Chairperson on the grounds of:
 - a) serious breach of duty; or
 - b) such other matters as may be specified in the statute.
2. In the event that a member of the Administrative Council is removed from office at a meeting of the General Assembly, that meeting shall also appoint a replacement. In cases where the Administrative Council from among its members elects the Chairperson, the statute may provide for the Administrative Council to remove the Chairperson on the grounds listed in sub-article 1.

Article 22
Dispute Resolution and Sanctions

1. An Association may include provisions in its statute on the imposition of sanctions against members who unlawfully breach the statute of the Association, or internal rules and regulations issued pursuant to the statute. Such sanctions may include fines, suspension, and expulsion.
2. An Association may provide in its statute that the General Meeting or the Administrative Council is to determine cases of the type indicated in sub-article 1. Alternatively, the statute may provide for the appointment of a special dispute-resolution panel or jury of members to be appointed by:
 - a) a special group or the General Meeting;
 - b) the Supervisory Department; or
 - c) an independent third party.

Article 23

JOINING OF ASSOCIATIONS

1. Two or more Associations may join one Association in accordance with their statute and decisions of General Meetings, established on the basis of this Law and the Civil Code.
2. This Association registers at court all properties of Associates joined.

CHAPTER 4
FEDERATIONS OF WATER USER ASSOCIATIONS

Article 24

ESTABLISHMENT OF FEDERATIONS

1. Federations are non-profit associations established to administrate and operate the same water sources.
2. Federations shall be established on a voluntary basis from associations with common interests. Every Association, which is supplied with water from a primary canal or a reservoir operated by a Federation, is entitled to become a member of that Federation. The Federation shall not file a request at the competent district court for the registration of the statute until such time as the statute has been approved by the Ministry of Agriculture and Food.

3. The Minister of Agriculture and Food may make regulations concerning the procedures to be followed by the established Federations.

Article 25

TASKS OF FEDERATIONS

Tasks of Federations include:

- a) the management, operation, and maintenance of primary canals, reservoirs, and associated infrastructure;
- b) the supply of irrigation water to the Associations that are members or non-members of the Federation;
- c) development and construction activities necessary to achieve the purposes listed in sub-articles (a) and (b); and
- d) the collection of charges from members and non-members in respect of services provided by the Federation, including the costs of operating and maintaining any primary canal or reservoir.

Article 26

Operating principles of Federations

Federations shall operate on the basis of the following principles:

- a) each Federation shall allocate a fair share of water resources to each Association which is a member by reference to the quantity of water available and the irrigation service area of each member-Association;
- b) each Association which is a member of a Federation shall promptly pay a fair and proportionate share of the operation and maintenance costs of the Federation as well as water supply charges.

Article 27

FEDERATION STATUTE

1. Each Federation shall adopt its own statute in accordance with the articles of this Law.
2. The statute regulates the organization and operation of the Federation and shall also:
 - a) describe the primary canal and reservoir or other water source, if any, which is operated by the Federation, by reference to plans and maps;
 - b) contain the name and principal office of the Federation;
 - c) set out the organizational structure of the Federation;
 - d) contain provisions on the conditions and nature of membership;
 - e) specify the rights of the Federation members including their rights to vote; and
 - f) set out the duties of the Federation members.

3. Amendments to the statute of a Federation shall take place in accordance with the Civil Code except that every proposal to amend to the statute of a Federation shall be approved the Administrative Council as well as the Ministry of Agriculture and Food. The Federation shall file the amended statute at the competent district court within 30 days of the receipt of approval from the Ministry of Agriculture and Food.

Article 28

ORGANIZATIONAL STRUCTURE OF THE FEDERATIONS

1. Each Federation shall have Administrative Council and a Chairperson.
2. A Federation may provide in its statute for the establishment and operation of additional organs such as an Executive Council, an audit-committee, and an arbitration panel.

Article 29

The Administrative Council

1. The Administrative Council is the principal decision making body of a Federation and shall meet every month unless otherwise specified by statute. Meetings may be called by the Chairperson or by request of one-third of its members. Decisions of the Administrative Council shall be made by simple majority of the votes cast and the Chairperson shall have the casting vote in the case of equality of votes. The statute shall specify the number of members of the Administrative Council required to be present in order to render a meeting quorum.
2. The statute shall specify the number of members each Association is entitled to appoint to the Administrative Council and the number of votes they are to have at meetings of the Administrative Council.
3. The Administrative Council shall elect from among its members, a Chairperson who shall chair the meetings of the Administrative Council. The Chairpersons rights and duties are defined in the statute.
4. The tasks of the Administrative Council shall include:
 - a) approval of the accounts and annual report;
 - b) approval of the budget, work-plan, and operation and maintenance plan;
 - c) approval of the water distribution and irrigation plan;
 - d) approval of the level of fees and charges to be levied by the Federation as well as any penalties to be imposed by the Federation;
 - e) the making of internal rules and operational regulations as permitted by the statute;
 - f) awarding contracts in accordance with the budget, work-plan and operation and maintenance plan;

- g) monitoring the operation of the Federation;
- h) ensuring that the Federation's financial and accounting procedures are followed; and
- i) such other matters as may be specified in the statute.

Article 30

EXECUTIVE STAFF AND WORKFORCE

1. A Federation may employ executive staff and a workforce. The number of such staff and the duration of their terms of appointment may be specified in the statute or by a decision of the Administrative Council.
2. The executive staff of an Association may include an Executive President, a General Secretary, an Accountant, a Supervisor, and a Water Master. The tasks, powers and job descriptions of these office holders shall be specified in the statute or by a decision of the Administrative Council.

Article 31

THE RIGHTS OF FEDERATION MEMBERS

The statute shall define the rights of Federation members.

Article 32

FEES PAYABLE BY FEDERATION MEMBERS

1. The statute of each Federation shall require members to promptly pay any fees levied by the Federation in accordance with the statute including:
 - a) irrigation water supply charges, based on the quantity of water supplied, the area which is irrigated and the number of times in which they receive irrigation water on behalf of their members;
 - b) the costs of operating and maintaining the primary canal and any reservoir or other water course operated and maintained by the Federation;
 - c) drainage charges;
 - d) an annual membership fee; and
 - e) any other charges levied by the Federation.
2. The statute may provide for the staged payment of fees and may permit the Federation to charge interest on outstanding fees.

Article 33
Resignation and Expulsion of Members

1. An Association that is a member of a Federation shall have the right to resign from the Federation except that the statute may specify that this right cannot be exercised until the end of the irrigation season. If a Federation has incurred specific expenditure relating to the design, construction, refurbishment, or operation of an irrigation system as a result of a person's membership, such a person may not resign from the Federation until that Association has reimbursed the Federation an amount equivalent to that expenditure.
2. An Association may be expelled from a Federation by a decision of the Administrative Council on the following grounds in accordance with the statute:
 - a) systematic violation of the statute, internal rules and operational regulations of the Federation;
 - b) unreasonable delay in paying charges and fees levied by the Federation;
 - c) refusal to pay charges and fees which have levied by the Federation; or
 - d) refusal to repair damage which they have caused to Federation property caused by their members.
3. An Association which resigns from a Federation, or which is expelled in accordance with sub-article 2, remains liable for all unpaid fees and charges due to the Federation and a Federation may seek to recover such fees and charges in the courts and refuse to supply water to such an Association until such time as those fees and charges have been paid.

Article 34

DISPUTE RESOLUTION AND SANCTIONS

1. A Federation shall include provisions in its statute on the imposition of sanctions against members who unlawfully breach the statute of the Federation, or internal rules and regulations issued pursuant to the statute. Such sanctions may include fines, suspension, and expulsion.
2. A Federation may provide in its statute that cases of the type indicated in sub-article 1 are to be determined by:
 - a) a special dispute-resolution panel made up of members of the Administrative Council and appointed by the Administrative Council;
 - b) a special dispute resolution panel made up of other persons;
 - c) a neutral arbitrator such as the Chairperson of the Kommuna or the District.

CHAPTER 5 DRAINAGE BOARDS

Article 35

DRAINAGE BOARDS

1. Drainage Boards may be established in accordance with this law as bodies of public law to undertake the tasks specified in this law.
2. Each Drainage Board is established pursuant to a decision of the Council of Ministers, on the basis of a proposal of the Minister of Agriculture and Food.
3. Each decision of the Council of Ministers establishing a Drainage Board shall also specify the type of Drainage Board that is to be established, the drainage service area of that Drainage Board, and the composition of the Board of Representatives.

Article 36

CATEGORIES OF DRAINAGE BOARD

1. A Drainage Board may be established as an Advisory Drainage Board, a Centrally Funded Drainage Board or a Self-Funded Drainage Board.
2. The Council of Ministers may, on the proposal of the Minister of Agriculture and Food, vary the categorization and tasks of a Drainage Board.

Article 37

ADVISORY DRAINAGE BOARD

1. An Advisory Drainage Board shall supervise the operation of the District Water Directorate or District Water Directorates which operate within its drainage service area and shall give advice to the Minister of Agriculture and Food in respect of the operation and performance of such District Water Directorates. The Advisory Drainage Board shall make recommendations to the Minister of Agriculture and Food in respect of:
 - a) the draft budget and work-plan of the relevant District Water Directorate or Directorates;
 - b) the accounts and balance sheets of the relevant District Water Directorate or Directorates;
 - c) the staffing levels of the District Water Directorate or Directorates; and
 - d) the implementation of the budget and working plan.

2. The Advisory Drainage Board shall meet at least three times a year and shall determine its own rules and procedures. Decisions of the Board shall be made by vote with each member holding one vote. The Chairperson shall be entitled to a casting vote in case of equality of votes. The attendance of at least half of the members shall be required for meetings to be meet legitimate.
3. The Director of the District Water Directorate shall be entitled to attend the meetings of the Board of Representatives but shall not be entitled to vote.
4. The Ministry of Agriculture and Food shall:
 - a) approve the statute of each Advisory Drainage Board;
 - b) maintain and operate the accounts of each Advisory Drainage Board;
 - c) make the decisions on the basis of advice from the Advisory Drainage Board.

Article 38

ORGANIZATIONAL STRUCTURE OF AN ADVISORY DRAINAGE BOARD

1. Each Advisory Drainage Board shall contain as a minimum:
 - a) two representatives of Associations/Federations operating within the drainage service area, selected by the Associations/Federations from among their members;
 - b) one or more representatives of Districts within which the drainage service area operates, nominated by the District;
 - c) one or more kommuna located within the drainage service area and which benefits from the drainage, selected by the kommunas from among their number;
 - d) one or more municipality located within the drainage service area and which benefits from drainage selected by the municipalities for among their number;
 - e) one or more representative of the Ministry of Agriculture and Food nominated by the Minister of Agriculture and Food
2. The Director of the Technical Secretariat of the National Water Council and the Director of the National Environment Agency shall appoint one person who shall be entitled to attend meetings of the Advisory Drainage Boards as on observer, but who shall not be entitled to vote.
3. The Council of Ministers may specify that additional representatives of the beneficiary groups listed in sub-article 1 are to be appointed or selected or that representatives of additional beneficiary groups are to be appointed or selected from among their number.
4. The Council of Ministers appoints the Board of Representatives

5. Each Board of Representatives shall have a Chairperson appointed by the Minister of Agriculture and Food.
6. Members of the Board of Representatives may be paid expenses or a salary pursuant to a decision of the Council of Ministers.

Article 39

CENTRALLY FUNDED DRAINAGE BOARD

1. A Centrally Funded Drainage Board shall operate and maintain any main drainage system and flood defense works within its drainage service area, so as to remove excess water and prevent water logging, the development of salinity and toxicity and to prevent flooding.
2. In fulfilling its primary task, a Centrally Funded Drainage Board shall, within its drainage service area:
 - a) clean and maintain drainage canals, pipes and channels;
 - b) operate and maintain pumping stations;
 - c) monitor the quality of drainage water;
 - d) routinely inspect, survey, maintain, and repair main drainage systems and flood defense works;
 - e) consider the effects of its activities on natural habitats and take steps to prevent or minimize disturbance or harm to these;
 - f) prepare an periodically update an emergency flood plan; and
 - g) maintain sea defenses.
3. The Minister of Agriculture and Food shall approve the annual budget and accounts of each Centrally Funded Drainage Board on the proposal of the Board of Representatives.

Article 40

Self-Funded Drainage Board

1. A Self-Funded Drainage Board shall operate and maintain any main drainage system and flood defense works within its drainage service area, on the basis of funding raised by way of drainage charges payable by beneficiary groups and from the central budget if necessary and under the auspices of the Ministry of Agriculture & Food.
2. A Self-Funded Drainage Board shall undertake the activities listed in article 39.2 and shall in addition take measures to recover drainage charges from beneficiaries in accordance with the relevant legislation.
3. Subject to sub-article 2, the rights and duties of Self Funding Drainage Boards to levy and collect drainage fees from beneficiaries and beneficiary groups shall be established in separate legislation.

Article 41
Board of Representatives

1. Except for the Advisory Drainage Board each Drainage Board shall have a Board of Representatives that shall be made up of representatives of groups that benefit from drainage services provided within the drainage service area. The Board of Representatives shall have a minimum of seven members and a maximum of eleven members.
2. Each Board of Representatives shall contain as a minimum:
 - a) two representatives of Associations operating within the drainage service area, selected by the Associations/Federations from among their members;
 - b) one or more representatives of Districts within which the drainage service area operates, nominated by the District;
 - c) one or more kommuna located within the drainage service area and which benefits from drainage, selected by the kommunas from among their number;
 - d) one or more municipality located within the drainage service area and which benefits from drainage selected by the municipalities from among their number;
 - e) one or more representative of the Ministry of Agriculture and Food, nominated by the Minister of Agriculture and Food.
3. The Director of the Technical Secretariat of the National Water Council and the Director of the National Environment Agency shall each appoint one person who shall be entitled to attend meetings of the Board of Representatives as an observer, but who shall not be entitled to vote.
4. The Council of Ministers may specify that additional representatives of the beneficiary groups listed in sub-article 2 are to be appointed or selected or that representatives of additional beneficiary groups are to be appointed or selected from among their number.
5. In the case of a Self-Funded Drainage Board, the Council of Ministers shall, in determining the composition of the Board of Representatives, ensure that beneficiary groups are represented in proportion to their respective contributions to the operating costs of the Drainage Board.
6. Each member of the Board of Representatives shall hold office for a term of three (3) years and shall be entitled to be re-appointed.
7. Each Board of Representatives shall have a Chairperson. In the case of Advisory Drainage Boards and Centrally Funded Drainage Boards, the Chairperson shall be the representative appointed by the Minister of Agriculture and Food. In the case of Self-Funded Drainage Boards, the Board of Representatives from among its members shall

unless provided otherwise in a decision of the Council of Ministers, elect the Chairperson.

8. Members of the Board of Representatives may be paid expenses or a salary pursuant to a decision of the Council of Ministers.

Article 42

Tasks of the Board of Representatives of a Centrally Funded Drainage Board

1. The Board of Representatives of an Advisory Drainage Board shall make recommendations to the Minister of Agriculture and Food for the operation of the Drainage Board. Its tasks shall include:
 - a) appointment of the Director of the Drainage Board;
 - b) approval of the draft accounts, proposed budget and annual report;
 - c) approval of the operation and maintenance plan;
 - d) approval of a work and staffing plan
 - e) the awarding of contracts in accordance with the approved budget, work-plan and operation and maintenance plan
 - f) monitoring the operation of the Drainage Board;
 - g) such other matters as may be specified in the statute.
2. The statute of each Centrally Funded Drainage Board shall be subject to the approval of the Ministry of Agriculture and Food.
3. The Board of Representatives shall meet at least once a month. Decisions of the Board of Representative shall be made by vote with each member holding one (1) vote. The Chairperson shall have the casting vote in case of equality of votes. The attendance of at least one-half of the members shall be required for meetings to be legitimate.
4. The Executive Director of the District Water Directorate shall be entitled to attend the meetings of the Board of Representatives but shall not be entitled to vote.
5. Each Centrally Funded Drainage Board shall maintain accounts and records in accordance with the provisions of this Law and the accounts law.

Article 43
Tasks of the Board of Representatives of a Self-Funded Drainage Board

1. The Board of Representatives of a Self Funded Drainage Board shall be responsible to the beneficiary groups for the operation of the Drainage Board. Its tasks shall be the same as the tasks of a Board of Representatives of a Centrally Funded Drainage Board set out in article 44.1, except that it shall also have the power to:
 - a) approve its own budget and annual accounts.;
 - b) make applications to the Council of Ministers for funding.
2. The Board of Representatives of the Drainage Board shall approve the statute of each Self Funded Drainage Board and a copy shall be filed with the Ministry of Agriculture and Food.
3. The Board of Representatives of each Self Funded Drainage Board shall meet at least once a month. Decisions of the Representative Board shall be made by majority vote with each member holding one (1) vote. The Chairperson shall be entitled to cast a deciding vote. The attendance of at least one-half of the members shall be required for meetings to be legitimate.
4. The Executive Director of the Drainage Board shall be entitled to attend the meetings of the Board of Representatives but shall not be entitled to vote.
5. Each Self Funded Drainage Board shall maintain accounts and records in accordance with the provisions of this Law and the accounts law.

Article 44

STATUTE OF DRAINAGE BOARDS

1. The statute of each Drainage Board each shall regulate the organization and operation of that Drainage Board. Each statute shall also:
 - a) described the drainage service area of the Drainage Board, by reference to plans and maps;
 - b) contain the name and principal office of the Drainage Board;
 - c) in the case of Centrally Funded Drainage Board or a Self Funded Drainage Board, establish the organizational structure of the Drainage Board and describe the tasks and duties of the Executive Director;
 - d) contain provisions on the rights and duties of the members of the Board of Representatives;
 - e) contain provisions on the meetings of the Board of Representatives.
2. The Minister of Agriculture and Food may vary the statute of an Advisory Drainage Board or a Centrally Funded Drainage Board on the request of the Board of

Representatives and shall approve any amendments to the statute of a Self Funding Drainage Board.

Article 49

STAFF OF DRAINAGE BOARDS

A Centrally Funded Drainage Board and a Self Funded Drainage Board may employ staff and a workforce. The number of such staff and the duration of their terms of appointment shall be specified in the statute or by a decision of the Board of Representatives.

CHAPTER 6 SUPERVISION OF THE IRRIGATION AND DRAINAGE SECTORS

Article 46

BOOKS AND RECORDS

1. Each Association shall keep the following books and records:
 - a) a register of members, which shall contain a description of the size and location of each member's land-holding which shall be reviewed as necessary and updated every three (3) months;
 - b) a plan showing the irrigation service area;
 - c) a record of non-members who are supplied with water;
 - d) a record of the quantities of water received by the Association;
 - e) a record of the quantities of water or the number of irrigations received by both members and non-members;
 - f) a record of dues and charges owed and paid;
 - g) a record containing the minutes of the meetings of the Administrative Council;
 - h) a record of transactions and contracts;
 - i) an inventory of assets;
 - j) a record of inspections and surveys of primary canals and/or irrigation systems transferred to the Association; and
 - k) financial accounts in accordance with article 47.

2. Each Federation shall keep the following books and records:
 - a) a register of members;
 - b) a plan showing the primary canal, reservoir, or other water course operated and maintained by the Federation;
 - c) a record of non-members who are supplied with water;
 - d) a record of the quantities of water received by both members and non-members;

- e) a record of dues and charges owed and paid;
 - f) a record containing the minutes of the meetings of the Administrative Council;
 - g) a record of transactions and contracts;
 - h) an inventory of assets;
 - i) a record of inspections and surveys of primary canals and other infrastructure transferred to the Federation; and
 - j) financial accounts in accordance with article 52.
3. Each Drainage Board shall keep the following books and records:
- a) a plan showing drainage service area;
 - b) a record of members of the Board of Representatives; and
 - c) a record containing the minutes of the meetings of the Board of Representatives.
4. Centrally Funded Drainage Board and Self Funded Drainage Board shall in addition keep the following books and records:
- a) a record of maintenance, rehabilitation and construction contracts;
 - b) an inventory of assets;
 - c) a record of inspections and surveys of main drainage canals flood defense works transferred to the Drainage Board; and
 - d) financial accounts in accordance with article 47.
5. Each Self Funded Drainage Board shall in addition keep a record of drainage charges owed and paid.

Article 47

FINANCIAL ACCOUNTS

1. Every Association, Federation, Centrally Funded Drainage Board and Self-Funded Drainage Board shall keep accounts of receipts and expenditure and shall prepare an annual balance sheet and income and expenditure statement.
2. The annual balance sheet and income and expenditure statement shall:
 - a) in the case of an Association, be approved annually by the General Meeting;
 - b) in the case of an Federation, be approved annually by the Administrative Council;
 - c) in the case of a Centrally Funded Drainage Board Federation, be approved annually by the Board of Representatives and by the Minister of Agriculture and Food; and
 - d) in the case of a Self-Funded Drainage Board, be approved annually by the Board of Representatives.

3. The accounts of receipts and expenditure of every Advisory Drainage Board shall be maintained by the Ministry of Agriculture and Food.

Article 48

AUDITING OF ACCOUNTS AND ANNUAL RETURNS

1. The accounts of each Association, Federation, Centrally Funded Drainage Board and Self Funded Drainage Board including the annual balance sheet and the income and expenditure statement, may be subject to an annual audit by the Supervisory Department. The Supervisory Department may, with the written approval of the Minister of Agriculture and Food, delegate its power to undertake audits to a suitably qualified and responsible body.
2. The Minister of Agriculture and Food may from time to time designate districts in which the reporting requirements specified in sub-article 3 are to apply. A notice containing such designations shall promptly be published in the 'Government Gazette'.
3. Each Association, Federation, Centrally Funded Drainage Board and Self Funded Drainage Board which has its registered office in a district designated in accordance with sub-article 2, shall within 120 days of the end of its financial year file an annual return with the Supervisory Department, in the format determined by the Supervisory Department, together with a copy of its annual balance sheet and income and expenditure statement and a filing fee if so prescribed.
4. The members of the Administrative Council of any Association or Federation shall be liable to punishment in accordance with the Criminal or Administrative law if they unlawfully fail to file an annual return and a copy of the accounts within the period specified in sub-article 3.
5. The members of the Board of Representatives of any Centrally Funded Drainage Board or Self-Funding Drainage Board shall be liable to punishment in accordance with the Criminal or Administrative law if they unlawfully fail to file an annual return and a copy of the accounts within the period specified in sub-article 3.

Article 49

Register of Associations, Federations, and Drainage Boards

1. A Register of Associations, Federations, and Drainage Boards shall be established at the Ministry of Agriculture and Food and maintained by the Supervisory Department.

2. The Register shall contain the following details of each Association:
 - a) the name of the Association;
 - b) the registered office of the Association;
 - c) the irrigation service area of the Association and the size and location of the Association's irrigation service area;
 - d) the number of members of the Association;
 - e) the names, addresses and telephone numbers (if any) of the members of the Administrative Council and the Chairperson; and
 - f) the date of filing of the most recent annual return.
3. The Register shall contain the following details of each Federation:
 - a) the name of the Federation;
 - b) the registered office of the Federation;
 - c) the primary canal and other infrastructure transferred to the Federation;
 - d) the members of the Federation;
 - e) the names, addresses and telephone numbers (if any) of the members of the Administrative Council and the Chairperson; and
 - f) the date of filing of the most recent annual return.
4. The Register shall contain the following details of each Drainage Board:
 - a) the name of the Drainage Board;
 - b) the registered office of the Drainage Board;
 - c) the drainage service area of the Drainage Board;
 - d) the names, addresses and telephone numbers (if any) of the members of the Board of Representatives; and
 - e) the date of filing of the most recent annual return.
5. The Register of Associations shall be open to public examination during normal office hours.

Article 50

LEGAL SUPERVISION

1. The Supervisory Department may routinely request copies of the accounts of Associations and Federations and Drainage Boards together with copies of books and records required to be maintained in accordance with this Law.

2. A duly authorized officer of the Supervisory Department may audit and inspect the books and records of an Association or a Federation:
 - a) on the written request of a member of that Association or Federation; or
 - b) if, having reviewed a copy of the annual return and accounts of that Association or Federation, there is in the opinion of the Director of the Supervisory Department, prima facie evidence of financial malpractice or irregularities.
3. If following an audit and an inspection of the books and records of an Association, the Supervisory Department finds evidence of financial malpractice or that the Association has not been operating in accordance with the provisions of this law, it may require the Administrative Council to call a meeting of the General Meeting where the Supervisory Department's findings can be presented to the members. If the Administrative Council fails to call a meeting of the General Assembly within 30 days, the Supervisory Department may suspend the Administrative Council and call such a meeting itself.
4. If the Administrative Council is suspended in accordance with sub-article 3, the Supervisory Department may appoint a temporary manager to run the Association until such time as a new Administrative Council is appointed by the General Meeting.
5. If, following an audit and an inspection of the books and records of a Federation, the Supervisory Department finds evidence of financial malpractice or that the Federation has not been operating in accordance with the provisions of this law, it may require the Administrative Council to call a meeting where the Supervisory Department's findings can be presented to the members of the Administrative Council. If the Administrative Council fails to call a meeting within 30 days, the Supervisory Department may suspend the Administrative Council and appoint a temporary manager to run the Federation until such time as a new Administrative Council is appointed by the members of the Federation.
6. If, following an audit and an inspection of the books and records of a Drainage Board, the Supervisory Department finds evidence of financial malpractice or that the Drainage Board has not been operating in accordance with the provisions of this law, it may refer the matter to the Minister who may suspend the Board of Representatives and appoint a temporary manager to run the Drainage Board until such time as a new Board of Representatives is appointed.

Article 56

TECHNICAL SUPERVISION

1. The Ministry of Agriculture and Food may routinely request of Associations and Federations and Drainage Boards to provide information and documentation concerning the operation and maintenance of infrastructure which has been transferred to them in accordance with the provisions of this law.
2. A duly authorized officer of the Ministry of Agriculture and Food may enter upon and inspect infrastructure transferred in accordance with the provisions of this law and may require the Association, Federation, or Drainage Board to undertake specified works where this is necessary:
 - a) to ensure the proper maintenance of such infrastructure; or
 - b) to prevent damage or harm to that infrastructure; or
 - c) to prevent damage to state property or the property of third persons; or
 - d) for the public interest.

Article 52

SERVITUDES

1. An Association, Federation or Drainage Board may obtain servitude in accordance with the Civil Code.
2. Duly authorized officers of an Association, a Federation, or a Drainage Board shall have the power to enter private land for the purposes of undertaking surveys and emergency works in respect of any infrastructure that has been transferred to the Association, Federation, or Drainage Board.
3. Irrigation and Drainage system areas together with relevant structures shall be registered in the office of fixed assets where the servitudes are also registered on the basis of this Law. Amendments shall take place in the case of transferring structures, on the proposal of the Minister of Agriculture and Food.

Article 53

EMERGENCY AND RESERVE FUNDS

Associations, Federations, and Centrally Funded Drainage Boards and Self Funded Drainage Boards may establish emergency funds and reserve funds and open separate bank accounts for such funds.

Article 54

DISSOLUTION AND LIQUIDATION OF ASSOCIATIONS AND FEDERATIONS

Dissolution and Liquidation of Associations and Federations shall take place in accordance with the civil code.

Article 55

Dissolution and Liquidation of Drainage Boards

A Drainage Board may be dissolved by a decision of the Council of Ministers if the Drainage Association tasks no longer exist or if they can no longer be practically fulfilled by the Drainage Board or the continued existence of the Drainage Board is no longer required for other reasons. The Council of Ministers shall in any such decision, specify the procedures to be followed for winding up the Drainage Board.

Article 56

OFFENSES

1. The following activities may be punished as administrative offenses:
 - a) the construction, rehabilitation or modification of any irrigation system or drainage system without the permission of the Ministry of Agriculture and Food;
 - b) damage to an irrigation system, a drainage system or to flood defense works;
 - c) unauthorized construction activities on any irrigation system, drainage system or flood defense works;
 - d) the construction or erection of any building or structure, or the planting of trees closer than eight (8) meters from the edge of any primary canal or main drainage system or closer than four (4) meters from the edge of any other irrigation or drainage canal.
2. Associations, Federations, and Drainage Boards, as established in Article 56.1, shall denounce administrative offenses. The judgment and punishment of such offenses is a duty of the Chairperson of the District Construction Police.
3. A person that commits administrative offenses shall pay for returning the damaged structure to its previous state.
4. Administrative offenses, as established in Article 56, will be fined from 10,000 to 100,000 Lekë.

Article 57

Complaints against the decision made by the Chairperson of the District Construction Police shall take place within five (5) days from the date of the announcement to the Director of the Construction Police that shall make a decision within ten (10) days. Complaints against the decision made by the Director of the Construction Police shall take place within five (5) days from the date of the announcement at the District Court.

Article 58

Complaints to the court against the decision made by the Construction Police shall not suspend punishment. In the case of a final court decision that accepts such a complaint, the person punished has the right to claim indemnity.

Article 59**POWER TO MAKE REGULATIONS**

The Council of Ministers and the Minister of Agriculture and Food may issue decisions and regulations for the application of this law.

Article 60

Law no. 7846, “On the Construction, Administration, Maintenance and Operation of Irrigation and Drainage Works” dated July 21, 1994, as well as Law no. 8111, “For an Amendment to Law no. 7846”, dated March 28, 1996, and other articles that are in conflict with this law are hereby abrogated.

Article 61**Entry into force**

This Law will enter into force fifteen (15) days after publication in the Government Gazette.

LAW NO. 8337, DATED APRIL 30,1998

**FOR THE TRANSFER OF OWNERSHIP OF AGRICULTURAL LAND,
MEADOWS, PASTURES, AND FORESTS**

- This Law has not been updated -

Based on Articles 16 and 23 of the Law no. 7491, dated April 29, 1991 "On the Main Constitutional Provisions", by proposal of Council of Ministers;

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

This law amends the transfer of ownership of agricultural land, meadows, pastures and forests.

The transfer of ownership of agricultural land, meadows, pastures, and forests is made by notary acts that are governed by Articles of the Civil Code.

Article 2

“Agricultural land” is land that, at the moment of transfer of ownership, is considered as such according to Law no. 7501, dated July 19, 1991, "For Land", and the other sub-legal acts.

“Meadow and pasture land” is land that, at the moment of transfer of ownership, fulfills the criteria of Law no. 7917, dated April 13, 1995, "For Meadows and Pastures", and other sub-legal acts.

“Forest land” is land that, at the moment of transfer of ownership, fulfills the criteria of Law no. 7623, dated October 13, 1992, “For Forests and Forest Service Police ”, Law no. 8118, dated July 9, 1996, and other sub-legal acts.

Article 3

State-owned agricultural land, pastures, meadows, and forests shall not be sold until compensation is given to the former owners, except in cases treated differently by law.

Cases of transfer of ownership for the implementation of Law no. 7698, dated April 15, 1993, "For the Restitution and Compensation of Properties to Former Owners" are excluded from the preceding paragraph.

Article 4

Transfer of ownership of agricultural land, forests, pastures and meadows to foreigner persons, physical or juridical, is forbidden.

Article 5

A family can transfer ownership of agricultural land, pastures, meadows and forests to any physical or juridical citizen of Albania, in conformity with legal requests for the transfer of immovable property, upon presentation of the following documents to the immovable property registration office:

- a) a certificate from the Immoveable Property Registration Office that verifies ownership attached to a notary act for transfer of ownership and the index map which shows the location of the property;
- b) documents that certify the composition of the family at the moment of transfer of ownership verified by the certificate of civil status, certified by the local government and a common declaration by family members;
- c) topographic sketch map of the property which is the object of the transfer of ownership;
- d) a notarized power of attorney from all co-owners of the immovable property according to this Law.

Article 6

Members of the family shall not transfer ownership of any part of the agricultural land, pastures, meadows, and forests of the family until the property is divided according to the relevant Civil Code provisions.

Article 7

Actions for the transfer of ownership for properties that are not registered according to the Law no. 7843, dated July 19, 1994, "For the Registration of Immoveable Properties" shall not take place until the first registration rules are implemented.

Article 8

Second paragraph of Article 2 of Law no. 7501, dated July 19, 1991 "For Land", portions of Law no. 7983, dated July 27, 1995, "For Buying and Selling of Agricultural Land, Meadows and Pastures", and any other sub-legal acts contradicting this law, are hereby repealed.

Article 9

This law becomes effective 15 days after its publication in the Gazette.

LAW no. 8405, dated September 17, 1998

FOR URBAN PLANNING

- This Law has not been updated -

Based on Article 16 of Law no. 1491, dated 29 April, 1991 "For Main Constitutional Clauses", upon proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
DEFINITIONS**

Article 1

To the understanding of this Law, the following definitions apply:

"Regional urban study" is a complex urban study that comprises the territory of one or more municipalities or districts;

"Master plan" is an urban study of a certain theme that comprises the territory of the entire nation or separates;

"Environment study" is a study conducted to determine the condition or ecological situation of a given environment;

"General adjusting plan" is a complex urban study of a limited territory and comprises the perspective extension of both a city territory and a suburban zone of a village, a settlement, a resort center, an industrial center, etc.;

"Partial urban study" is a detailed urban study based on the expectations of a general adjusting plan, and comprises areas or parts of a territory where adjusting interventions are foreseen;

"Planimetry of construction site" is the graphic material emerging from the partial urban study which is attached to the approval decision for construction site and urban conditions;

“Limiting construction line” is the geographic boundary of the territorial extension of buildings;

“Boundary of suburban zone or the suburban line” is the geographic boundary and territorial extensions of city outskirts for multi-year periods;

“Construction line” is the line around the allowed area or roads, within which building is permitted;

“Site” is a an area of land located within the limiting construction line which has been designated for building through an approved urban study;

“Publicly owned territory” is the area of land, within and outside limiting construction lines, designated and approved for public purposes;

“Privately owned land” is any area of land, within or outside limiting construction lines, which is private ownership;

“Design” is the development stage of a construction project sufficient to be used for considering and approving the conditions of building site;

“Technical project” is the development stage of a construction project sufficient to be used for issuing construction permits;

“Project implementation” is the development stage of a construction project sufficient to be used for implementing the construction of objects;

“Urbanization” is the occupation process of an area of land to build, from simple systematization elements to the final construction;

“Protected zone” is an area of special natural or ecological value;

“Green zone” is an area of land possessing greenness ranging from grass to high greenness;

“Urban planning conditions” are the necessary conditions and technical requirements to be applied which determine the spatial development of a building, including extension in length, width, height, volume, shape, and so forth.

The content and preparation method of the above definitions is provided in the Urban Planning Regulation.

CHAPTER II GENERAL CLAUSES

Article 2

For the purpose of this Law is the assertion and determination of general rules for the establishment and architecture of buildings in the whole territory of the Republic of Albania. Upon determination of these rules, the following policies have been taken into consideration; the current and future economic and social development at the national and local level, national defense, environment protection, preservation and implementation of urban planning, architectural and archeological values, the protection of legitimate interests related to private property.

Article 3

Local government organs shall administrate the territory under their jurisdiction, according to the competencies provided by law. In order that the living conditions improve, the territory be administered on legal basis, environment protection be provided, the equilibrium of the development of urban and rural zones be maintained, and the existing conditions be improved, the organs of local government shall harmonize their decisions by reciprocally honoring local autonomy.

Article 4

All construction in the territory of the Republic of Albania shall be made on the basis of regional and environmental urban studies, master plans, general adjusting plans, partial urban studies at the design stage, technical projects and project implementations. Projects for all surface and underground buildings and engineering infrastructures in the whole territory of Albania shall carried out according to all norms, technical requirements, legal and sub-legal acts in force.

Article 5

Regional and environmental urban studies, master plans, general adjusting plans, partial urban studies, limiting construction lines and suburban lines are all technical documents which shall determine all technical and legal relationships in the field of urban planning. The content and the method of drafting these documents shall be determined by Urban Planning Regulations, approved by the Council of Ministers.

Article 6

Construction shall be allowed outside of urban territories only as determined in regional studies and master plans approved by competent organs. Regional studies and master plans shall be drafted to exclude from construction any agricultural land of first, second, third or fourth categories, as well as protected natural zones, as determined by the technical reports of the agricultural and food directorate within each district.

CHAPTER III
COMPETENCIES OF STATE ORGANS IN THE FIELD
OF URBAN PLANNING

Article 7

The higher state organ responsible for approving urban studies is the Territory Adjusting Council of the Republic of Albania (TACRA).

Article 8

TACRA is a decision-making organ and operates at the Council of Ministers. The head of TACRA is the Prime Minister. Composition, membership and funding are approved by decision the Council of Ministers.

Article 9

The following studies are approved by TACRA.

- a) Project tasks for studies the approval of which are under its competence.
- b) Regional urban studies.
- c) Master plans of zones of more than 10 hectares.
- d) Regional and partial urban studies for the development of tourist zones.
- e) Master plans for the development of tourist zones.
- f) General adjusting plans, limiting construction lines and city suburban boundaries which are administrative centers of a district and cities of more than 10,000 inhabitants.
- g) Urban studies for city centers of cities with more than 50,000 inhabitants.
- h) Partial urban studies of more than 15 hectares, within cities.
- i) Studies for the city parks, national parks and natural reservations for preserving biodiversity, and protected natural zones.
- j) Regional studies for ports, airports and strategic zones.
- k) General study designs for the infrastructure of roads, railroads, electricity, waterworks, canalization, telephones, gas and petroleum, within and outside city areas.
- l) Building sites of more than 0.5 ha, and projects for buildings within the sites, proposed to be built outside the limiting lines of cities, villages and human settlements, according to what is determined in the regional studies and master plans of the zones. For sites over 0.5 ha outside the limiting lines, the respective district council shall preliminarily consider the opinion of the Ministry of Agriculture and Food.
- m) Construction permits for important objects in city centers approved by urban studies.

- n) Urban studies, sites and construction permits in tourist zones, which shall be made available to the Committee of Tourism Development.

Article 10

TACRA shall consider and decide whether to repeal decisions made by district and municipal territory adjusting councils (TAC's), when requests are made by local councils and prefectures, in cases where violations of law in the decision-making of district and municipality TAC's is observed and the implementation of Governmental programs is hindered.

Territorial competencies allow prefectures to cancel the implementation of TAC decisions, until they are considered by TACRA.

Article 11

The technical secretary of TACRA operates in the relevant ministry that deals with territory planning activity at the Territory Planning Directorate. The tasks of the technical secretary are determined through special clauses of the Council of Ministers.

Article 12

The relevant ministry dealing with territory planning activities through the Territory Planning Directorate shall coordinate work between TACRA, state organs and local government organs in the field of territory planning. This directorate is entitled to exert controls over the local government organs that deal with territory planning, and to study and prepare proposals for legal and sub-legal acts.

Article 13

The Institute of Urban Studies and Projects is the state organ at the national level which prepares urban studies and projects determined by the Urban Planning Regulation. This institute is under the control of the Ministry of Public Works and Transport.

Article 14

The organs specialized for Urban planning in local government are:

- The territory adjusting council at the district council, in Tirana Municipality and other municipalities that are cities of first category (TAC).
- Urban planning section at district council and in the municipalities that are cities of first category (city planning directorate in Tirana Municipality), and technical secretary of TAC.
 - Urban planning office in the municipality.
 - Urban planning office in the commune

The establishment and operation of TAC is relevantly carried out upon the proposal from District Council, Municipality Council of Tirana or cities of first category and is approved by the ministry covering the respective field activity. Members of TAC are rewarded for their work.

Article 15

To the understanding of this law, the first category cities are: Shkodra, Durrresi, Elbasani, Fieri, Vlora, Korca, Saranda, Gjirokastra, Berati, Pogradeci, Lezha, Lushnja and Kavaja.

Article 16

TAC's operates as decision-making organs of district councils, the Municipality of Tirana, and municipalities of first category cities. The heads of TAC's are respectively the heads of district councils and mayors.

TAC's are composed of 15 members each of whom are experienced specialists in relevant fields.

Article 17

TAC members of municipalities of first category cities shall include: the Mayor; Chief of Urban Planning Office; Chief of Urban Cadaster; Director of Construction Police or an employee proposed by him; Chief of Juridical Office; Chief of Public Infrastructure; Inspector of Environment Regional Agency; Specialist of Green Decoration; three urban specialists or architects assigned by the municipality council; two urban specialists or architects, one construction specialist and one construction engineer from the prefecture.

Article 18

The district TAC members shall include: the head of district council; Chief of Urban Planning Office; Chief of Agriculture Cadaster; Director of Agriculture and Food in the district; Director of Construction Police or an employee proposed by him; Chief of Juridical Office; Chief of Public Infrastructure; Director of Road Sector or an employee proposed by him; Inspector of Environment Regional Agency; Inspector of Fire Protection; two urban specialists or architects; one construction specialist or one construction engineer from the district council; two urban specialists or architects proposed by the prefecture.

Article 19

TAC of Tirana Municipality is composed of 21 members. TAC members of Tirana Municipality include: Mayor of Tirana Municipality; Director of urban planning directorate in municipality; Director of juridical office in municipality; Director of public infrastructure directorate in municipality; Director of Territory Planning Directorate in the Ministry of Public Works and Transport; Director of General Directorate of Waterworks and Canalization; Director of Regional Directorate of Road System Maintenance for Tirana; Director of Urban Studies and Projects; Head of Regional Environment Agency of Tirana; Director of Green Decoration Enterprise of Tirana; three specialists from the Institute of Urban Studies and Projects; three urban specialists or architects proposed by the municipality council; three urban specialists or architects and one construction specialist proposed by Tirana Prefecture.

Article 20

- District and municipality TAC approves and proposes changes regarding:
- The projection task for any type of urban study in the territory under its jurisdiction;
 - The program for development of urban study competitions;
 - The regional plan, master plans and city general adjusting plan within the district and the partial urban studies of any extent according to the development programs;
 - The limiting construction line and the boundary of suburban zone;
 - The general and partial urban plans for communes;
 - The general adjusting plans for communes;
 - The general adjusting plans for villages;
 - The building sites and their objectives together with urban conditions based on the approved urban studies;
 - Project implementation for the objects built on sites of any size;
 - Sites and construction permits;
 - Declarations of the enlarged volume of the approved object as non-legitimate and also the sanctions against it.

The materials dealt with by district TAC, Tirana Municipality, and other municipalities of first category cities are prepared by the technical secretary of TAC which function is relevantly carried out by the urban planning section in the district council, Tirana Municipality, and first category cities. The materials, passing under the competence of TACRA, shall be submitted to the technical secretary no later than 30 days after their approval by district or municipality TAC.

Article 21

District and municipality TAC's are assembled once per month and, by request of its head or 1/3 of the members, extraordinary meetings are held. The meeting is valid if 2/3 of its members are present. TAC decisions are made by majority vote and shall be signed by the head of the TAC. All members of TAC present at the meeting are obliged to sign the meeting report after having read it. Interested local government representatives may participate at TAC meetings, but with no right to vote. In cases where district or municipality council have comments and do not agree with decisions made by TAC, they are entitled to return one time, only, to have the decisions reconsidered. If, subsequently, the TAC does not change its decision, the decision remains in force.

Article 22

The urban planning section of district council in municipalities of first category cities, and the Urban Planning Directorate in Tirana Municipality have the following competencies:

- a) To prepare materials for studies in the field of territory planning and development under its jurisdiction, and to present the materials to the TAC for consideration.
- b) To draft urban studies or orders to be prepared according to the law by licensed private and state projecting institutions in the field of urban studies, after having received the opinion of TAC for the implementation and interpretation of regional urban studies, master plans, general adjusting plans and the approved partial studies.
- c) To direct the work for the projection of regional plans, general adjusting plans, master plans for territory development, partial urban studies, and so forth.
- d) To prepare technical documentation and present it to the district or municipality council for approval.
- e) To present to TAC requests for building sites. In cases where they are public property, they are presented to TAC after the site ownership is determined and distributed by the district council, municipality and commune council.
- f) To present requests for building permits, requests for demolition of objects and wood cutting.
- g) To prepare TAC decisions and the necessary technical documentation together with the urban conditions approved by TAC, and submit to the requester no later than 30 days from the decision date made by TAC, once the requester has paid the fees to the state according to the law.
- h) To draft urban studies for communes and adjusting plans for villages.
- i) To oversee, according to the approved permits, the use of respective buildings for the foreseen objectives.
- j) To maintain cadaster and urban statistics, to conduct updating of city plans and archive it by the end of each year.
- k) To supply the Ministry of Public Works and Transport information in the field of territory planning every 6 months.

- l) To determine, after the building permit is approved, site evaluation of state property on which the building will be constructed, according to the law.
- m) To maintain inventory acts for the phases of operations accomplished, such as object picketing, completion of foundations, completion of foundation, and to archive technical documentation and other documents of the object.
- n) To propose norms of urban planning specific conditions and present to TAC for consideration.
- o) To prepare for approval of TAC material concerning relevant changes, in situations where new conditions for changes are presented in approved studies by higher state institutions.
- p) To keep systematic connections with the technical secretary of TACRA and with the urban planning offices of municipalities and communes.
- q) To give an opinion in writing for each material presented to TAC.
- r) To be informed for licenses issued in the field of projection and implementation and to make proposals to competent organs for termination of licenses if misused.

Article 23

Appointment and dismissal of the chief of urban planning section, at the district council and municipalities of first category cities, is made respectively upon the proposal of district council and municipality council of first category cities and is approved by the relevant minister.

The relevant minister, in special and motivated cases, decides for their dismissal.

The Director of Urban Planning Directorate in Tirana Municipality is appointed and dismissed by the relevant minister

Article 24

The Urban Planning Directorate in Tirana Municipality, urban planning sections in district councils, and urban planning offices in municipalities of first category cities must have the following structure:

- chief of section (Urban Planning Director in Tirana Municipality);
- technical secretary of TAC;
- sector of projecting and studies of urban planning;
- sector of urban cadaster;
- sector of legal urban planning;
- sector of engineering infrastructure and evaluation of effects on the environment.

The number of employees of urban planning sections shall be determined respectively by council of the district and municipality, but there shall be no less than 7 urban specialists, architects, infrastructure and topography engineers in districts and first

category cities, and no less than 5 urban specialists, architects, environment engineers, infrastructure and topography engineers or similar specialists in the other districts.

The number of employees in the Urban Planning Directorate in Tirana Municipality shall be determined by council of the municipality, but there shall be no less than 35 urban specialists, architects, environment engineers, construction engineers, infrastructure engineers, topography engineers, environmentalists or similar specialists.

Article 25

The Urban Planning Directorate in Tirana Municipality, urban planning sections at district councils and urban offices in municipalities of first category cities shall establish a technical council whose composition is approved by the council of Tirana Municipality, district council or municipality council of first category cities, respectively. The composition, operation, rights and obligations of technical council shall be determined through sub-legal acts.

Article 26

The Urban Planning offices of municipalities have the following rights and obligations:

- To direct the work for drafting the projection tasks of city urban development and the necessary technical documentation for drafting the city adjusting plan, and present plans for approval before TAC and municipality council.
- After the approval of projection tasks by municipal council and relevant organs, order the preparation of drafts of city adjusting plans by the specialized organs according to the laws in force.
- To draft or order the preparation of partial urban studies by specialized licensed private and state projection organs, according to the legal clauses in force for the implementation and interpretation of the city general adjusting plan, soon after the opinion of TAC is received.
- To consider requests for building sites and permits with relevant documentation for each object, and, after giving its opinion, and if there is an approved general adjusting plan or partial urban study, present the request for consideration and approval before TAC Materials are then submitted to the technical secretary of TAC.

The municipality council shall determine the number of employees of urban planning office who will be urban specialists, architects, environment engineers, infrastructure and topography engineers or similar specialist, but in any case there shall be no less than five (5) specialists for district center municipalities and no less than 3 specialists for other municipalities.

The chief of the urban planning office shall be an urban specialist, architect or environment engineer in municipalities of first category cities, and can be construction or environment engineers for the other categories.

Article 27

The Urban Planning office in each commune has the following rights and obligations:

- To direct the work for the implementation of urban development programs approved within the territory of commune.
- To consider requests for building sites and permits and the relevant documentation and, if there is an approved general adjusting plan or partial urban study, present them for approval before the commune council after giving its opinion.
- To present for approval before the district TAC all requests for building sites, building permits, object demolition and wood cutting.

Article 28

In the cases where chiefs or employees of urban planning offices and sections notice the occurrence of violation of this law, relevant notification shall be done within 2 days to the construction police organs. The failure of responsible persons to accomplish this obligation constitutes a serious violation of work discipline, possibly penal offense.

Persons responsible for violations are obliged to pay for any damages suffered as a result of the violation, upon the asking of physical or juridical, private or state persons. In these cases the court shall resolve any disputes.

CHAPTER IV LAND ADMINISTRATION FOR BUILDING PURPOSES

Article 29

Land administration for building purposes is achieved through regional plans, master plans, general adjusting plans and partial urban studies. Their content is determined in the Urban Planning Regulation.

Article 30

To the understanding of this law, the privately and publicly owned lands have the same value regarding urbanization. Their method of use for building purposes is determined in the regional urban studies, master plans, general adjusting plans and partial urban studies.

Article 31

For the implementation of all types of urban studies, according to their phases of accomplishment under this law and other legal acts, expropriation shall be conducted in total compliance with the study, the evaluation of privately owned immovable property, and the relevant expropriation procedures.

Article 32

Land owners within limiting construction lines in cities, villages and inhabited settlements are entitled, through licensed organs and persons, to conduct studies for the territories under their ownership only after having received from the urban planning organs the urban criteria and conditions defined by the studies in force. These studies are not compulsory for use by state organs, but they can be presented as options for technical solutions for discussion in the TAC under which jurisdiction is situated the land together with the studies local government is entitled to conduct on the same territory.

Article 33

The non-criteria urbanization of natural value zones, agricultural lands, and private forest lands is prohibited.

Owners of agricultural land outside limiting construction lines of cities, villages and inhabited settlements are entitled to demand the urbanization of their lands, but only on the basis of regional studies, master plans and studies of sub-urban zones approved by competent organs.

Article 34

The TAC of proper jurisdiction shall approve the designated location for the accumulation of waste material of all types, including technological and urban waste materials of buildings, depending on the size of the site and the processing technology. This designation shall be made at the level of the regional study and master plan. In all cases, material shall be examined and approved by the environmental protection regional agency and the state health inspector.

Article 35

The district council, municipality council and commune council shall update, through the regular legal documentation, publicly owned territories under their jurisdiction. After these activities are conducted they are entitled to examine and propose building permits based on urban planning studies in those territories, according to the law and relevant competencies.

Article 36

Regional plans, master plans, general adjusting plans and partial urban studies drafted by the legally determined organs shall be stored, within 15 days from the day of completion, with the technical secretary of the TAC of the district or municipality of first category cities and shall be made available to the interested parties for a 30 days period. The announcement is made through means of public information. Interested parties may present their comments to the urban planning section at the local level. Within 30 days the projection organ, in cooperation with the section of the relevant urban planning office in the district, municipality of first category cities or Tirana Municipality, shall presents their comments, and the final material shall presented in the first meeting of respective TAC.

Article 37

Regional plans and master plans are prepared for a period of over 20 years, whereas general adjusting plans and partial urban studies are prepared for determined periods of ten to fifteen (10-15) years determining priorities for the first five (5) years. Studies and plans can be modified with a proposal from local government organs, subject to approval by organs of competence.

Existing urban studies shall remain in force during the time changes to the study are being prepared, until the date of the new study's final approval.

Article 38

Any foreign or domestic physical or juridical persons that wants to construct an underground or surface building structure must submit a request in writing, including any urban study, for the approval of the building site and urban conditions.

Requests for building sites shall be made according to form no.1 that is attached to this law. Technical instructions for documentation and its graphical form are provided in the Urban Planning Regulation.

Article 39

Requests for building sites shall be submitted to the urban planning section in a district council, the urban planning office in a city municipality, or the urban planning office in a commune, depending on the site location. The urban planning offices, after examining documentation and concluding that it is in compliance with legal requirements, shall transfer the requests to the urban planning section in a district council or urban planning office in municipalities of first category cities or the Municipality of Tirana, and follow the procedures for presentation and examination before the relevant TAC.

Requests for building sites shall be based on an approved urban study of the zone in question, or else the materials shall be refused until such a study is completed by a state organ or an interested party who can have the study conducted by licensed organs according to the strategies of district and zone urban development. The relevant urban planning offices shall give necessary explanations. Interested persons shall have the studies conducted at their own expenses, according to legal requirements.

Article 40

Objectives of main building sites and urban planning conditions shall be determined in the approved general adjusting plans or in the partial urban studies.

For privately owned sites, only owners shall make requests for approval of the functional objectives and urban site conditions.

Several requests can be presented for publicly owned building sites. District councils, municipality councils and commune councils shall examine the requests in the form of competition bids, selecting the one that best meets the needs according to financial, economic, social, urban, architectural, environmental and other relevant conditions.

Article 41

When local government organs are interested in building within a publicly owned zone, they shall announce a price for objects of public or social importance. The examination and selection of bids shall then be made according to the law.

Article 42

The district councils, municipalities and commune councils, according to the requirements of this law, are obliged to make available to the National Housing Agency building sites for purposes of housing the homeless in publicly owned territories under its request for a 2 year term.

Article 43

For publicly owned sites, district, municipality and commune urban planning offices shall publish approved studies and requests for building sites in publicly owned territories according to their locations. Publication shall be made no less than 20 days prior to the date fixed for their examinations in district, municipality and commune councils. The district, municipality and commune councils shall examine the requests, documentation, and the opinions of urban planning offices and decide, by majority vote, the assignment of sites with regard to the best bids.

The decision of these councils shall be announced and signed by the heads of district, municipality or commune councils.

TAC decisions, regarding the assignment of building sites for public properties and urban conditions from which building site projects will be prepared after the selection made by district, municipality and commune council, shall be made according to form no.2 attached to this law.

The urban planning section of the district council, or the urban planning office of the municipality or commune where the request was presented provides answers to requests regarding both privately and publicly owned building.

Article 44

Release of decisions regarding the approval of a building site with its functional objectives and urban condition shall not exceed 2 months from the date of the presentation of the request.

If requester does not agree with the TAC decision, that person can apply to the district or municipality council for reconsideration of the request. Decisions regarding reconsideration of requests are definitive.

Article 45

Any foreign or national physical or juridical person that wants to build within the territory of the Republic of Albania shall be provided with a building permit. This is the only legal documentation on the basis of which building is permitted. Building permits shall also be issued to juridical persons who are licensed constructors.

In either case, regardless of whether the land is private or public property, the juridical person shall present the contract made with the landowner or with the person to whom the TAC has assigned the building site.

Requests for building permits are made according to forms 3 and 3/1 of this law. The technical and formal requirements of documentation are outlined in the Urban Planning Regulation.

Article 46

From the date of approval of the functional objective and urban conditions of a building site until the submission of request for the building permit, no more than 3 months shall pass for publicly owned sites up to 0.1 ha, and no more than 6 months shall pass for building sites over 0.1 ha. In cases where these terms are violated, the urban planning office or sector shall inform the municipality, district or commune council, depending on the site location, who will in turn make a decision regarding the postponement of time or a new site assignment.

The term of TAC decisions regarding the approval of the functional objective of building site and its urban conditions for privately owned territories, despite the size of site, is six (6) months. In case where this term is exceeded, the request shall be repeated. When terms for building site decisions in either privately or publicly owned territories are violated, TAC decisions become invalid.

Article 47

The conveyance or transfer of any type of the building permit is prohibited.

Article 48

Building permits are required for the accomplishment of the following operations:

- new buildings of any type, surface or underground; additions, roads, bridges, ports, airports, highways, railways, infrastructure works, water-works, canals, telephones, electricity, gas pipes, petroleum, water vapor, construction materials;
- construction on existing foundations;
- modification of objects concerning the outer appearance of architectural elements, as well as interventions into the construction and solidity of existing objects;
- the placing and displacing of windows, placing existing objects on the first floors, adaptations for enlarging the object sizes laterally, construction of additional floors;
- restoration of outer components, plastering, painting, and so forth;
- temporary and permanent enclosures;
- temporary enclosures and buildings during the time in which building operations are under process;
- the construction of barracks, exhibitions, fairs, platforms, billboards;
- wood cutting;
- building demolition.

Article 49

The urban planning directorate of Tirana Municipality and urban planning sections of districts and first category cities shall consider requests for building permits relating to:

- temporary enclosures for building sites approved for a 6 month term;
- the placing of gates on wall enclosures, and temporary or permanent yard enclosures;
- the placing of doors and windows that do not effect architecture or construction;
- permission for changes in the objectives of existing objects;
- permission for the placing of billboards;
- permission for the demolition of buildings.

Relevant technical councils according to the procedure determined in article 22 shall consider these requests, and the mayor or head of the council of first category districts shall approve them.

Permits for woodcutting are under the competence of the TAC.

The technical secretary shall inform the TAC with regard to approved permits for these cases. If any TAC member has comments concerning these permits, the comments will be reviewed during TAC meetings, and the TAC has the right to annul permits.

Article 50

TAC shall approve or reject the assignment of building permits by majority vote. The signature of the head of the TAC shall issue the decision for approval of building permits. This decision is in appendage to the relevant planimetry, signed by the head and secretary of TAC.

TAC has no right to approve a building permit if:

- the objective of building permit has changed in the submitted project;
- the size of building site has changed in the submitted project;

No more than 45 days shall pass from the date of presentation of a request for a building site until the date of approval or rejection.

All presented technical documentation, including all documents required by law and the entire technical project, as well as the basic calculations for the constructions and estimates, shall be stored with the TAC technical secretary. All documents must be the originals and in the Albanian language.

Article 51

All physical and juridical persons, prior to the receipt of building permit documents, shall pay one percent (1%) of the investment value they are to make according to the object estimate. This fund shall be deposited in an account for the financing of urban studies in local governments.

All physical and juridical persons, prior to the receipt of building permit documents, shall pay for the use of the existing engineering network of water-works, canalization, electricity, telephones, roads etc., as follows:

- 5% of the investment value according to the estimate when the object is constructed within the city limiting lines.
- 2% of the investment value according to the estimate when the object is constructed outside the city limiting lines.

The technical secretary of the TAC in collaboration with the finance section shall conduct control of payments, matching the final estimate of the object to be constructed with the infrastructure project.

Payments shall be made immediately to the finance sector in the council of a first category district or city, or Tirana Municipality, upon the authorization of the technical secretary of the TAC. This fund shall be used for the reconstruction of infrastructure networks of basic local government units. Building permit documents are given after payment documents are stored in object folders.

Article 52

The term of validity of a building permit is determined by decision of the TAC and TACRA. When the object under construction requires more time for completion than the amount of time approved, the relevant request shall be prepared along with justifications as to why the time expansion for the permit is needed. In these cases, physical or juridical persons need not pay additional fees.

Article 53

Building permits shall be issued to requesters according to form no.4 attached to this law. In cases where the site area is over 0.5 ha., the building permit shall be filed by the TAC technical secretary, after approval by TACRA.

For highly important objects constructed in city centers, building permits, in addition to urban studies, must be approved by TACRA. The TAC technical secretary of the respective district or city shall fill in the permit form. For objects by proxy of state funds, the building permit shall be given to the organ approving the fund before giving it to the contractor of the object of construction.

Article 54

Building permits shall define any necessary obligations to accept supervision regarding building finalizing from the urban planning directorate in Tirana Municipality, the urban planning section in districts and first category cities, or from municipality and commune urban planning offices; these offices shall appoint, in writing, a TAC technical secretary for each control. The control of documentation is conducted for:

- object picketing;
- finalizing foundations;
- finalizing frameworks for the entire object;
- finalizing the outer site systematization according to each project.

Every act of control shall be stored in the object folder. If it is proved that the area and volume of an object under construction is enlarged outside the conditions of the

approved project in the building permit, this shall be considered an administrative offense and the offender(s) shall be fined. Construction Police organs shall determine the value of fines for this type of administrative offense.

In the cases where the TAC or Construction Police decide to demolish any work volume that is constructed outside the approved project area, the offender will cover the demolition costs.

Article 55

The purchase of state or publicly owned plots shall be performed according to Law no. 7980, dated 27 July, 1995, "For Buying of Plots". In the cases of construction on public properties, physical or juridical persons shall pay 50% of the plot's value at the moment of possession of the building permit, and the remainder upon finalizing of the first floor foundation.

Article 56

Physical or juridical persons who are implementing the erection of a construction site are obliged to clearly display a panel on which data is presented including; the type of object, the name of construction company, the director of works, the chief of construction implementation, the name of juridical or physical design person and the term for the finalizing of works.

Article 57

Building permits shall contain determinations of the temporary enclosure boundaries, the height and types of enclosures so as not to prevent the view of road traffic, esthetic aspects, and in no case shall building permits allow for the enclosure of sidewalks. Prior to receiving the building permit the requester shall promise in writing to keep clean the streets, sidewalks, and the spaces surrounding object in the course of construction; and shall promise, upon the finalizing of the works, to restore such areas to their former conditions especially with regard to damaged sidewalks and underground lines. When activities cause damage to the surrounding space in opposition to the conditions of the building permit, the TAC has the right to annul the work and demand the fulfillment of the declared obligations as well as payments of costs equal to the value of the restoration of the surrounding space to its former condition.

In cases where the permit possessor interrupts work, where the term of the building permit is terminated, or where, due to the interruption of work, the phase of the construction affects the functions and conditions of surrounding spaces, the permit possessor shall be fined. In case where work has not resumed, the district council, municipality or commune council shall recommend to the TAC, apart from the abolition

of the building permit, other options to restore the functions and normal situations of that zone.

Article 58

Building permits for temporary objects shall be issued only in cases of natural disasters or similar cases. Temporary buildings shall be constructed with disassembling materials, with no use of Ferro-concrete, concrete blocks, brickwork or permanent roofing.

Building permits for temporary objects shall be issued for a period up to one (1) year.

Article 59

Objects, in danger of falling down, or that place in danger the lives and health of people or their properties, which are not repaired by their owners within the maximum term of their physical durability determined on the basis of expert technical reports, shall be demolished by the owners themselves within a period of time determined by TAC. If this time period is exceeded, the Construction Police organs upon the request by the TAC shall demolish the objects. The owners of the objects shall cover demolition costs. The order signed by the head of the TAC for covering these costs is an executive title.

Article 60

The urban planning directorate in Tirana Municipality, urban planning offices in its administrative units, urban planning offices in the other municipalities, urban planning sections in district councils, and urban planning offices in communes shall control the objectives of use for buildings according to the approved objectives.

Any changes in the objectives of buildings in general, or conveyances of private buildings from one owner to another when this conveyance is accomplished by changing objectives, can be made once permission is received from the above mentioned offices.

Article 61

Classifications of forest areas, areas of useful environment, forest parks, green strips and green territories to be preserved, protected and expanded, shall be made in regional studies, master plans, general adjusting plans and partial urban studies, in collaboration with the National Environment Agency and the General Directorate of Forests and Pastures. After approval of these classifications, any type of change, damage or reduction of green areas by the assignment of building sites or changes of objectives, which cause harm to the protection, preservation, and expansion of these areas, is strictly prohibited.

Article 62

The TAC of districts, municipalities of first category cities, Tirana Municipality and TACRA do not have the right to approve any permanent or temporary buildings outside of the territory functions determined in the approved studies on publicly owned territories such as:

- territories of social or cultural objects;
- green territories,
- sports territories,
- squares and spaces between the constructed blocks of apartments,
- roads, public squares and lawn-seats, determined and interpreted in the Urban Planning Regulation.

Only those buildings that are determined by urban studies, in total compliance with the approved functions, can be constructed.

In cases where the Property Restitution Compensation Commission restitutes property to owners, the TAC's at all levels do not have the right to change the objective determined in the approved study. In these cases landowners have the right to ask for compensation according to the laws in force.

Article 63

Requests to conduct woodcutting or extraction shall be made according to form no.6, attached to this law. These requests shall be considered by the TAC which has jurisdiction over the zone designated for woodcutting or extraction. In cases where a TAC decides to approval such a request, that TAC shall issue the building permit only after the payment for woodcutting or other damage is made. This payment shall be made by the enterprise under the control of the municipality, commune or district administering green territories.

Physical or juridical persons, before being issued a permit for wood-cutting, are obliged to plant three times the number of trees or plants designated to be cut in a zone determined by the green decoration and forest enterprise.

The permit for woodcutting is valid only for a period of three (3) months.

CHAPTER V
BUILDINGS IN TOURIST ZONES

Article 64

Coastal tourist areas, lakes and continental areas are approved by special clauses. These areas shall have the geographical boundary of their expansion approved by the relevant organs. Law approves the criteria applied for buildings within these boundaries.

Article 65

Regional plans and master plans for the development of tourism shall determine building development in tourist zones.

Article 66

Building development in tourist zones shall be achieved through maximum preservation of nature and natural functions.

The development of tourist structures is not allowed without an approved study of the engineering infrastructure.

Article 67

In order that tourist zones be protected:

- the obtaining of land materials within the boundaries of tourist zones, such as loam, gravel, sand, rocks, wood, and so forth, is prohibited;
- the obtaining of materials from the riverbeds, coastal zones and lake sides is prohibited.
- the performance of draining works and reclamation, except for the cases approved by TACRA, the National Waters Council and the National Environment Agency on the basis of clauses affecting environment, is prohibited.

These terms are also imposed for the works of coastal protection carried out by the Ministry of Defense.

Article 68

Cities, villages and other inhabited settlements located within the boundary of tourist zones, coasts, lakes and continental zones are developed on the basis of their adjusting plans. Their coexistence with natural ecological systems is achieved by regional plans and master plans.

Article 69

The creation and expansion of commercial ports, tourist and fishing ports, as well as the respective industrial, commercial and tourist zones shall be carried out on the basis of master plans for the development of tourist zones.

Article 70

Building sites for coastal tourist objects, lake and continental objects are approved according to the urban studies approved by TACRA. The studies and building sites that are approved in these zones shall be made available to the Tourism Development Committee in order to select the investment bids. Building permits in coastal tourist zones, lake and continental zones are approved by TACRA. The procedure for the completion and submission of documentation shall be outlined in the relevant district urban planning section, after the Tourism Committee and National Environment Agency have made their decisions.

CHAPTER VI**ADMINISTRATION OF ZONES AND TERRITORIES WITH SPECIAL CULTURAL, ENVIRONMENTAL, ARCHEOLOGICAL, MUSEUM AND STRATEGIC VALUES****Article 71**

Upon drafting regional plans, master plans of territorial development, adjusting plans and partial studies, there shall be special clauses that indicate, define and protect territories of special environmental, historical, cultural, archaeological, military and strategic value.

Article 72

Upon drafting regional plans, master plans of territorial development, adjusting plans and partial studies, there shall be special clauses defining the territories of environmental value, ecological systems, national parks, flora and fauna reservations, according to the classification and criteria for their preservation, protection and development.

Article 73

The existence of construction areas, complexes and objects of archaeological and historical value shall be detailed in urban studies, which shall provide for their protection according to the requirements of specialized institutions. Any type of building within 200 meters from the boundary of archaeological zones under protection is prohibited. Buildings in museum cities, protected zones, near the special monuments and their surrounding areas, shall be constructed according to the definitions of this law, but not without first obtaining the opinion of relevant institutions.

Article 74

Plans for the preservation, protection and development of urban architectural structures and objects of special value shall be detailed in urban studies and approved by TACRA.

CHAPTER VII

ILLEGAL BUILDINGS AND THE ARBITRARY OCCUPATION OF SITES

Article 75

The arbitrary occupation of a site for any type of building, except for fines and penalties, shall occur with the obligation of immediate object demolition and the restoring of the site to its former condition through payment covered by the offender.

Punishment by fine, object demolition or restoration of site to its former condition shall be carried out through an order issued by the district chief of the Construction Police. The Construction Police, supported by the specialized organs and subjects, shall make the order of execution.

Article 76

Buildings without permits are considered illegal. The mortgaging or registration of these buildings in immovable property registers is prohibited.

For the benefit of the implementation of urban plans, no indemnity or expropriation shall be made for illegal buildings, neither by state organs nor by the private persons who are implementing urban plans approved by the competent organs.

Article 77

For illegal buildings constructed before the date this law comes into force, TAC's shall, according to relevance, decide:

- when the buildings prevent the accomplishment of approved studies of any level in force, for their demolition according to the phases of studies accomplishment.
- When buildings constitute a danger for the environment or have occupied public territories, for their immediate demolition.

For buildings constructed by owners in their own properties, but without permit, when the urban conditions are completed the TAC shall decide for the legalization of the building provided that payment of fine equal to 10% of the investment value is paid, whereas for houses 4% of the investment value. The immovable property valuation expert shall determine this investment value upon the request of the urban planning office or section. Payment for the experts is approved by the urban planning office or section and is covered by the offender.

Article 78

Buildings constructed without permit in approved sites are considered illegal buildings. The urban planning section of the municipality or district, urban planning directorate in Tirana Municipality, municipality police and the other interested parties, when they notice such buildings shall immediately inform the district Construction Police about their existence. After the information given by the above mentioned organs or upon its own initiative, the relevant branch of the Construction Police shall decide immediately for the interruption of the illegal building and determines a fine according to article 81 of this law.

Article 79

The district or Tirana Municipality TAC shall make its decision for the irruption of illegal building according to Article 78 of this Law in its first meeting.

TAC's shall issue building permits when construction meets the requirements of this Law, otherwise they shall make decisions for the demolition of the illegal buildings. These decisions are definitive, and demolition of the buildings shall be completed within five (5) days of the issuance day of the order of mayor or head of the district for the demolition of illegal buildings.

Article 80

In cases where the application of the procedures of Article 75 and 79 is prevented by the offender, and actions taken or expected to be taken by said offender have

consequences on the public order, the Construction Police organs can seek the assistance of the public order police force.

In cases where opposition by the offender constitutes a penal offense, immediate denouncement shall be made to the relevant penal prosecutor for the offense.

CHAPTER VIII

THE SANCTIONS

Article 81

In addition to the obligations these clauses include, violations and the commitment of illegal acts constituting administrative offenses in the field of urban planning shall be punished by the following fines.

- For the articles 34, 56, 57, 58; a sum of 50,000 Lekë.
- For the articles 60, 61, 63; a sum of 200,000 Lekë.
- For the articles 66, 67, 73, 75, 77, 78; a sum of 500,000 Lekë.

The Chief of the Construction Police shall impose the fines.

Article 82

Appeal from a decision of the chief of district Construction Police can be made within 5 days from the day of announcement to the Construction Police directorate, who shall in turn declare a decision within 10 days.

Article 83

Appealing to court from TAC or Construction Police organ decisions and fines does not annul the execution of decisions and fines.

In cases where, on the basis of court's final decision, the claim or appeal is accepted, damaged persons have the right to ask for indemnity for any damage suffered from the decision-making organ.

Article 84

The offender shall cover fines, indemnities and demolition costs, determined in this Law, within five (5) days from the date of announcement of the Construction Police organ's decision, or from the date when the court decision becomes definite. If the five (5) day term is exceeded, an interest of 2% per day shall be paid for one (1) month. If this one (1) month term is exceeded, the Construction Police organs shall ask that the

decision be executed via court procedures according to the laws in force. Fines, indemnities and costs shall be paid to the finance office of local government organ.

Article 85

The attached forms, 1, 2, 3, 4, 5, 6, 7, 8 and 9, are an integral part of this law.

Article 86

Law 7693, dated April 06,1993, “For Urban Planning” and any other clauses in opposition to this Law, are hereby repealed.

Article 87

This law shall become effective 15 days after publication in the Official Gazette.

REPUBLIC OF ALBANIA

Council of Ministers

Decision no. 204, dated March 26, 1998

COMPETENCIES, FUNCTIONAL DUTIES, AND FINANCING OF LOCAL GOVERNMENTS

In support of Law no. 7572, date June 10, 1992 "For Organization and Function of the Local Government" and Law no. 7776, date December 22, 1993 "For Local Budget", with the proposal of Finance Ministry and State Secretary for the Local Government,

The Council of Ministers

DECIDED:

1. Local Government is responsible for the following functions:
 - a) Administration, maintenance, supplying materials of general consumption, water, electric power, heating, painting and other services of this kind, for institutions that are included in Annex 1 that is attached to this decision.
 - b) Accomplishment and administration of services according to Annex 2 that is attached to this decision.
2. Duties and functions of the local government defined in topic 1 of this decision are exercised and realized through the independent budget of the district, municipality, and commune. This budget is compiled according to the instructions released by the Ministry of Finance and State Secretary for the Local Government and shall contain:

a) EXPENSES FOR EXERCISING AND REALIZING THE ABOVE DUTIES

AND FUNCTIONS;

b) INCOMES WHICH BY LAW BELONG TO ORGANS OF THE LOCAL

GOVERNMENT;

c) THE DIFFERENCE BETWEEN EXPENSES AND INCOMES OF THE

INDEPENDENT LOCAL BUDGET, THAT IS FINANCED BY THE BLOCK

**OF NON-RETURNABLE AID THAT THE CENTRAL GOVERNMENT
GIVES TO EACH ORGAN OF THE LOCAL GOVERNMENT**

3. The non-returnable aid of the central government is given as a total sum for each commune, municipality, or district and is a component part of central budget expenses that is approved by the People's Assembly. This aid is divided into two groups:
 - a) for investment, reconstruction, and maintenance and
 - b) operating expenses

The part of aid for investment is decomposed in objects in conformity with the policy of respective Ministries for institutional network. For operating expenses the local councils approve the priorities of the structures of using the financial resources in the disposition of both local sources and even of central budget.

Non-returnable aid of the central government will be different for each commune, municipality, and district depending on the situation and possibilities of improving institutional networks and local infrastructure.

4. Organs of local government exercise duties and functions delegated by the central government, within appropriate legal norms and the budget approved for each function, as follows:
 - a) Municipalities and Communes:
 1. Performance of payments of salaries, additions to salaries, and other profits of directors and employees of the institution that are under their dependence in the rate defined by legal and sub-legal acts and within the number of the employees in the structure approved for each year.
 2. Payment for economic aid and other profits of this type in the view of social policy for the inhabitants incensed officially in their territory.
 3. Administration the privatization process and liquidation of state local enterprises.
 - b) Districts
 1. Performance of payments of salaries, additions over salaries and other profits of directors and employees of the institution, under their dependence, in the rate defined by legal and sub legal acts and within the number of employees in the structure approved each year.
 2. Administration of privatization process and liquidation of state local enterprises.
5. Delegated duties and functions according to topic 4 of this decision are exercised and realized through limited budget of the district, municipality, and commune. This budget is a part of the central budget that is administrated by organs of local government. Organs of local government are responsible for the proper

administration of this part of the budget and do not have the right to use it for other aims, even if they are for other delegated duties and functions.

6. Organs of local government may be investors for the projects financed by foreign sources, when they are defined in appropriate agreements or when this function is delegated from the central institutions, from the units charged for implementation of the projects, and also with special agreements that are signed between each organ and respective units for implementing the project.
7. The Ministry of Finance, the ministries, and other central institutions that cover functions similar to those of local government organs, they delegate functions to the latest ones, with the consultation of the State Secretary for the Local Government, and are charged to prepare respective instructions in implementation of this decision, within April of the year 1998.

This decision becomes effective immediately.

Annex 1

1. The list of institutions that are under the dependence of municipalities and communes.

1. Executive and legislative organs
2. Offices of selected and executive organs
3. Education
 - a. Children kindergarten
 - b. Primary and 8-years schools
 - c. High schools
 - d. Boarding schools of high schools
 - e. Productive bases of general high schools
 - f. Children cultural centers
4. Public Health
 - a. Creches
 - b. Ambulances and clinics of ambulatory services
 - c. Dental clinics
 - d. DDD service

5. Culture

- a. Cultural centers, in which are included:
 - a.1. Cultural houses and palaces
 - a.2. Local libraries
 - a.3. Local art gallery
 - a.4. Local museums
 - a.5. Puppet theater
- b. State cinemas
- c. Local theaters
- d. Sportive local environment
- e. T V broad casting antenna

6. Construction, housing and environmental arrangement

- a. Bunkers of population (underground, dug)
- b. Monuments, obelisks etc.

II. The list of institutions that are under the dependence of the districts

1. Legislative and executive organs

- a. Offices of selected or executive local organs
- b. Command places in times of war (under and above ground)

2. Education

- a. Economic center of education (economic sector of educational directory)

III. The list of services under the competencies of municipality/commune

1. Legislative and executive organs

It is investor for the construction of offices and work commodities for selected and executive organs.

2. Agriculture, food, and trade.

Administration of commune pastures

Investment and administration of irrigating network, in the cases that water sources are in/near villages/cities of commune/municipality and the net serves only to a commune/municipality.

Veterinarian service for people needs in slaughter s, refrigerated storage, animals trade and other objects of this nature.

Other veterinarian services that are relating to the controlling of the illness (list B, vaccination, investigation etc.) and controlling meat trade and dairy products

Admittance and control of seasonal products in the house and in limited rates of alcoholic drinks for personal needs.

Construction, maintenance, and administration of third drainage and irrigating canals, in the cases that their network is divided from the systems in districts scale and is within commune territory

Administration of the forests given by the Ministry of Agriculture, General Directorate of Forestry in use to communes for its inhabitants.

Organization, administration and control of animal and agricultural products and also of ambulant trade of industrial goods

3. Construction, housing and environmental arrangements.

Exercising of title over non-privatized residences within the municipality/commune territory.

The following public services :

- a. Maintenance of public garden, sidewalks, and parks within/in periphery of the city/village;
- b. System of canalization, public baths, gathering and treatment of the garbage.
- c. Funeral services, maintenance of public and martyr graveyards, public monuments, obelisks etc.
- d. Investments and administration of water supply system, wells, fountains and sources of drinkable water that serve to a commune/municipality.
- e. Decor and lighting of municipality/commune roads.
- f. Organization and realization of public works.

4. Transportation and Communication

The service of urban public transportation and urban taxes.

Construction and maintenance of local network that links the center of commune/municipality and villages/quarters of the town, and also the streets within village, quarters of commune/municipality.

5. Culture / Sports

It is investor for the construction of institutions and other cultural monuments, and sports that are under its dependence.

The development of cultural massive activities, sportive, and youth activities at the local scale.

IV. The list of services that are under the competencies of the district

1. Executive and legislative organs

It is investor for the construction and maintenance of offices and work environment for selected and executive organs.

2. Education

The supply with school equipment and other supplies that are linked with normal development of the lessons with the exception of lab equipment and schoolbooks.

Transportation of teachers and pupils from their residences to school

In accomplishment of topic 6 of this decision, it is investor for rehabilitation and reconstruction of schools and other educational institutions in the dependence of local government and equipment for their normal functioning.

3. Health service

The supervision of the health service in the district.

4. Transportation and communication

Inter-urban transportation and the transportation within the district.

It is investor for the construction and maintenance of local street network that links commune centers in the whole district and commune center with district center, but are not included in national street network.

5. Agriculture

It is investor for the construction of irrigating and drainage network, that serves to one or more commune or municipality and it is not included in national network defined by the Ministry of Agriculture and Food or in irrigating and drainage programs with national character.

6. Construction, housing and environmental improvements

It is investor and administrator of water works that serve to more than one commune/municipality and are not classified by the Ministry of Public Works and Transport as objects of national character.

REPUBLIC OF ALBANIA

Council of Ministers

Decision no. 305, dated July 20, 1992

FOR RENT OF THE BUILDING SITE THAT IS GIVEN IN USE, TO
ALBANIANS OR FOREIGNERS, PHYSICAL AND JURIDICAL
PERSONS, AND FOR THE PRICE OF THE BUILDING SITE THAT IS
SOLD TO THE ALBANIAN CITIZENS.

According to the proposal of Ministry of Finance and Economy, Council of Ministers

D E C I D E D

1. Building sites that are state owned, together with the existing constructions or that will be used for building new constructions, are given to the physical and juridical persons by special contract, applying the following rates (tariffs) in US\$ per square meter per year:

a) **According to the land fertility:** extra class \$0.03, first class \$0.025, second class \$0.02, third class \$0.015, fourth class \$0.01, fifth class \$0.005.

b) **According to the land placement:**

Within the yellow line in Tirana, Durres, Shkoder, Vlore, Sarande, Korce, Gjirokaster, Fier, Lushnje, Elbasan, Pogradec, Lezhe, Kruje, Kavaje, the rent is calculated according to the extra class rate multiplied by 3.

Outside the yellow line, for the above-mentioned towns, the rate is calculated according to the rate of the respective class of item "a" multiplied by 2.

Within the yellow line, for the other districts, the rate is calculated according to the extra rate multiplied by 2. Outside the yellow line the rate will be decided according to the land fertility multiplied by 1.5.

Within seaside yellow line, national parks and tourist areas the rent will be calculated according to the extra rate multiplied by 10.

c) **According to the purpose of use:** building site for food sectors \$0.05, building site for other sectors \$0.07, building site for tourism \$0.1, building site for two floor living constructions \$0.1, three floors \$0.07, more than three floors \$0.05.

ç) **According to the renting time:** up to 99 years \$0.02, up to 50 years \$0.04, up to 20 years \$0.1, up to 10 years \$0.2, up to 5 years \$0.4.

2. The rate range is calculated as a sum of the four rates that are mentioned at items "a", "b", "c", " ç" of Article 1 of this decision. The finance and urban departments perform this evaluation for the building sites within the yellow line; the finance department and cadastra department of district municipality perform evaluations for building sites outside the yellow line.

3. Building sites that are state property is given in use together with the existing constructions or to build new constructions, to Albanian physical and juridical persons that are co-operating with foreigners, or to the foreigners with double the rent rates that are mentioned above.

4. In the instances when the building site is rented, the calculations will be done in US dollars converting into Albanian lekë with the exchange rate used by Bank of Albania at the day when the rent is paid.

5. In the instances when a building site is sold to an Albanian, the price will be calculated according to the annual rent rate outlined by the items "a", "b", and "c" of Article 1 of this decision. The rate will be converted into Albanian lekë with the exchange rate that is used by Bank of Albania at the payment date multiplied by the coefficient 10.

6. The value of land that is occupied by existing constructions or that will be occupied in the future by new constructions, in the joint ventures companies with physical and juridical persons, will be included in the value of the Albanian fixed assets.

7. In the instances when the contract time of land use is more than 5 years, the first installment will be 30 % of the 5 years sum. This sum will be paid immediately after the contract is signed.

8. Auction will determine the renting person or the buyer. Auctions will be organized by the entity designated for renting and selling, in accordance with the special regulations formulated by Council of Ministers.

9. Decisions no. 446 dated December 28, 1990 and no. 364 date October 5, 1991 are abrogated.

This law comes into force immediately.

REPUBLIC OF ALBANIA

Councils of Ministers

DECISION NO. 531 DATED AUGUST 21, 1998

**ON UNDISTRIBUTED AGRICULTURAL
LAND**

Based on Law no. 8312, dated March 26, 1998 “On Undistributed Agricultural Land”,
based on the proposal of the Ministry of Agriculture and Food,

THE COUNCIL OF MINISTERS

DECIDED:

1. All the undistributed surface areas that are administered by the General Directorate of Forests and Pasture, according to Law no. 8047, dated December 14, 1995 “On Administration of the Refused Lands”, shall be passed to the administration of commune councils and municipalities.
2. Transfer of these surface areas will be done with a report in the presence of the chief of the cadastral zone, director of agriculture and food, director of forest service in each district and head of the commune.

The report will be the basic documentation for transferring undistributed land that shall be accompanied by graphical presentation.

3. Undistributed agricultural lands shall:

- a) be offered to be transferred as ownership to farm families or individuals who were given such land according to the Law no. 7501, dated July 19, 1991 "On Land", but who refused take it.
- b) be transferred as ownership to the peasant families ,based on Law 7501, who have received only half norm per capita of agricultural land.
- c) be transferred as ownership to families with profit rights based on Articles 5 and 6 of Law 7514, dated September 30, 1991, For Innocence, Amnesty and Rehabilitation of Ex-political Prisoners" and Law no. 7501, dated July 19, 1991 "On Land".

4. Undistributed surface areas of land are verified separately.

5. Farm families, or individuals that will deal with farm families according to Law no. 8312, dated March 26, 1998 "On Undistributed Agricultural Lands", are obliged to use it according to the provisions of Law no. 7501, "On land", according to the respective changes and sub-legal acts.

This decision becomes effective immediately.

