

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**LAW
NO. 8897 DATED 16 May 2002**

ON PROTECTION OF AIR FROM POLLUTION

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Law is to guarantee the right of citizens to clean air; to protect human health, fauna, flora and the natural and cultural values of the Albanian environment from the pollution of the air.

Article 2

Definitions

For purposes of this law:

1. "Air" means outdoors air in the troposphere, not including indoor air and air inside workplaces.
2. "Pollutant" is every liquid, solid or gaseous substance that may change the quality of the air.
3. "Environment indicator" is the indicator that provides information on a given environmental phenomenon to make it perceptible by giving numerical value, by measuring and communicating it. Of these indicators:
 - (a) "The environmental indicator of air condition" is the indicator that provides information on the quality of the air;
 - (b) "The Environmental indicator of pressure in the air" is the indicator that gives information on the pressure that sources of pollution exert in the air.
4. "Smog condition" means the extreme pollution of the atmosphere in which the level of pollution by far exceeds the parameters of the quality of the air.
5. "Monitoring" is the process of systematic evaluation of the environmental indicators.
6. "Existing source of pollution" means an activity that was in operation before the entrance into force of this law.
7. "New source of pollution" means an activity launched following entrance into force of this law.
8. "Norm of the quality of the air" means the highest permissible value of an environmental indicator of air condition which is measured by weight of pollution in

- one unit of air volume.
9. "Depositing norm" is the highest permissible value of an environmental indicator of air condition that influences the coming environment expressed in the amount of its weight in one unit of surface in a given period of time.
 10. "Norm of discharge in the air" is the highest permissible amount of the pollutant discharged in the air by a source of pollution, which does not exceed the permitted level of environmental indicators of pressure, and the permitted level of soot density, expressed in terms of concentration in weight or in volume of the pollutant in the remaining air.
 11. "Mobile source" is the object that discharges pollutants while in motion.
 12. "Operator of the pollution source", means the physical or legal entity in possession of a pollution source.
 13. "Authority of Air Protection" is the Ministry of Environment and other bodies responsible for air quality as provided by other relevant regulations.

Article 3

Sources of pollution and their classification

1. Sources of air pollution are:
 - (a) Immovable sources including technological works with immovable equipment for burning flammable matter; pieces of equipment in a chain of technological processes; coal mines in open air; spontaneous and slow burnings; pollution discharging fires; various activities that may cause air pollution; storages of all kinds of burning matter, primary materials, products or residue;
 - (b) Mobile sources of pollution
2. Upon proposal from the Ministry of Environment, the Council of Ministers may approve other sources of pollution as they may appear.

Based on amount of heat emitted or pollutants discharged, the sources of pollution are classified into:

 - (a) Big sources of pollution representing immovable sources in technological works of thermo production above 5 Megawatts (MW);
 - (b) Medium sources of pollution representing immovable equipment in technological works whose thermo production is between 0.2 up to 5 Megawatts (MW);
 - (c) Small sources of pollution which include immovable sources in technological works whose thermo production is less than 0.2 Megawatt (MW).

Small sources of pollution are also the equipment in technological processes that are not included in the big and medium sources; activities that release pollution in the air; sites of storage of fuel, flammable matter, primary materials for products, residues and collection of pollutants, as well as all other equipment, works of technique and all manner of activity that pollutes the air.

CHAPTER II

INDICATORS OF AIR QUALITY

Article 4

Basic Indicators

1. Basic environmental indicators of the air condition express the concentration in the air of gaseous, solid and liquid matter as follows:
 - (a) solid matter in particles (aerosol, fog, smoke, dust);
 - (b) sulfur oxide;
 - (c) carbon oxide;
 - (d) ozone
 - (e) lead (aerosol)
 - (f) nitrate oxide.
2. As relates to specific parts of the country, depending on the nature of discharges and deposit norms, the Council of Ministers may, upon proposal from the Ministry of Environment, approve other environmental indicators of air condition.

Article 5

Approval of norms

The norms of quality of the air, deposit norms and norms for specific parts of the country are approved by the Council of Ministers upon proposal from the Ministry of Environment and the Ministry of Health.

CHAPTER III

RESTRAINTS ON DISCHARGES IN THE AIR

Article 6

Restraints

1. Air discharges are restrained by establishing and enforcing discharge norms.
2. Based on EU norms, upon proposal from the Ministry of Environment, the Council of Ministers approves the air discharge norms.

Article 7

Provisional norms

1. For existing sources of pollution which continue to operate after the entrance into force of this law, given that technological quality does not allow for enforcement of discharge norms as provided by this present Law, the Minister of Environment defines provisional norms. Provisional norms and manner of establishment are approved by the Council of Ministers upon proposal from the Minister of Environment.
2. In cases when an existing source of pollution harms the human health and environment, the Minister of Environment warrants its closure, notwithstanding provisional norms.
- 3.

Article 8

Height of discharging equipment

Discharging equipment of pollution sources should be of such height that the value of

environmental indicators of air condition does not exceed the permitted level of quality for a given pollutant. Height of discharging equipment is defined on a case by case basis in the environmental permit.

Article 9

Discharging norms for mobile sources

1. For mobile sources, discharging norms are defined on the basis of environmental indicators of discharges from these sources as demonstrated by incidence into air of soot, carbon dioxide, nitrate oxides, hydrocarbons and lead.
2. The norms of discharge from mobile sources are approved by joint decision of the Ministry of Environment and the Ministry of Transport and Telecommunications.

CHAPTER IV

OBLIGATIONS TO PROTECT THE AIR

Article 10

General obligations

1. Physical and legal persons, public or private, national or foreign, have the obligation to preserve the cleanness of the air, to protect it from pollution that may result from their activity as carried out in the territory of the Republic of Albania.
2. Producers, importer, exporters, transporters, traders and users of equipment, products, materials and substances that pollute the air are under the obligation to establish safeguards that guarantee the protection of cleanness of the air.
3. Producers and importers of mobile sources are under the obligation to produce and import only equipment and vehicles conforming to the trade mark characteristics and established discharge norms.
4. Mobile sources with combustible engines are subject to control of polluting gas discharge according to the regulations established by the Minister of Transport and Telecommunications.
5. Producers, importers, exporters, transporters and traders of fuels are obligated to produce, import and trade such substance in accordance with quality requirements set by the Council of Ministers upon proposal from the Minister of Environment.
6. This law prohibits the use of fuels, different from:
 - a) those defined by the maker of the equipment; those prescribed in the operating instructions of the object; and those required for standard production and trading of otherwise burning substances;
 - b) burning substances as defined in the technical parameters or in the safety precautions of the operation mode of pollution sources.
7. This law obligates the use of only the best possible modern technology in the construction of new works and the renovation of existing ones.

Article 11

Main obligations of operators of immovable sources of pollution

1. The operators of large and medium size sources of pollution are obligated:
 - (a) to use these sources only as required by technical precautions and the

- conditions envisaged in the environmental permit;
- (b) to respect air discharge norms and levels of soot density established in relevant legal provisions;
 - (c) to draft technical regulation for the operation of sources of pollution which form subject to control by the Inspectorate for Protection of the Environment;
 - (d) to monitor discharges in the air and publish periodically the data and measures taken to control pollution;
 - (e) in cases of accidents when the quality of the air is threatened or threateningly lowered, to stop the sources of pollution and implement the measures dictated by the Inspectorate for Protection of the Environment in order to guarantee the quality of air. To inform the public of the condition of the air and measures being taken to bring the situation under control.
2. Operators of large sources of pollution must prepare checklists of technical and operational parameters and organizational and technical safeguards for normal functioning of the pollution source. These parameters and safeguards are subject to control by the Inspectorate of the Ministry of Environment.
 3. Operators of small sources of pollution are obligated to comply with the requirements of letters "a", "b" and "d" of point 1 of the present article.
 - 4.

Article 12

Main obligations of the operators of mobile sources of pollution

Operators of mobile sources of pollution are obliged to use and maintain such sources in accordance with terms and conditions defined by respective makers in relation to discharge norms. They are also under the obligation to abide by the instructions and orders issued by the Minister of Environment and the local governments in instances of parts of the country requiring a special kind of protection of the quality of air.

CHAPTER V

PARTS OF THE COUNTRY UNDER SPECIAL PROTECTION

Article 13

Proclamation and protection

1. The Council of Ministers, upon proposal from the Minister of Environment and the Minister of Health, proclaims special parts of the country having high levels of pollution as areas requiring special protection of the air.
2. For special protection areas, the Minister of Environment, the Minister of Health and the Local Government design special measures for the protection of the quality of the air.
3. In special protection areas, for purposes of the regulatory system and smog detection, special smog detection and signaling systems are established and emergency measures are defined to be applied by government bodies and operators to bring the situation under control.
4. Upon proposal from the Environment Ministry, the Council of Ministers approves the criteria for setting up and operating smog detection systems.

Article 14

Smog conditions

1. To detect and signal smog conditions, smog alarm and regulatory systems are established.
2. The Ministry of Environment, in cooperation with specializing institutions, designs criteria for the establishment and operation of such systems subject to approval by the Council of Ministers.

Article 15

NOTIFICATIONS

Article 16

Air pollution notification

1. Every operator discharging pollutants in the air is under the obligation to make available to the public air pollution data and to periodically furnish the Ministry of Environment with detailed information.
2. The Ministry of Environment, in cases of extreme pollution and smog conditions, notifies the public by every medium of communication.
3. The Ministry of Environment prepares a scale of discharges in the air at levels of national, regional, city and individual sources of pollution. A copy of this scaling inventory is sent to the Institute of Statistics.
4. Institutions responsible for air pollution reporting and publicizing communicate pollution levels periodically to the Ministry of Environment. The rules, procedures and schedule of reporting are defined by decision of the Council of Ministers upon proposal from the Ministry of Environment.

CHAPTER VII

ENVIRONMENTAL PERMITS FOR AIR POLLUTING ACTIVITIES

Article 17

Environmental permits for air polluters

Physical and legal entities, national and foreign, are obligated to obtain joint permits from the Environmental Ministry and the local governments for:

- (a) establishment and operation of large and medium size sources of pollution and subsequent changes to these sources;
- (b) standard type design and construction models of large and medium size sources of pollution;
- (c) implementation of projects including technologies and new makes of large and medium sized sources of pollution;
- (d) change of technical standards and norms of gas discharge from various sources of pollution when their implementation affects protection of the air;

- (e) construction of small sources of pollution when the specific type does not fit the standard type or the prototype model;
- (f) changes of fuel and primary materials used by the source of pollution;
- (g) the production, importation and trade of fuel, static equipment, materials and products that pollute or may pollute the air;
- (h) change of technical and operational parameters and technical and organizational precautions of sources of pollution.

CHAPTER VIII

TAX POLLUTION LEVIES

Article 18

Air discharge taxes

For polluting the air, operators that discharge air pollutants are under the obligation to pay discharge taxes based on the amount and type of discharged pollutants as per definitions contained in Law No. 8435, dated 28 December 1998: "On the tax system of the Republic of Albania".

CHAPTER IX

SANCTIONS AGAINST AIR POLLUTERS

Article 19

1. For purposes of this law, when not qualifying as criminal offences, the following qualify as administrative infringements and are punished accordingly:
 - a) activities that in conflict with article 17 of this law do not possess an environmental permit are levied a fine of 10 thousand up to 1 million leks and are suspended for a period up to three months within which time the undertaking must obtain an environmental permit;
 - b) the production, importation or trading of fuel from undertakings in conflict with the requirements of article 10, point 5 of this law is punished with fines ranging from 10 thousand to 500 thousand leks depending on the quantity and level of danger posed by the unlicensed fuel and with confiscation of the stocks of the hazardous fuel;
 - c) use of unlawful fuels in conflict with the requirements of article 10, point 6 is punished by fines ranging from 10 thousand to 1 million leks depending from the amount and the scale of the fuel's hazard and suspension of activity until such time as the fuel is replaced;
 - d) the production and importation by the undertaking of mobile sources in conflict with Article 10, point 3, which mobile sources do not match the characteristics of the trade mark and the discharge norms is punishable by fines ranging from 10 thousand to 300 thousand leks depending on quantities of production or importation and the permanent closure of the activity.
 - e) pollution of the air by the operator of the large or medium size source of operation in violation of: the norms of discharge; the norms for special protection areas; smoke condition or emergency regulations; the technical

precautions; and the requirements foreseen in the environmental permit is punishable by fines ranging from 10 thousand up to 1 million leks depending on the amount and the type of pollutants and with suspension of activity until such time as the operator of the polluting source brings discharges within allowable limits.

2. The Inspectorate for Protection of the Environment is the authority that administers and executes the fines, and the suspension or termination of activity in accordance with this article. In cases when such violations qualify as criminal offences, the Inspectorate for the Protection of the Environment institutes charges against the polluting source.

Article 20

Repeal

Paragraph one of point 2 in article 15 of the Law no. 8364 dated 2 July 1998 "On some additions and amendments to Law No. 7664 dated 21 January 1993 "On protection of the Environment" is hereby repealed.

Article 21

By-laws

1. Upon entrance into force of this Law, the Council of Ministers is obligated to pass by-laws for purposes of implementation of articles 3, 4, 5, 6, 7, 10, 13, 14 and 16 of this Law.
2. Upon entrance into force of this Law, the responsible ministers are obligated to pass by-laws for purposes of implementation of articles 5, 7, 9, 12, 13, 15 and 16 of this Law.

Article 22

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

C H A I R M A N
Servet Pellumbi