

**LAW**  
**Nr. 12/2015**  
**ON SOME CHANGES TO LAW**  
**NO. 10 440, DATED 07 JULY 2011,**  
**"ON THE ENVIRONMENTAL IMPACT ASSESSMENT"**

"7. "The declaration about the impact of a project on the environment", hereinafter "the environmental declaration" shall be the official document issued by the Minister for the environmental assessment of projects that become subject to in-depth environmental impact assessment and serves as a guiding document for the planning authority and/or any responsible authority in the decision making process, for a development permit or a specific permit".

"In the case of projects with an environmental impact, which are the subject of this Law, the developer, delivers documentation for the EIA procedure to the Ministry, which will forward it to the National Environment Agency. The documentation shall include the following:"

"3. The decision of the National Environment Agency for the preliminary EIA shall be sent to the ministry, the parties involved in the process shall be notified and it shall be published on the website of the National Environment Agency and of the ministry. The Ministry shall send the decision to the developer".

**Article 5**

"4. The environmental declaration shall be notified to the parties involved in the process and it shall be published on the website of the National Environment Agency and of the ministry. The Ministry shall send the environmental declaration to the developer".

"2. The developer shall present the information on public information and consultation as part of the necessary documentation when applying for environmental declaration in the ministry".

**LAW**  
**No. 107/2014**  
**ON TERRITORY PLANNING AND DEVELOPMENT**

**Article 1**  
**Purpose**

This law has the following aims:

- a) Ensure the sustainable development of the territory through the rational use of land and natural resources;
- ç) Enable the right to use and develop the property in accordance with planning documents and by the environmental legislation in force;
- e) Ensure that planning authorities coordinate their planning activities to promote the harmonized and integrated planning of the territory;

**Article 4**  
Foundations

Planning and development of the territory shall be based on the following principles:

- b) Development of the territory is a matter of national importance; it has to be fair and the created value should be obtained and appropriated by the society that creates it;
- dh) Transparency should accompany the processes of planning and development control;
- gj) Harmonization with the European Union approach in terms of planning and development of the territory, as well as in relation to the environmental criteria, biodiversity conservation and protected areas;
- h) Development should be based on comprehensive planning and design, which guarantees equal conditions and rights for all beings, regardless of the needs and characteristics of each of them;
- j) The hierarchy of plans;
- ll) Ensuring access and public participation when drafting the planning documents and development control;
- m) Integrated planning system.

**Article 15**  
**Planning documents by levels of government**

- 1. The Republic of Albania has two levels of territorial planning:
  - 1.1 Planning at central level, which is conducted through planning documents as follows:
    - 1.1.1 The general national plan for the entire territory of the Republic of Albania.
    - 1.1.2 National sectoral plans for all or part of the territory.
    - 1.1.3 Detailed plans for areas of national importance.

**Article 16**  
**National General Plan**

3. The National Territory Planning Agency takes the initiative ex officio or at the request of a ministry or another central or local body and proposes for approval to the National Territory Council the defining of a case, area or facility as of national importance for planning. Detailed procedures for this initiative shall be determined in the planning regulation.

6. The development permit for works in the area of national importance, for which the detailed plan has been designed, shall be issued by the National Territory Council under this plan.

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**Section III**  
**Coordination, consultation and public review of the planning documents**

**Article 23**  
Coordination

1. The authority responsible for drafting the planning document shall ensure a process of dialogue, a horizontal and vertical cooperation and coordination with all the planning authorities and stakeholders before the start and during the drafting of local planning.
2. The authority responsible for drafting the planning document shall consults regularly with National Territory Planning Agency and stakeholders and inform them every month on the progress of the process.
3. The National Territory Planning Agency shall examine the compatibility of the draft act of the planning document with the provisions of applicable laws in the field of territorial planning, as well as with the planning documents in force. At the conclusion of the review, the National Territory Planning Agency shall forward to the Competent Authority the relevant conclusions and proposals to address the shortcomings.

#### **Article 24**

##### **Consultation and public meeting**

1. The authority responsible for drafting the planning document shall organize one or more public meetings and consultation hearings before any decision making related to planning, and shall repeat them, as needed, in order to fully inform stakeholders and to resolve the conflicts.
2. The responsible planning authority shall notify the public and the stakeholders about the place, date and time of each public meeting and make available to them the draft of the planning document, at least, 30 days before the meeting. The notification shall be carried out by means of the publication of information in the registry and in two newspapers with the largest edition or in other media outlets.
3. Under paragraph 2 of this Article, interested parties shall have the right over the period from the date of the notification until the specified date of the public meeting to have access to materials and information that are related to the planning document, including a summary of the coordination process, as conducted under Article 23 of this law, and to the observations, proposals conclusions as reached during this process. Their access shall be ensured in advance, in sufficient time and in an effective manner via the registry and one or more traditional means of information.
4. Summary of the observations and proposals during a public meeting shall be attached to the draft planning document as submitted for approval and it shall be notified together with it by means of publication in the register and by means of one or more traditional means of information.
5. Based the observations or proposals received, the authority responsible for drafting the planning document shall either change the draft act or provide justified reasons for the lack of such a change. The draft act, together with the changes or the justification for making no changes, shall be submitted for approval to the authority/body concerned within 30 days from the date of the organization of a public meeting.
6. In cases where the draft planning document is reviewed by the competent authority the responsible planning authority organizes based on observations of the proposals as made during the public meeting on crucial issues of its content an additional public meeting under the provisions as laid down above in this article.
7. Natural persons or legal entities that are located in the planning area or, who have information or data about it should, when they are asked and to the extent they are able to do so and without any compensation, provide the relevant planning authority or any authorized person with the

information available, which may be necessary during the drafting process of national planning document. The planning authority, or the authorized person, shall ensure the storage and the management of information that is received during the drafting process of the national planning document and make this information available to the public.

**LAW**  
**Nr. 10 440, dated 7 July 2011**  
**ON ENVIRONMENTAL IMPACT ASSESSMENT**

Projects that are subject to preliminary environmental impact assessment are:

- a) Projects listed in Annex II, as attached;

**Submitting of an application for an environmental impact assessment by the developer**

For projects with an environmental impact, which are subject of this law, the developer shall submit to the NLC, along with the documentation required by Law no. 10 081, dated 23 February 2009 "On licenses, authorizations and permits in the Republic of Albania" also the relevant documentation for the EIA procedure, including:

- a) For projects of Annex II:  
i) Preliminary EIA report, which is drafted by type of project;  
ii) Technical project of the activity;  
iii) Receipt of payment of the service fee, as defined in Article 27 of this Law.

**Annex II**

**Projects subject to preliminary procedure**  
**Environmental impact assessment**

12. Tourism and Leisure.

- a) Ski slopes, ski-lifts, wired hoists and developments related thereto;  
b) Anchoring sites for yachts and boats;  
c) Holiday villages and hotel complexes outside urban areas along with the developments that accompany them;  
d) Places for permanent camping and caravans;  
d) Thematic parks.

**LAW**  
**NO. 91/2013**  
**ON**  
**STRATEGIC ENVIRONMENTAL ASSESSMENT**

**Article 7**  
Stages of the strategic environmental assessment

Strategic environmental assessment process shall necessarily pass through these successive stages:

- a) Notification of the Ministry by the proposing authority;
- b) Consultation with stakeholders on issues that will be addressed in the SEA report;
- c) Drafting of the interim report and consultation of the preliminary SEA report with stakeholders and the public;
- ç) Drafting of the final report on the strategic environmental assessment;
- d) Review of the proposal and statement of the Minister;
- dh) The decision of the approval authority;
- e) Monitoring and reporting of the environmental effects of the plan or program.

## CHAPTER II

Decision of the Council of Ministers no. 247, dated 30 April 2014. Official Journal No. 65, dated 12 May 2014

**"On establishing the rules, requirements and procedures for informing the public and its participation in environmental decision-making".**

2. The NEA shall publish within 5 (five) days of the date of receipt of the application for the preliminary procedure of the EIA on its website for 20 (twenty) days in succession the full information about the project, as presented by the developer.

3. NEA shall explain in its publication the following:

- a) The procedure to be applied and the stipulated deadline of making the decision and its publication on its website;
- b) The manner and deadline (20 days) of soliciting the public feedback before making the decision;
- c) The manner and the deadline of appeal against the decision.

### DECISION

**No. 507, dated 10 June 2015**

#### **ON APPROVING THE LIST OF DETAILED PLANS OR PROGRAMS WITH NEGATIVE EFFECTS ON THE ENVIRONMENT THAT WILL BE SUBJECT TO STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS**

11. Strategies, plans, programs and other planning documents that are subject of legislation in force on planning and development of the territory.

### DECISION

**Nr. 671, dated 29 July 2015**

#### ON

#### **THE APPROVAL OF THE TERRITORY PLANNING REGULATION**

Pursuant to Article 100 of the Constitution and Article 6, Paragraph 2, Subparagraph "b", and Article 60 of Law no. 107/2014, dated 31 July 2014, "On the territory planning and

development", as proposed by the Minister of Urban Development, the Council of Ministers, structures, installations, networks or areas, which aiming directly at the accomplishment of national interests in parts of the territory, such as the following: areas that have priority in terms of tourism development, cultural monuments, historical centers, areas of archaeological parks, forests and protected natural areas, natural monuments, including unique geographical features, areas of natural risk, ecological networks, ecosystems and endangered species and biodiversity, mineral and natural resources and networks, complexes and industrial parks, national highways, railways and auxiliary infrastructure, energy sector, national infrastructure installations, electronic communication infrastructure, airports, marine ports and roads, developments in military areas, coastline, shores and water resources, wetlands, rivers, lakes, dams and dikes, farmland, public hospitals, sport centers; b) educational, health, social, cultural, artistic, sporting, developments or objects, which, due to their characteristics, are important for the performance of activities of state institutions, as defined by law; c) the minimum requirements for the protection of public health, safety and life and suitability for the mobility of people with disabilities, children, the elderly and other categories with special needs, who needed it. 3. Coastal strip, the protected coastal area is an area of national importance with special natural, cultural and historical values that has been declared as such upon a NTC decision. For the purpose of protection and sustainable and efficient use of this area, it is monitored continuously by the respective institutions. Changes of its boundary line shall be made only with the decision of the NTC and they shall be published in the registry by the NTC Secretariat and the responsible authority for planning.

#### **Article 34**

##### Defining the issue, zone and object of national importance

1. The Agency shall ex officio or upon request of a ministry or another local or central body take the initiative and propose to the NTC for approval the determination of a case, area or facility as of national importance in planning.

#### **Article 33**

##### Issues, areas and objects of national importance

1. Issues, areas and objects of national importance are the subject of national planning. 2. Issues, areas and objects of national importance include:

a) Special cultural, historical, economic, social or environmental features of one or several.

2. Issues, areas and objects of national importance are proposed during the process of drafting the National General Plan or national sector plans.

3The NTC shall approve an issue, an area or an object as of national importance, as part of the National General Plan, national or sectoral plans through a special process upon the proposal of the Agency. 4. When approval under paragraph 3 of this Article is carried out through a special process, the draft act on the approval of the initiative shall include:

a) The type and characteristics of the issue, area or object of national importance;

b) Boundaries or location in the territory, as appropriate;

c) A reference to the specific legislation and/or planning documents in force, on which the need for the definition of national importance is supported;

- c) Objectives that are required to be achieved and reasons of technical and economic circumstances that make that definition necessary;
  - d) Proposal for suspension of development, according to the law, if necessary;
  - dh) Determination of the obligation to draft detailed plan for the area of national importance, as appropriate;
  - e) Designation of the ministry responsible for drafting the detailed plan for the area of national importance, as appropriate.
2. The document of the Detailed Plan of the Area of National Importance shall contain, at least, the following:
- b) The strategy of development of the area;
  - e) Impact Assessment Study on the development and impact on the environment;
4. General directions of the content of each of the documents in paragraph 1 of this Article from subparagraph "a" to "ç" thereof are:
- Norms, standards and rules for areas and objects of cultural, historical and environmental heritage if such elements exist in the area;
  - Defining of the protection line along the water elements (blue line), if there such elements exist in the area.
- ç) Regulation of the Detailed Plan of the Area of National Importance shall contain, at least, the following:
- i) The definitions of terms used;
  - ii) An explanation of the codes used: - the categories and subcategories of land use; - systems / areas / units; - other appropriate codes;
  - iii) norms, indicators and planning standards applicable under this regulation;
  - iv) the rules of preservation of the environment, landscape, natural resources, areas and cultural heritage sites that include, at least: - norms and standards for developments that have an impact on the environment, health, landscape and cultural heritage, under specific legislation in force.
3. The document of the initiative for drafting the Detailed Plan of the Area of National Importance shall contain:
- dh) references to the process of coordination, consultation and public meetings and the relevant deadlines;

### **Article 39**

#### **Approval of Detailed Plan of the Area of National Importance**

3. Materials submitted / published for the approval of the planning document are:
- c) The Act of Approval of the Strategic Environmental Assessment Study referring to the specific legislation in force;

### **DECISION**

**Nr. 912, dated 11 November 2015**

**ON**

### **THE APPROVAL OF THE NATIONAL METHODOLOGY FOR THE ENVIRONMENT IMPACT ASSESSMENT PROCESS**

- Identify appropriate measures to mitigate the potential impacts of the proposal;

- Set out the conditions for construction;
- Assist decision-making and public information.

## 2.2 The purpose of EIA

The idea of EIA is to provide information to decision-makers and the public on the environmental effects of proposed developments. Moreover, the idea is to promote development that respects the environment through the identification of appropriate strengthening and mitigation measures.

The main objective of EIA is to identify potential adverse environmental impacts of new development projects or changes of the existing activities. Within this scope, the EIA process requires the following:

- Considering of alternatives for the location and the associating environmental impacts;
- Improvement of the environmental plan of the proposal;
- Ensure that resources are used properly and efficiently;

## 3. LEGAL REQUIREMENTS

The object of the law in force on environmental impact assessment is to determine the requirements, responsibilities, rules and procedures for assessing the negative environmental impacts of the proposed projects, public or private.

Under the law in force for environmental protection, the environmental impact assessment of a proposed development project consists in the assessment of the important and potential impacts of that activity on the environment.

Identification, description and assessment, in an appropriate manner, of the impact on the environment of an activity by determining the potential direct and indirect effects on soil, water, sea, air, forests, climate, human health, flora and fauna, landscape, material assets and cultural heritage, taking into account their mutual ties is carried out during the process of assessing the environmental impact.

Environmental impact assessment applies the prevention principle since in the early stage of project planning in order to avoid or minimize the negative effects on the environment through its harmonizing and adjustment to the bearing capacity of the environment.

Environmental impact assessment is carried out by the developer as part of the preparations for the planning of a development project, and before a relevant development permits.

Applicable Law of EIA and by-laws deriving from it, which fully are aligned with the legislative package of the European Union on environment impact assessment, aim to provide a high level of environmental protection through prevention, minimization and compensation for damage to the environment from the proposed projects, prior to their adoption, for the development and guaranteeing of an open decision-making during the identification, description and assessment of the negative impacts on the environment in the right manner and time, as well as, the involvement of all parties interested in it.

This law applies to proposed projects, private or public, which can cause significant direct or indirect negative impacts to the environment due to their size, nature or location.

General requirements for environmental impact assessment of a project.

- Environmental impact assessment shall involve the identification, description and assessment of the expected direct and indirect environmental impact of the implementation or non-implementation of the project.



- Environmental impacts of the project shall be assessed in relation to the environmental situation in the territory affected at the time of the respective report (but, in cases of specific environments, it considers the historical use of the territory in question) on the assessment of the environmental impact of the project.

- Environmental impact assessment shall include the preparation, implementation, operation and closure and, where applicable, also the consequences of termination of the activity and decontamination/cleaning or restoring the area to its previous state, if such obligation is prescribed by law. The assessment shall include, as appropriate, normal operation, as well as the possibility of accidents.

- Assessment of the project shall also include a proposal for measures necessary to prevent, reduce, mitigate and minimize such impacts or increase a positive impact on the environment during project implementation, including an assessment of the expected effects of the proposed measures.

Projects subject to EIA are listed in Annexes 1 and 2 of the law in force for the EIA. Determining to which Annex it is subject depends on the nature of the proposed project, its scale, location and whether or not it can cause significant adverse effects on the environment. In this respect, the criteria established assist in making a decision if the EIA is required and if so, to which Annex it belongs. While the relevant authorities, such as environment or line ministries and institutions consulted during the process, decide on the importance of environmental impacts.

**DECISION**  
**Nr. 956, dated 29 December 2014**  
**ON DEFINING TIRANA GREEN CROWN AND MEASURES**  
**PROTECTING IT**

1. Defining of the green crown of Tirana and its protection measures in order to prevent air pollution, to conserve nature, to protect and improve the environment and promote sustainable planning based on the development plans of the area .

3. The duties and responsibilities of the state bodies in order to take measures for its protection shall be as follows:

a) When drafting and approving planning documents, territory and development plans within their powers under the legislation in force, the Ministry of Environment and Ministry of Urban Development and Tourism shall take into account in particular the prevention and/or reducing the risk to the environment as a whole, in order to maintain, improve and ensure its sustainable development.

**DECISION**  
**Nr. 408, dated 05.13.2015**  
**APPROVAL OF REGULATION OF THE TERRITORIAL DEVELOPMENT**

**Article 14**  
Conditions for issuance of a building permit

1. A building permit shall be issued in compliance with the definitions of planning documents, development and construction regulations and legal provisions that regulate construction activity in the Republic of Albania.
3. Building permits shall be provided only after the appropriate permits and authorizations for the construction in question have been obtained, pursuant to the specific legislation in force.
- d) 3D picture.

**DECISION**  
**Nr. 994, dated 2 July 2008**  
**ON SOLICITING PUBLIC FEEDBACK WHEN MAKING DECISIONS ON**  
**ENVIRONMENT**

- b) "Public authority"
- i) Central government bodies and local government units;
- c) "The affected public", the public, which is affected, which could be affected or which is interested in environmental decision-making, including environmental NGOs, which express interest.

**CHAPTER II**  
**CONCERNED PUBLIC PARTICIPATION IN DRAFTING POLICIES, STRATEGIES AND**  
**PLANS ACTION IN THEIR IMPLEMENTATION RELATED TO ENVIRONMENT**

1. Public participation in drafting policies, general or cross-cutting regional and national strategies, and action plans to implement them, which are related to the environment, shall constitute a legal requirement of the process of preparing these documents, which improve the content and facilitates their implementation.
2. When drafting the documents referred to in paragraph 1 of this chapter, public authorities should achieve public participation as follows:
  - a) By providing the public with the information necessary for these documents;
  - b) By defining rules and procedures that are as simple as possible;
  - c) By the provision of the conditions and practical solutions that are suitable for soliciting the feedback of the public.
3. To ensure public participation and its contribution, the public authorities shall apply the procedures, as follows:
  - a) Identify what comprises affected public in this case in accordance with the nature and content of the draft document;
  - b) Notify the affected public that the draft document, which will be the subject of public debate, has been written and invite the public to become familiarized and get prepared for the debate.
4. Notification of the affected public shall be made by a public authority that has undertaken the preparation of the document.  
The notice shall be announced continuously during 30 days:
  - a) In national and local radio and TV;
  - b) On the website of the authority;
  - c) Daily or periodic publications, if possible;
  - d) On the billboard, in a visible place.
5. The notification shall be accompanied by:

- a) Data, in brief, the document, which will be used for the debate and, which will guide the public in the main issues, for which comments, suggestions or proposals are required;
  - b) Summary, prepared in Albanian, with simple and understandable terminology for the public;
  - c) The notification about the venue, where the full text of the draft document will be available for the affected public to read;
  - d) Setting of the deadline for the delivery of the feedback, which is not less than 1 month from the date of the last publication of the announcement;
  - ç) Determining the location, date and time of the discussion with the affected public.
6. Representatives of the authority, which has prepared the draft document, shall facilitate the meeting, they shall make the procedures easy for the public so that its representatives may express themselves freely, and keep minutes of the meeting, where all comments, suggestions or proposals of the public shall be recorded.
7. The group, which has drafted the document, shall revise it by taking into account any comments, information, analysis or opinion submitted by the public, which is considered valid, and it shall draft the report, which accompanies the draft document and, which reflects public observations that are not reflected in it, by explaining the reasons why they were not taken into account.
8. The report shall be forwarded to the decision-making body together with the final draft of the document and the minutes of the public debate.
9. The documents mentioned in point 1 of Chapter II of this Decision may not be adopted if they fail to meet the requirements of this chapter in terms of soliciting public opinion.

**DECISION**  
**Nr. 16 dated 04 January 2012**  
**ON**  
**THE RIGHT OF PUBLIC TO HAVE ENVIRONMENTAL INFORMATION**  
**CHAPTER I**  
**GENERAL PROVISIONS**

1. The scope of this decision is as follows:

- a) To provide the public with the continuous and systematic distribution of the environmental information and make this information available to it;
- b) Determine the conditions and means necessary for the exercise of the right to have environmental information, exchange of public opinion, and to participate effectively in environmental decision-making.

a) "Environmental information" has the meaning as defined in Law no. 8672, dated 26 October 2000 "On the accession of Albania to the Aarhus Convention", according to the following categories:

The second category: the natural factors, substances, energy, noise, radon or the level of radiation, and activities or measures taken, including administrative measures, agreements in the field of environment, policies, legislation, plans and programs, affecting or expected to affect the elements of the environment included in the first category, and the benefits and economic analysis as a result of environmental decision making.

**CHAPTER II**

## DISTRIBUTION OF ENVIRONMENTAL INFORMATION AND MAKING IT AVAILABLE TO THE PUBLIC

1. Distribution of environmental information shall be implemented as follows:

- a) The public authority shall collect and organize environmental information, which is relevant to its functions, to distribute it to the public systematically through all the available forms, including written, visual and oral forms and electronic communication tools.
- b) The public authority shall store environmental information, which is relevant to its functions, in forms that are readily reproducible and possible to put in service of the public in the way that is required, including electronic means.
- c) When the applicant is requesting environmental information collected before the entry into force of this decision and when this information does not exist in electronic form, then it will be made available to the applicant by means of electronic communication in the form, in which is found.
- ç) The public authority shall inform the public adequately of the rights it enjoys under this decision and it shall provide information, guidance and advice to this end.

2. Making the information available to the public and its distribution shall be carried out as follows:

- ii) Policies, strategies, plans and programs related to the environment;
- v) Record or summary of the data collected from the monitoring of activities affecting or likely to affect the environment;
- vi) The authorizations, permits and licenses for activities affecting the environment and environmental agreements or information about the place where this information may be searched or found;
- vii) Environmental impact studies and the risks assessment related to environmental elements such as air and atmosphere, water, soil, landscape and natural sites including wetlands, coastal areas, protected areas, biological diversity and its components, including genetically modified organisms and the interaction between these elements, or a reference where this information may be searched or found.

### CHAPTER III

#### PROCEDURES FOR OBTAINING ENVIRONMENTAL INFORMATION THROUGH THE APPLICATION

1. Every applicant has the right to obtain environmental information through the application and procedure of obtaining this information shall be carried out as follows:

- a) The public authority shall make available to any applicant at his request the environmental information that he holds.
- b) When the applicant requires environmental information from the public authority, the former shall not be obliged to state the reasons why he needs this information.
- c) The public authority shall make the information available to the applicant by 30 (thirty) days of the date of the entry of the application in the public institution, except in cases as provided for in paragraph 6 of this chapter.