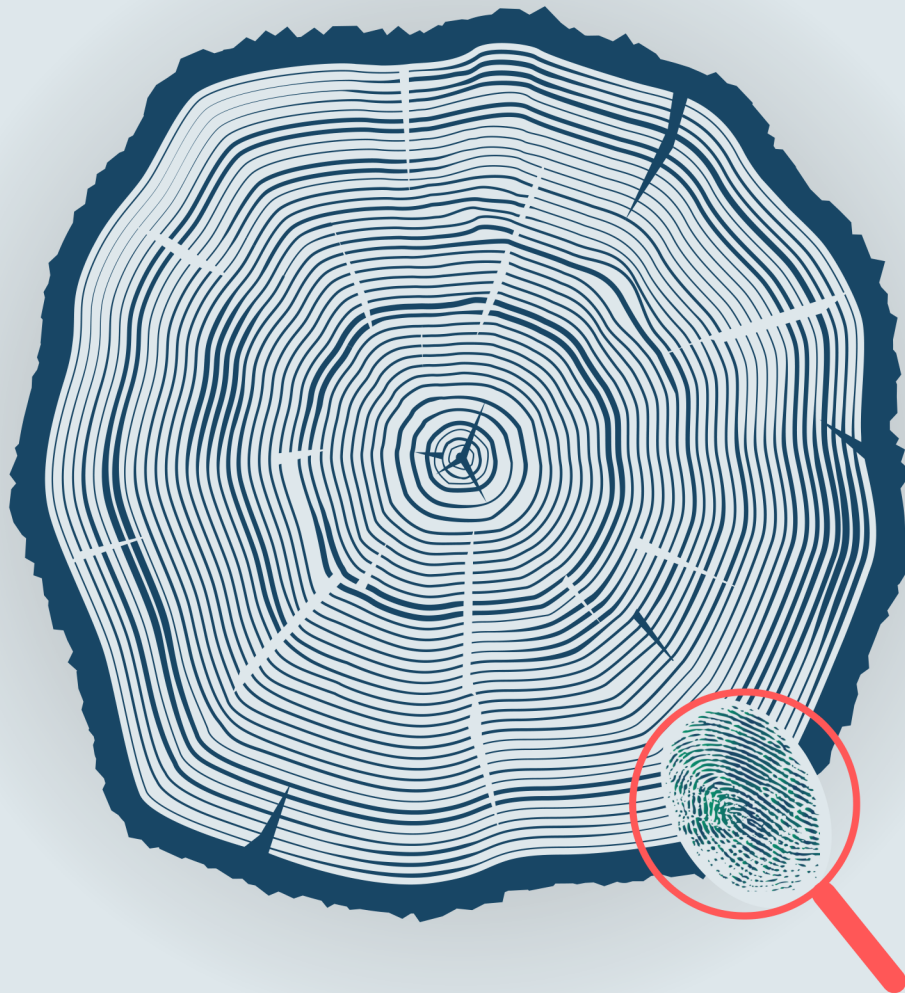


BASELINE ASSESSMENT

ON THE INSPECTION, INVESTIGATION AND PUNISHMENT OF ENVIRONMENTAL CONTRAVENTIONS AND CRIMES IN ALBANIA



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Disclaimer:

The findings, interpretations and conclusions expressed in this baseline assessment are entirely those of the authors and should not be attributed, by no means, to the OSCE Presence in Albania.



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Executive summary

Environmental contraventions are becoming a significant and growing problem that undermines governmental policies to sustainably manage and protect the environment. According to the Interpol report (2018)¹, environmental crimes are increasing and organised criminal networks use them, given that these violations pose a low risk and high profit. As environmental legislation is advancing, compliance costs increase. If these costs are not adequately met, individuals or criminal groups may benefit from legal gaps or lack of efficient capacities in controlling inspection, and enforcement. Effective legislation, increased awareness and enhanced capacities along the compliance and enforcement chain are needed to effectively tackle such environmental crimes.

This report presents a baseline assessment of environmental governance, taking into consideration an analysis of legal framework, institutional capacities, and technical expertise. The research was conducted from October 2022 to January 2023. The basis of this report served: the review of the legal framework, literature review, and interviews conducted with 25 institutions, and the validation of the findings in a technical consultation workshop with the participation of 40 attendees, representing compliance and management agencies, police, prosecution, civil society, media and academia, which was held on 2 February 2023.

Limited awareness of institutional competencies, weak legislation, inadequate resources, gaps in skills and capacity, as well as insufficient or no coordination between authorities, are the main causes enabling environmental crimes to still be committed. The sanctions envisaged for environmental crimes appear to be little deterrent and not effective. In addition, the proportionality of some sanctions inflicted to offenders vis-à-vis the actual damages to the environment and human health is also questionable.

However, the baseline assessment highlighted the opportunities and concrete recommendations. The political attention to environmental violations is increasing. The analysis emphasizes that the establishment of an inter-institutional group is pivotal for the coordination of efforts to tackle environmental crimes. On the other hand, it is important to enhance institutional capacities, and technical and academic knowledge, as well as settle clear legal criteria for the sanctions to punish these contraventions. The contribution of civil society organisations and investigative media remains essential to raise the awareness and draw institutional attention.

¹ Nellemann C., Henriksen R., Pravettoni R., et al., (Eds) (2018), "World atlas of illicit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime.

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List of acronyms

APA	Administration of Protected Areas
AGEC	Advisory Group against Environmental Crime
AOS	Albanian Ornithological Society
BIRN	Balkan Investigative Reporting Network
CSO	Civil Society Organisation
DCM	Decision of the Council of Ministers
DG-NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
EC	European Commission
EU	European Union
FNS	Faculty of Natural Sciences
LGU	Local Government Unit
NAPA	National Agency of Protected Areas
NFA	National Forestry Agency
NEA	National Environment Agency
MEA	Multilateral Environmental Agreement
OSCE	Organisation for Security and Cooperation in Europe
SANE 27	Supporting Albanian Negotiations in Environment – Chapter 27
SPLE	Strategy on Public Legal Education
UT	University of Tirana
WRMA	Water Resources Management Agency

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Introduction

Introduction

1.1. General background

Environmental violations as the most of the criminal offences in general, are divided into crimes and contraventions. However, in the context of this assessment, based on the Directive 2008/99/EC, the term “environmental crime” is used to refer to any illegal activity harming the environment for financial gain of individuals, groups or corporates. Despite the symbolic usage the term “*environmental crime*”, according to the context this will always mean criminal offences or administrative contraventions, as the case may be, based on the regulation and provisions of criminal code and administrative law. Environmental crimes, but not limited, encompasses, exploitation and trading of natural resources, including wild flora and fauna, as well as pollution of water and soil due to illegal waste disposal.

Some environmental crimes fall under the category of organised and international crime², as criminal groups and networks are increasingly involved in this profitable business. The *modus operandi* of criminal networks very often includes corruption, money laundering, financial crime, tax revenue loss, parallel trade with other forms of criminal activity and distortion of the underground economy.³

Environmental crimes pose a threat not just to the quality of air, water and soil, threatening the survival of species and causing uncontrollable disasters, but they also pose a threat to security and human health with significant negative impacts on their development, and undermine the rule of law.

There are multitudes of Multilateral Environmental Agreements (MEAs) to address various issues, including, but not limited to: biodiversity and nature conservation, climate change, protection of the ozone layer, desertification, chemical and waste management, transboundary water and air pollution, environmental governance and environmental responsibility.

However, environmental crimes often fail to draw an adequate government response. Often perceived as “victimless” and random crimes, environmental crimes often rank low on the list of law enforcement priorities and are usually punished with weak sanctions, owing to unclear definitions and misinterpretation of concepts.⁴

In this context, this baseline assessment provides a detailed analysis of the Albanian environmental legal framework, institutional capacities, including both human and financial resources, as well as aspects of their activity. The assessment also analyses cooperation among institutions.

² The United Nations Convention against Transnational Organised Crime does not provide any definition of transnational organised crime or organised crime, but it defines “an organised criminal group” under (Article 2a) as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing serious offences in order to obtain a financial or other material benefit.” This definition was also approved in the CoE Framework Decision 2008/841/JHA dated 24 October 2008 in the fight against organised crime. Europol specifically includes trafficking of endangered species among the criminal activities committed by organised crime groups. See EUROPOL, “Defining serious and organised crime.” <https://www.europol.europa.eu/socta/2017/defining-serious-and-organised-crime.html>

³ In Article 2, letter (b) of the United Nations Convention against Transnational Organised Crime (UNTOC) defines serious crimes as “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”. See Conference of the Parties the United Nations Convention against Transnational Organised Crime (2012), “The notion of serious crime in the United Nations Convention against Transnational Organised Crime”, sixth session, Vienna, 15-19 October 2012. https://www.unodc.org/documents/treaties/organized_crime/COP6/CTOC COP 2012 CRP/CTOC COP 2012 CRP4.pdf

⁴ Huisman J., Botezatu I., Luda di Cortemiglia V. et al., 2015, p.20

This report assesses the implementation of environmental legislation and the practice of following the chain for prosecuting the persons who violate the law or violate the international principles of environmental protection, as necessary to obtain a clearer picture of the work carried out by compliance and law enforcement bodies. This report also serves to assess gaps for improvement, especially regarding inspection and strengthening of law enforcement through proper investigation and criminal prosecution.

The **legal analysis** was done to understand to what extent the Albanian legislation is harmonised vis-à-vis the European acquis, in terms of punishment of environmental crimes and practical implementation of these international laws and principles.

Strengthening **institutional links** or at least improving and enhancing efficiency in their activities is foreseen as one of the aimed outcomes, which may be accomplished through continuous institutional support and legal analyses and assessments.

This assessment serves to provide a clear picture of the current situation of the legal framework and the need for improvement of institutional capacities. The assessment has analysed the causes, impact and existence of environmental violations, **capacities, skills, knowledge and needs for further training** or strengthening of material and human resources for state agencies, and other bodies working on environmental protection.

Focusing on the legal framework, action plans and state policies, the experts had a clearer insight of what are the most urgent recommendations and what are the long-term improvements that Albania should make in terms of environmental legislation and its implementation to combat environmental crime in the most effective way possible.

1.2. Assessment objectives

This Baseline Assessment comes as an outcome of the research and work carried out by the OSCE Presence in Albania under the Project "To enhance Environmental Governance and Security in Albania"⁵ with the aim of collecting accurate and reliable information on the domestic capacities and ability in the prevention, punishment and investigation of environmental crimes.

The following are the main objectives and goals of this assessment:

1. First, the identification of relevant legislation, international norms in the field of environmental protection and punishment of environmental violations;⁶
2. Second, the role of the institutions involved along the entire chain of compliance, legal enforcement and investigation and punishment of environmental crimes in the country; and

⁵ Supported by the Government of Norway and France.

⁶ The research questions that have guided the experts in this study are: How restrictive is the Albanian legislation in guaranteeing a clean environment and in punishing environmental crimes? Are the Albanian laws and sub-legal acts harmonized with the European Union directives? To what extent are environmental protection laws enforced? Is the division of responsibilities clear for each institution in terms of law enforcement and punishment of environmental violations? What are the gaps or shortcomings of the environmental legislation that can create premises for non-punishment of violations to the detriment of the environment? What are the main factors that affect the emergence of obstacles for enabling the best possible practical implementation of environmental legislation? What are the most frequent and greatest violations? What are the shortcomings in the legal framework that most urgently call for improvement and what aspects need further and more detailed regulation?

3. Third, the analysis of the challenges in the practical implementation of the investigation, adjudication and punishment of environmental crimes, as well as the presentation of issues and areas for improvement in the management of needs and capacities.

The report is divided into chapters, each tackling respectively the assessment of the legal framework, the assessment of the institutional framework and the analysis of shortcomings in these frameworks within the context of capacities, resources and infrastructure. It concludes with proposals for the legal and institutional framework, including potential mechanisms for cooperation.

Concerning the legal framework, the assessment has been carried out by analysing international environmental conventions and agreements related to the implementation of environmental laws and the fight against environmental crime, the European Union legislation related to environmental crime and national policies and strategies that address issues pertaining to the environment.

The examination of international legislation, in particular that of the European Union, helps to create a clearer vision regarding the areas that present a more urgent need for improvement, both in the legal framework and in the implementation of the legislation by the responsible institutions. Moreover, a comparative look at EU and Albanian legislation regarding environmental crime gives a clearer picture of how the priorities set by Albania are being fulfilled, considering this also as a prerequisite for joining the EU.

The best possible harmonization of laws enables and further enhances the ways for more effective cooperation between our country and neighbouring countries in the region, the EU and beyond. Likewise, the examination of the most recent amendments to the European legislation creates a premise for predicting amendments to the Albanian legal framework on environmental crimes that may be expected in the future.



2 Methodology



2. Methodology

2.1. Types of research methods used

The research was carried out through a detailed analysis based on a comprehensive methodology containing two phases of data collection:

- 1) study of the general context of the current legal framework, relevant authorities, causes, impact and existence of environmental crimes in Albania;
- 2) assessment of knowledge, capacities and needs of actors involved throughout the entire chain of compliance and enforcement, including the police and other law enforcement agencies, the prosecution and representatives of the judiciary.

The team of experts has applied the following steps to compile this report:



Figure 1. Research process of the Baseline assessment

1. Desk research – conducted through the examination of laws, sublegal acts, strategies, policies and official national and international documents, as well as international reports related to environmental crime in Albania. Annual reports, statistical data related to the identification and punishment of environmental crime by state institutions and international organizations have served to perform a comparative look between the officially declared data and the reporting carried out by international partners as interested actors, but also quite important in the implementation of the legislation in force for environmental protection.

2. Preparing and conducting interviews – performed through analysing the data collected by the interviews conducted with interested actors, starting from responsible state institutions such as: the Ministry of Tourism and Environment, Ministry of Interior, General Police Directorate, General Prosecutor’s Office, the Security Academy, the Magistrates School, subordinate agencies, etc.

3. Synthetization of findings and recommendations – provided by international institutions with regard to practical environmental protection and administrative or judicial punishment of environmental crime, such as the EU Progress Report, UNODC⁷, Europol, Eurojust and IMPEL.

⁷ United Nations Office on Drugs and Crime

4. Analysis of information collected – presented as a response to the questionnaires compiled for the meetings and consultations carried out with central and local state institutions responsible for specific inspection aspects related to application of environmental crime and its effective punishment.

5. Validation - regarding the perception on the effectiveness of the implementation of environmental protection legislation, by other actors such as the media and NGOs through a technical consultation workshop held on February 2, 2023.

6. Defining conclusions and recommendations - reached based on the summary of qualitative and quantitative data collected above, also based on the discussions held during the meetings between the experts participating in the drafting of this report.

2.2. Stakeholders involved in the report

A series of meetings were conducted with stakeholders of environmental protection and punishment of environmental crime. This was an efficient way to gain their perspectives on the environmental legislation and its practical implementation. The stakeholders who would be invited for interviews were selected upon the consensus of the group of experts in their meetings, aiming at involving all relevant parties as inclusively as possible. (*See Annex B for the list*)

Experts held meetings with the Ministry of Interior, Ministry of Tourism and Environment, the National Environment Agency, the National Agency of Protected Areas, the National Forestry Agency, the Regional Environment Agencies, the Regional Administration of Protected Areas, the Water Resources Management Agency, the General Police Directorate, the National Inspectorate for Territorial Protection, the Security Academy, the General Prosecutor's Office, the State Health Inspectorate, the School of Magistrates, the University of Tirana, municipalities and donors. These meetings were conducted according to the agreed-upon schedule with the OSCE from 15 October to 24 December 2022. These meetings served to present the experts with a series of new data, which were subsequently used to develop the quantitative and qualitative analysis of this study with regard to the perpetration of environmental crimes, and in particular with regard to their prosecution and punishment, both in the administrative and criminal aspect. The research questions presented in the appendix of the report (See Appendix 4) served as a starting point for developing the sections of the report, through comparing data of previous years with those of 2022, or comparing data of local institutions with those of central ones.

2.3. Report limitations

The assessment report was drafted while overcoming some difficulties and limitations which are mainly related to the short timeframe (October 2022 - December 2022) and the scope of the study. The time limitation has brought difficulties and limitations in the number of institutions (mainly local/regional) interviewed and therefore there may be some shortcomings in the overall presentation of the institutional situation in the country related to the identification, prosecution and punishment of environmental crimes. On the other hand, the current period (2022), significantly conditioned and influenced by the EU integration process, is very dynamic in terms of legislation improvement and institutional changes, this has induced confusion on duplication of work.

These situations are explained in more detail in the following chapters. While the focus of the study is environmental crime and its punishment, many of the laws consulted for this report do not clearly detail the concrete consequences of committing an offense in the field of the environment.



3 Assessment of legal framework



3. Assessment of legal framework

3.1. International conventions and agreements related to the enforcement of environmental laws and combatting environmental crime

Albania has ratified the most important MEAs (*see Annex 1*). Given that Albania has been granted candidate country status for membership in the EU in June 2014, it is committed to transpose the EU environmental acquis into its legal framework.

Since 1993, all Albanian laws concerning environmental protection have underlined that protection of the environment from pollution and damage is a national priority. The legislative framework on environmental protection has thenceforth been developed into a broad framework, encompassing: the Constitution, the Criminal Code, the Framework Law on Environmental Protection, sectorial laws and by-laws in compliance with the international environmental agreements signed by Albania as Party.⁸ This chapter provides an extended explanation of the main conventions to which Albania has adhered as well as the table of harmonization of all European conventions and legal acts in the Albanian legislation.

3.1.1 Main conventions

The Basel Convention. In 1999, Albania adhered to the Convention “On the Control of Transboundary Movements of Hazardous Waste and their Disposal”⁹ through law no. 8216, dated 13.5.1997 “On the adherence of the Republic of Albania to the Basel Convention”. According to the Convention, its Parties must establish an appropriate criminal policy in their criminal legislation and waste management legislation and must strictly impose punishments on the illegal trafficking of hazardous waste. In the Albanian legislation, these punishments are defined according to the lists of Annexes I, II and VIII of the Basel Convention and the European List of Waste.

The Stockholm Convention. In 2004, Albania adhered to the Stockholm Convention through law no.9263, dated 29.07.2004¹⁰. In 2006, the National Action Plan "On the Reduction and Elimination of Persistent Organic Pollutants" was approved. In 2007, with the technical and financial support of UNEP¹¹ and GEF¹², it was submitted to the Convention Secretariat as the national plan for the implementation of the Convention, while being still under revision, and the technical and financial support is still being provided. In 2014, the first national report was submitted. While Albania has already approved a framework legislation on the implementation of the international commitments in this realm, law no. 27/2016 “On chemical management” sets forth the legal framework on the implementation of relevant international conventions. With the purpose of fully aligning the national legal framework with the EU legislation, additional legislation has been adopted on: the registration, assessment, authorisation and restriction of chemicals, export and import of hazardous chemicals; classification, labelling and packaging of substances and mixtures; animal testing; asbestos; biocides; and mercury.

⁸ The full list of laws and agreements pertaining to environment may be accessed in the following link: www.turizmi.gov.al/kuadriligjor

⁹ <http://www.basel.int/?tabid=4499>

¹⁰ https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280053a27&clang=_en

¹¹ United Nations Environment Programme

¹² Global Environment Facility

The Rotterdam Convention. In 2010, Albania adhered to the Rotterdam Convention through law no. 10277, dated 13.05.2010, “On the adherence of the Republic of Albania to the Rotterdam Convention “On the Prior Informed Consent Procedure for Certain Hazardous Chemical and Pesticides in International Trade”¹³. Albania has submitted to the Convention the procedures on the import of 47 chemicals listed in Annex III of the Convention, which are subject to the Prior Informed Consent Procedure. In this context, DCM no. 665, dated 21.09.2016 “On the import and export of hazardous chemicals” aims to fully align the Albanian legislation with the EU *acquis communautaire*.

The Montreal Protocol and its Amendments. Albania adhered to the Vienna Convention “On the Protection of the Ozone Layer” and the Montreal Protocol “On Substances that Deplete the Ozone Layer” in 1999. Albania has ratified all its amendments¹⁴. The Albanian legislation uses a licencing and quota system for controlling the import/export of hydrochlorofluorocarbons (HCFC) and mixtures containing HCFC, which is effectively implemented in compliance with the Montreal Protocol. Customs officers have been trained for monitoring imports and preventing illegal trade of ozone-depleting substances.

CITES Convention. Albania has adhered to the CITES Convention through law no. 9021, dated 06.03.2003 “On the adherence of the Republic of Albania to the Convention on International Trade in Endangered Species of Wild Fauna and Flora”¹⁵. The CITES Convention, signed in Washington and amended in Bonn, Germany and Gaborone, Botswana, regulates the movement of certain types of endangered fauna and flora, covering their import, export, transit and re-export, at the international level. Its main goal is **the elimination of illegal trade of fauna and flora**, while the most frequent violation involves the unlicensed or uncertified trade of certain types of fauna and flora. Forgery of these documents is also one of the most frequent violations. However, in Albania, the institutional capacities in inspecting and handling cases of wild fauna and flora trades are essential in order to increase the timely identification and reporting.

The Bern Convention. Albania has adhered to the Bern Convention, through law no. 8294, dated 02.03.1998 “On the ratification of the Convention “On the Conservation of European Wildlife and Natural Habitats (Bern Convention)”¹⁶. This Convention, signed in 1979, aims to promote cooperation between parties for the conservation of wild fauna and flora, their natural habitats and protection of migratory species. It serves as an instrument for fostering national policies on conservation of wild fauna and flora, their integration into the national policies of development, planning and environment, as well as influence in taking practical and legal measures to conserve fauna and flora and protect their natural habitat.

The Bonn Convention. Albania has adhered to the Bonn Convention through Law no. 8692, dated 16.11.2000 “On the adherence of the Republic of Albania to the Bonn Convention “On the Conservation of Migratory Species of Wild Animals” and the agreements of this convention”¹⁷. In recent years, the issue of illegal killing of birds has constantly gained importance in the international arena. The Convention on Migratory Species and the Bern Convention serve as international legal instruments to determine the national criteria and priorities for the investigation and prosecution of crimes such as the illegal killing, capture and trade of wild birds.

Aarhus Convention. This convention is also known as “democracy in the environmental field”, and represents one of the most important acts in environmental legislation in Albania. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which afterwards was named as “Aarhus Convention”, was signed on 25 June 1998 in the Danish city of Aarhus, where it was signed by Albania. Albanian parliament ratified the convention on 26 October

¹³ <http://www.pic.int/Countries/Statusofratification/PartiesandSignatories/tabid/1072/language/en-US/Default.aspx>

¹⁴ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-2-f&chapter=27&clang=_en

¹⁵ <https://cites.org/eng/disc/parties/chronolo.php>

¹⁶ <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=104>

¹⁷ <https://www.cms.int/en/parties-range-states>

2000. The convention entered into force on 30 October 2001. The convention is a legal international document that stipulates certain rights for the public and obligations for state authorities. The convention consists of three fundamental pillars:

- The right of the public to access and request environmental information
- The right of the public to participate in public decision-making for environmental matters
- The right of the public to complain to the judiciary for environmental matters

3.1.2 The level of harmonization of conventions and directives with the Albanian legislation.

Following the exposition of the main international conventions ratified by the Republic of Albania, Table no. 1 lists all international acts defined as conventions (expounded above) and European Union directives concerning environmental protection, indicating their level of harmonization with the Albanian legal framework (*See Annex 3*).

3.2. EU legislation and national legislation on environmental crime

3.1.3 EU legislation on environmental crime and environmental protection

On 19 November 2008, the EU adopted the framework Directive on environmental crime, through Directive 2008/99/EC of the European Parliament and the European Council, "On the protection of the environment through criminal law", which criminalises environmental offences, defining the respective penalties through a common legal framework, which all member states are obliged to adopt. In Albania, the **2019** legal amendments to Chapter IV of the Criminal Code were made in compliance with the EU Directive 2008/992, completing the legal framework of environmental offences.

Governments and international organizations are concerned that the actions undertaken to prevent global warming are insufficient and that the future may present a shortage of natural resources. This is also reflected in recent requests from the European Commission¹⁸ to strengthen **environmental protection through criminal law**, as current rules do not suffice to seriously address environmental crimes.

According to the European Commission¹⁹, the statistical data from Interpol and the United Nations Environment Programme rank environmental crime as the fourth largest criminal activity following drug trafficking, human trafficking and forgery. According to these figures, over the past years, environmental crime has grown at a rate between 5%-7% per year, which is 2-3 times higher than the growing rate of the global economy.²⁰ Citing Eurojust as a source, the EC has assessed that illegal trafficking of waste and wildlife, pollution and illegal trade of hazardous substances are the most serious environmental crimes, but the current regulations do not combat them effectively.

Following an assessment made of the 2008 Directive "On environmental crime" in 2019-2020, the Commission deduced that a reform was needed to enable more effective enforcement of environmental

¹⁸ Revised EU Directive on environmental crime (europa.eu)

¹⁹ For more, see: https://ec.europa.eu/commission/presscorner/detail/en/ganda_21_6745

²⁰ Nellemann C., Henriksen R., Pravettoni R., et al., (Eds) (2018), "World atlas of illicit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime, <https://globalinitiative.net/wp-content/uploads/2018/09/Atlas-Illicit-Flows-FINAL-WEB-VERSION-copia-compressed.pdf>

law, as the number of environmental crime cases that have been successfully investigated and punished over the last 10 years remains extremely low. Hence, by the end of 2021, the European Commission submitted a proposal²¹ on the improvement of environmental legislation, as part of the initiatives taken in the framework of the European Green Deal with the aim of **enhancing the fight against environmental crime**. The main reason was that the number of successfully investigated, prosecuted and punished environmental crime cases remained low under the 2008 Directive. In addition to the definition of new types of violations, mitigating and aggravating circumstances, additional sanctions for offenders of environmental protection laws are defined for the first time, such as: withdrawal of permits, disqualifications and exclusion from access to public funding. These are considered more effective than financial sanctions, especially for legal entities.

a. Air protection

Over the years, the European Parliament and the European Council have issued several Directives aimed at controlling the level of chemicals in the air, including carcinogenic substances or those emitted by burning fuels. Thus, in 1994, the Parliament approved Directive 94/63/EC for the control of volatile organic compound emissions resulting from the storage of petrol and its distribution from terminals to service stations, while regarding the protection of the air from fuel residues. Directive 1999/32/EC which was amended several times in the following 10 years, determines the obligation to reduce the sulphur content, for protection from the level of carcinogenic substances²². The EU's most comprehensive air protection act is Directive 2008/50/EC "On ambient air quality and cleaner air for Europe", which laid the foundations for further criminalization of air pollution.

b. Water protection

Water protection was first sanctioned through the Helsinki Rules "On the Uses of the Waters of International Rivers" in 1966 that tackled only surface waters, and then in the 2004 Berlin Rules, which included ground waters as well. The main principle of water protection is that state parties of conventions of water protection must take all necessary measures to reduce current pollution and to not cause any damage to a water basin of another country, or otherwise they will have to indemnify it. In 1972, **marine pollution was criminalised** through two treaties: the Oslo Convention "On the Prevention of Marine Pollution by Dumping from Ships and Aircraft" and the London Convention "On the Prevention of Marine Pollution by Dumping of Wastes and other Substances", while the 1973 CITES Convention includes the marine fauna and flora. The Paris Convention "On the Prevention of Marine Pollution from Land-based Sources" regulates source-water protection.

In this regard, the 1992 Helsinki Convention "On the Protection and Use of Transboundary Watercourses and International Lakes" strengthened the national measures of all Parties for the protection of international surface and ground waters, holding them accountable to protect the joint water environment, through a damage compensation system. Albania adhered to this Convention in 1994 and its amendments in 2014.

Regarding water protection, the London Protocol "On Water and Health" was adopted in 1999, which our country ratified in 2002. In addition, the Kiev Protocol "On Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters" established a genuine system of civil liability for the immediate compensation of damage caused by industrial accidents

²¹ https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_6745

²² Directive 2004/107/EC

to the transboundary water bodies. Albania is also part of regional agreements, such as the Barcelona convention "On the Protection of the Marine Environment and the Coastal Region of the Mediterranean", with its additional protocols.

In relation to maritime spaces, through environmental law, the EU has regulated any river drainage basin that may have transboundary impacts. The Marine Strategy Framework Directive consists of the Directive for Surface Water, Directive 2006/118/EC, Directive 2007/60/EC273 on the assessment and management of flood risks and the 2008 Directive /56/EC274 of the European Parliament and of the European Council. Based on the Marine Strategy Framework Directive, member states must draw up plans for the protection and preservation of the marine environment.

In terms of water protection, Albania has adhered to the UNECE Convention "On the Protection and Use of Transboundary Watercourses and International Lakes" and its protocol, the Convention "On the Protection of the Mediterranean Sea from Pollution and Conservation of Biodiversity" and its protocols. In addition, Albania has transposed the EU Water Framework Directive through law no. 111/2012, dated 15.11.2012, "On the integrated management of water resources".

Albania has signed bilateral and multilateral agreements with the countries of the region with which it shares water basins, such as the 2003 Agreement with Greece "On the establishment of the Albanian-Greek Permanent Commission for transboundary fresh waters", the 2004 Agreement "On the protection and sustainable development of Lake Ohrid and its drainage basin with North Macedonia", and the Memorandum of Understanding with Montenegro "On the management of the waters of Lake Shkodra and the Buna River".

With the purpose of guaranteeing the implementation of the conventions and determining the rules and norms aimed at the protection of water quality, a series of decisions of the Council of Ministers have been approved in Albania, such as DCM no. 177, dated 31.5.2005, "On the permitted norms of the discharge of liquid waste and the criteria for zoning water environments", DCM no. 1189, dated 18.11.2009, "On the rules and procedures for drafting and implementing the National Programme on Environmental Monitoring", DCM no. 797, dated 29.9. .2010, "On the approval of the hygiene-sanitary regulation for the administration of the drinking water quality ", DCM no. 246, dated 30.4.2014, "On determining environmental quality standards for surface waters" and DCM no. 321, dated 28.5.2014, "On safety at sea, beaches, inland waters during the practice of water sports".

Through the transposition of the European legislation into the Albanian legal framework, the institutional structure for the management and administration of water resources has been approved, including the Council of Ministers, the Ministry responsible for the Environment, the National Water Council and the Technical Secretariat, as well as the agencies on the ground, which now have the responsibility to maintain the National Register of Water Resources Users, according to Law No. 111 of 2012 "On the Integrated Management of Water Resources". The State Inspectorate of Environment, Forests and Water, established in 2014, has already been abolished by DCM No. 568, dated 17.07.2019 "On the establishment and organization of the National Environment Agency".

c. Forest protection

Forest protection, unlike other environmental sectors, is not part of the areas that fall under the competence of the European Union. Therefore, the member states make their own decisions on how to manage forest protection. Nevertheless, there have been efforts to align forest policies by coordinating other sectors, such as the environment, agriculture, energy, etc. In recent years, the burning of forests has been a major

problem of the summer season, not only for Albania, the region, or EU member states, but also for all countries worldwide.

As regards environmental crime against forests in Albania in the last two years, according to the annual report on criminality prepared for the Assembly²³ by the General Prosecutor's Office, **illegal logging has been the most frequent environmental crime**, the most prosecuted in terms of investigation and trial, as well as the most punished.

The European Union as an organization and all its member states take part in the Ministerial Conference for the Protection of Forests in Europe where common strategies related to the continent's forests are developed. In 2011, this Conference decided to sign the mandate on negotiating a legally binding agreement on forests in Europe. The EU also participates in the Convention on Biodiversity, the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification and has cooperation and coordination mechanisms for forests regarding cases that might have cross-border impacts such as wildfires, forest diseases or trading of forest products. Albania is part of all the above-mentioned Conventions, as well as two of the EU cooperation mechanisms, through the Stabilization Association Agreement and the Ministerial Conference. While on November 18, 2022, Albania became a full member of the EU Civil Protection Mechanism.²⁴

d. Biodiversity

The Geneva Convention "On Fishing and Conservation of the Living Resources of the High Seas" was the first to regulate the protection of biodiversity from the risk of disappearing or being destroyed. The CITES Convention provides the most complete regulation on international trade of wild fauna and flora, and with all its amendments, today it supervises the controlled export, import and re-export of fauna and flora.

The Biodiversity Convention entails all aspects: species, ecosystems and genetic resources, and in 2010, it was complemented by the 2010 Nagoya Protocol "On Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization".

Under the post-Covid-19 global pandemic circumstances, the EU Strategy on Biodiversity for 2030 was drafted.²⁵ One of its main objectives is to build a resilient system to respond to the threats that people are imposed from climate change, wildfire, food insecurity and disease outbreaks, including in particular the protection of biodiversity and fight against illegal wildlife trade. Some of the actions that are intended to be undertaken based on this strategy include: establishing a larger EU-wide network to preserve protected areas on land and at sea, imposing serious strict measures against violations that damage areas with high biodiversity and climate value, implementing a concrete plan for the restoration of degraded ecosystems and introducing measures to enhance governance in the fight against environmental crime. The 2030 strategy aims to unlock funding for biodiversity protection and set in motion an enhanced governance framework to respond to environmental crime by ensuring more effective implementation and tracking progress in this area, enhancing the capacities for wider public information and especially imposing respect for nature in decision-making and profit sector.

²³ The General Prosecutor's Report on the state of criminality on Albanian in 2021, pg.143. For more, see: https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/

²⁴ Albania joins the EU Civil Protection Mechanism (europa.eu) [Albania joins the EU Civil Protection Mechanism \(europa.eu\)](https://europa.eu/Albania-joins-the-EU-Civil-Protection-Mechanism)

²⁵ https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en#:~:text=The%20EU's%20biodiversity%20strategy%20for,contains%20specific%20actions%20and%20commitments.

Meanwhile, in protection of biodiversity, Albania has adhered to the CITES Convention and has also ratified the Convention “On Biodiversity” and the Cartagena Protocol “On Biosafety”, the Bern Convention “On the Conservation of European Wildlife and Natural Habitats” and the Ramsar Convention “On Wetlands of International Importance especially as Waterfowl Habitat”.

In 2012, the European Parliament Resolution on “the EU Biodiversity Strategy to 2020”, indicated that the 2010 Directive had not managed to successfully accomplish its objectives, while the 7th EU Environment Action Programme to 2020, approved in 2013, aimed for EU countries to reduce by at least 20% the emission of gases into the atmosphere by 2020; to guarantee that 20% of the energy consumed is produced from renewable sources; to reduce by 20% energy consumption; and to prevent biodiversity loss and degradation by 2020.

In order to fulfil the commitments stemming from these conventions, the following laws have been approved: Law no.57, dated 30.04.2020 “On forests”, Law no.9693, dated 19.3.2007, “On pasture fund”, Law no.10006, dated 23.10.2008, “On the protection of wild fauna”, Law no.10120, dated 23.04.2009, “On the protection of natural medicinal, oil-etheric and tannin plants”, Law no.10253, dated 11.3.2010, “On hunting”.

Likewise, aiming at the approximation of EU Directives on the protection of biodiversity and natural heritage, Law no. 81, dated 04.04.2017 “On protected areas” and Law no. 9587, dated 20.07.2006 “On the protection of biodiversity”, as amended, were approved.

Supporting the law enforcement for the aforementioned Laws, the following DCMs were approved: DCM no. 532, dated 5.10.2000 “On the National Strategy and Action Plan for the Protection of Biodiversity”; DCM no.897, dated 21.12.2011, “On the approval of rules for designating special protection areas”, DCM no.303, dated 10.05.2019 “On the approval of the reviewed and updated list of Albanian natural monuments”, DCM no.266, dated 24.4.2003, “On the administration of protected areas”, DCM no.267, dated 24.4.2003, “On the procedure of proposing and declaring protected areas and buffer zones”, DCM no.804, dated 4.12.2003, “On the approval of the list of Albanian flora species under protection”, DCM no. 593, dated 09.10.2018 “On the composition, functions, tasks and responsibilities of the Committee of Protected Environmental Areas Management”, DCM no.84, dated 27.1.2009, “On the determination of the criteria for the establishment of the inventory and monitoring network for biodiversity”, DCM no.477, dated 30.07.2021 “On approving the list of invasive alien species and determining the procedures on their prohibition and/or entrance into the country’s customs points”.

e. Waste protection

The Basel Convention “On the Control of Transboundary Movements of Hazardous Waste and their Disposal” puts an emphasis on the responsibility of countries to manage waste in compliance with environmental standards. This convention was amended in June 2022, thus entirely prohibiting the transboundary movement of waste. Furthermore, in 1998, the Rotterdam Convention “On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade” was the first convention to designate hazardous substances, **giving prior informed consent based on information received**, as a primary means of protecting health and environment.

The Stockholm Convention “On Persistent Organic Pollutants”, regulates pesticides and decomposable components, which may harm the food chain, environment or human health. Whilst the Joint Convention “On the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management” was the first legally-binding convention to address radioactive waste management on a global scale, to guarantee

protection from the impacts of spent fuel and radioactive waste management as well as prevention of accidents in these operations.

The European Council Directive No.84/631 EEC of 1984, "On the supervision and control within the European Community of the transfrontier shipment of hazardous waste", regulated the transfrontier shipment of waste, especially their illegal export. In 2008, the Directive 2008/98/EC, "On waste", or the Waste Framework Directive, repealed all the previous directives concerning the trade of waste.

Over the years, the European Commission has approved decisions and regulations to determine the list of waste, to regulate the management of waste landfills, sewage sludge, oils, batteries and accumulators, packaging, electronic waste, waste burning or administration of waste from extractive industries. In addition to the international regulations through the UN and EU acts, the Organisation for Economic Cooperation and Development has addressed imports and exports of waste by setting up a control system on trade of waste in 1984.

Regarding the waste management system and the obligation to transpose the EU environmental acquis into the Albanian legal framework, Albania has approved DCM no.418, dated 27/05/2020 "On the approval of Document of Strategic Policies and the National Plan for Integrated Waste Management 2020-2035".

In order to fulfil the obligations arising from the adherence to the Basel Convention, Law no.10431, dated 09.06.2011 "On environmental protection" was approved. This law imposes further limitations to the import of hazardous waste, while Law no.10463, dated 22.9.2011, "On the integrated waste management" prohibited entirely the import and transition of hazardous and non-hazardous waste in Albania. This law is in alignment with the Waste Framework Directive of the European Parliament and the Council.

Furthermore, for the purpose of applying an integrated approach, the Integrated Waste Management Committee was established by DCM no. 967, dated 25.10.2013, "On the organization and operation of the Integrated Waste Management Committee", which coordinates the tasks of the ministries for the integrated waste management.

As regards waste management in landfills, DCM no.452, dated 11.7.2012, "On waste landfills", was approved, pursuant to the Council Directive 1999/31/EC, dated 26.4.1999, "On waste landfills".

f. The implementation of EU legislation in member states and non-member states

The European Union is part of many regional and global environmental agreements for a complex set of issues pertaining to environmental protection, ranging from the transboundary movement of hazardous waste to their disposal, biodiversity conservation, prevention of wildfires, prevention of wild flora and fauna trades, etc. Nevertheless, the enforcement of both EU directives related to environment and international conventions, in which EU member states are part as individual party or as block, is still incomplete. In 2001, the European Parliament and the European Council approved the minimum standards for environmental inspections, which are non-mandatory and aim to address differences among states regarding state of play of national legislations on environmental crime. EU member states, like many other countries in Europe and beyond, including Albania, envisage in their criminal legislation actions committed against the environment. These actions are sanctioned as criminal offences, which are converted into penalties that must be proportionate, effective and functional against the most serious environmental offences or offences with major consequences on the environment and public health.

Concerning countries that still are not EU member states, but have candidate country status, they have the obligation to **approximate the EU environmental directives and conventions where it is committed into the national legislation**. This will equalise the level of efforts made by member states in terms of

protection of air quality and water, waste management movement and disposal, conservation of protected areas, protection of forests and biodiversity, as well as undertaking risk management pertaining to industrial pollution, chemicals, toxins, pesticides and genetically modified organisms.

Besides the transposition of EU directives into the national legal framework, candidate countries, as well as the EU member states themselves, must compile a strategy and a national action plan for the protection of the environment. This should be supported by providing the adequate infrastructure for law enforcement through a strong and well-equipped administration, in order to be capable not only to combat environmental crime within the country, but also to cooperate at a high level with counterpart institutions in the region, Europe and beyond.

As part of the EU accession process of the country and as a candidate country to join the EU, Albania is committed to transpose the EU environmental acquis into the legal framework, including the directive concerning environmental crimes.

3.1.4 National legislation on environmental crimes²⁶

The common understanding of environmental crime refers to all actions that harm the environment. However, legally, this definition can be summarized as *“all provisions that impose criminal or administrative/civil liability for certain behaviours, regardless of whether they cause potential or actual damage to the environment.”*

The Constitution of the Republic of Albania, in Article 56, grants every individual the right to be informed about the state of the environment and its protection. Moreover, under the chapter on social objectives, Article 59, point 1 further elaborates on environmental protection by stating that “The State, using its constitutional powers and available resources, in addition to individual initiative and responsibility, aims to provide: d) a healthy and ecologically suitable environment for present and future generations; and dh) forests, waters, pastures, and other natural resources are to be used in a rational manner, based on the principles of sustainable development.”

In addition to the Criminal Code, the protection of the environment is also further elaborated by other important legal acts such as the Environmental Code, the Forest Act, the Water Management Act, the Air Protection Act, etc. These laws prescribe not only criminal, but also administrative and civil responsibilities for illegal acts against the environment. The administrative and civil sanctions aim to remedy the damage caused to the environment and to ensure the restoration of its original state, while criminal sanctions aim to punish the perpetrators of such acts and to prevent the repetition of similar acts in the future. The above-mentioned laws and regulations, in cooperation with the institutions responsible for their implementation, such as the National Inspectorate of Territorial Control, the Ministry of Agriculture and Rural Development, the Ministry of Environment and others, provide for a comprehensive legal framework for the protection of the environment in Albania.

Not only individuals, but also legal entities, are responsible for criminal offenses committed under their name or for their benefit by them and their representatives. **Local government units are held accountable for crimes committed in the course of their activity by their officials.** The criminal liability of legal entities does not exclude that of the natural persons who have committed the offense or are accomplices in its commission. The law titled “On the Criminal Responsibility of Legal Entities” (Law No.9754, dated 14

²⁶ For more information, refer to the OSCE Guide on Competences of Local Authorities to Address Environmental Crime and the Standard Operating Procedures for Local Officials Engaged in the Protection of Soil, Forests, Air, and Water from 2019 <https://www.osce.org/files/f/documents/4/a/451606.pdf>

June 2007) regulates the criminal offenses and the associated punishments that apply to legal entities, as well as the procedures for determining and implementing these punishments.

The Criminal Code of the Republic of Albania contains specific provisions classified as criminal offenses against the environment, as well as corresponding punishment for perpetrators of such crimes. The criminal offenses against the environment, along with the changes that took effect on 8 October 2019, are outlined in Chapter IV of the current Criminal Code, as follows:

- **Article 201 – Air, water and soil pollution**

A physical or legal person who is obligated to take specific measures to protect against the pollution of air, soil, and water can commit the crime of polluting the air, water, and soil intentionally or negligently.

In these cases, the commitment of unlawful actions or omissions, consists of polluting the surface or depth of the soil, causing severe damage to animals or plants, through the discharge, emission, or introduction of ionizing radiation or a quantity of materials into the air, soil, or water, **beyond the limits of legally permissible norms**, or in specially protected areas defined by law, such as areas of environmental, cultural, artistic, historical, architectural, or archaeological value. Such actions **may also cause or lead to severe damage to ecosystems, biodiversity, flora, or fauna**.

Administrative offenses related to pollution are specified in the Law²⁷ “On Environmental Protection” and other related laws aimed at protecting the air, water, and soil from pollution. Criminal offenses can result in a fine or imprisonment of up to two years. **Only when the offense does not qualify as an administrative offense is it considered a criminal offense.**

The offense is considered to be committed under **aggravating circumstances** if air pollution, carried out through the illegal actions or inactions described above, causes **serious consequences** for the lives and health of people, such as death, mutilation, disfigurement, abortion, or danger to life. In such cases, the punishment is imprisonment for five to fifteen years.

- **Article 201/a – Waste management**

The offense of waste management can be committed intentionally or negligently. It involves the collection, transportation, recovery, or disposal of waste, as well as the supervision of these actions, the maintenance at the disposal site, and actions taken against the requirements of effective legislation for waste management. If this leads to serious damage to air, soil, or water quality, or to animals or plants, it is **punishable by a fine or imprisonment of up to five years**.

The legislation has directly linked the offense to non-compliance with effective legislation, such as the Law on Integrated Waste Management²⁸ and its complementary by-laws. Negligent violations of this law are punishable by a fine or imprisonment of up to two years. When the offense is committed under aggravating circumstances, the punishment is imprisonment from five to fifteen years.

- **Article 201/b – Waste transportation**

The offense of waste transportation, which involves the transportation of waste entering, leaving, or transiting the territory of Albania in non-negligible quantities, carried out in a single shipment or multiple shipments appearing connected to one another, in violation of effective waste management legislation or permits and authorizations issued by competent bodies, is punishable by a fine or imprisonment of up to

²⁷ Article 69 of Law No.10431 dated 9 June 2011 “On protection of the environment”, as amended

²⁸ Law No.10463, dated 22 September 2011, “On integrated waste management”, as amended

five years. This criminal offense is committed intentionally or negligently by individuals or legal entities who have breached established rules for unauthorized transportation of various materials/wastes.

In these cases, the active illegal actions consist of the transportation (via road, rail, air, or water) or transit (to a foreign country) of the waste. It should also be noted that this criminal offense can stem from violating specific elements of the law on integrated waste management or other sector-specific laws, thus criminalizing certain actions that are evaluated on a case-by-case basis by law enforcement authorities.

- **Article 201/c – Hazardous activities**

The offense of conducting hazardous activities refers to operating a plant where dangerous activities take place, or where hazardous substances or preparations are stored or used in violation of relevant effective legislation or permits and authorizations issued by competent authorities. If this results in serious damage to the air, soil, water quality, or to animals or plants outside the plant, the offense is punishable by imprisonment of two to eight years. The law establishes a direct link between this offense and the respective legislation, with the clear consequence being the causing of serious harm to the environment. When the offense is committed negligently, it is punishable by a fine or imprisonment of up to five years.

If aggravating circumstances are present, the punishment can range from five to fifteen years in prison.

- **Article 201/ç – Nuclear materials and dangerous radioactive substances**

The criminal offense regarding nuclear materials and dangerous radioactive substances involves the production, processing, treatment, use, storage, transportation, import, export, or disposal of these materials in violation of relevant effective legislation or permits and authorizations issued by competent bodies. If these actions cause or have the possibility of causing serious damage to the air, soil, water quality, or to animals or plants, it is punishable by a fine or imprisonment of up to five years.

If the offense results in or has the likelihood of causing serious harm to public health, the punishment is imprisonment from two to ten years. In instances where the offense causes the death of humans or has the potential to do so, the punishment is imprisonment from fifteen to twenty years.

This offense, when committed negligently, shall be punishable by a fine or imprisonment of up to four years.

- **Article 202 – Damaging protected species of wild flora and fauna**

The criminal offense of harming protected species of wild flora and fauna, can be committed intentionally or negligently by persons or legal entities which violate the established rules for environmental protection, protected areas, and fishing. This is achieved through illegal actions such as killing, destroying, possessing, or taking specimens of protected species of wild flora and fauna or their parts or by-products in violation of effective legislation for the protection of wild fauna and protected areas, or the permits and authorizations issued by competent authorities, except in cases where the impact on the conservation status of the species is negligible. The offender in these cases is punished by penalties including fines or imprisonment.

These actions are considered damaging **when they disrupt the ecological balance** and have consequences on fauna and flora, such as damaging or destroying species of fish, vegetation, and animals.

- **Article 202/a – Trading of protected species and wild flora and fauna**

The offense of trading in protected species of wild flora and fauna is committed by engaging in the sale or trade of specimens of such species, as well as their parts or by-products, in violation of the requirements of relevant effective legislation for the protection of wild fauna and protected areas, or of the permits and authorizations issued by competent bodies. This crime is punished with a fine or imprisonment of up to

three years, unless the offense is committed on a negligible scale and has a negligible impact on the conservation status of the species in question.

- **Article 202/b – Damaging of habitats in protected areas**

The offense of damaging of habitat in protected areas involves actions that violate the requirements of effective legislation for protected areas or the permits and authorizations issued by competent bodies, leading to serious degradation of a habitat within a protected area. Such actions are punishable by a fine or imprisonment of up to five years.

Individuals or legal entities that have violated established rules for the protection of the environment, seas, rivers, and soil from toxic, radioactive, or other substances, may commit this act intentionally or negligently. In this case, illegal actions include the discharge or dumping of waste, toxic waste, radioactive, or other substances from ships sailing through or anchored in ports, airplanes, or other means of transportation such as road or rail, or from plants, factories, and other entities or individuals.

- **Article 203 – Ozone depleting substances**

The criminal offense of producing, importing, exporting, releasing to the market, or using ozone-depleting substances that violate the requirements of relevant effective legislation or the permits and authorizations issued by competent bodies is punishable by imprisonment ranging from one to seven years.

- **Article 204 – Illegal fishing**

The criminal offense of illegal fishing²⁹ is committed intentionally or negligently by individuals or legal entities who violate the legally established rules for environmental protection and Law No. 64/2012 "On Fishing," as amended. Unlawful actions include fishing during prohibited periods, such as breeding; using prohibited methods; or fishing in prohibited places, such as protected areas. Fishing during prohibited times, using prohibited methods, or fishing in prohibited places is a criminal offense and is punishable by a fine or imprisonment of up to three months. When fishing is carried out using methods that pose common dangers, such as explosives or poisonous substances, the offense is considered to have qualifying circumstances³⁰ and is punished by a fine or imprisonment of up to two years.

- **Article 205 – Illegal logging**

The offense of illegal logging is committed intentionally by individuals or legal entities that violate the rules established by law for environmental protection and the law enforced for Forest, and No.81/2017 "On Protected Areas", as amended. The illegal actions include cutting or damaging forests without permission from competent authorities, cutting or damaging forests during prohibited times, such as during the regeneration period or moratorium, and cutting or damaging forests in prohibited locations, such as protected areas or places at risk of erosion, flooding, landslides, etc.

The Laws "On Environmental Protection" and On Forests and the Forestry Service, which was amended on May 4, 2005, determine the cutting or damaging of forests that constitutes administrative offenses. Such actions, carried out without permission or in prohibited times and places, **are punishable by a fine or imprisonment of up to one year.**

- **Article 206 – Illegal logging of decorative and fruit trees**

The offense of illegally logging decorative and fruit trees is committed intentionally by individuals or legal entities by illegally logging ornamental trees, such as pines, firs, poplars, along roadsides in cities and other

²⁹ Article 204 of the Criminal Code.

³⁰ Point 2 of Article 204 of the Criminal Code

locations; damaging flower gardens and parks in cities, including by causing the uproot of flowers or allowing livestock to enter; and illegally logging trees in orchards, olive groves, and vineyards after being denied permission by the relevant authorities. The punishment for the crime of illegally logging ornamental trees and damaging parks and flower gardens is a fine, while illegally logging orchards, olive groves, and vineyards is punishable by imprisonment of up to three months.

- **Article 206/a – Wilful destruction of forests through fire**

The offense of illegal logging and damaging the forested environment through fire is committed intentionally through actions that involve the use of means of common dangers with fire and result in:

- the destruction or damage, with serious material consequences, to the forestry fund, forestry nursery, timber pile or any similar to them. The penalty for this offense is imprisonment from five to eight years.
- changing the category and destination of the land. The penalty for this offense is imprisonment from five to fifteen years.

The commission of this offense, with serious consequences to property, human lives or health, or causing serious and prolonged damage to the environment or protected areas, constitutes a criminal offense, punishable by imprisonment ranging from ten to twenty years.

- **Article 206/b – Negligent destruction of forests and the forestry habitat through fire**

The offense of destroying forests and the forestry habitat through fire is committed either negligently or intentionally through the use of dangerous common means with fire, resulting in the destruction or damage of the forestry fund, forestry nursery, timber pile, or similar.

This is punishable by imprisonment of two to five years. When the offense results in serious consequences to property, human health or life, or causes serious and prolonged damage to the environment or protected areas, it is considered committed under qualifying circumstances and is punishable by imprisonment of three to eight years.

- **Article 207 – Quarantine violation of plant and animals**

Special subjects, acting either in compliance or non-compliance with the regulations established by the quarantine of plants and veterinary services, commit the offense of violating the quarantine of plants and animals. These regulations are outlined in Law No.10465 “On the veterinary service,” dated 29 September 2011, as amended, and Law No.105/2016 “On plant protection.” For criminal responsibility to be established, the violation of the quarantine regulations must result in serious consequences, such as significant damage to plants from dangerous diseases or the death of animals from contagious diseases, which pose a threat to human life and health.

This criminal offense is classified as a criminal misdemeanour and is punishable by a fine.

No.	Environmental criminal offenses	Penalties depending on danger
1.	Article 201 – Pollution of the air, water and soil	Up to 15 years imprisonment
2.	Article 201/a – Waste management	Up to 15 years imprisonment
3.	Article 201/b – Waste transportation	Fine or imprisonment up to 5 years
4.	Article 201/c – Hazardous activities	Up to 15 years imprisonment
5.	Article 201/ç – Nuclear materials and dangerous radioactive substances	Up to 20 years imprisonment
6.	Article 202 – Damaging protected species of wild flora and fauna	Fine or imprisonment up to 7 years
7.	Article 202/a – Trading of protected species and wild flora and fauna	Fine or imprisonment up to 3 years
8.	Article 202/b – Damaging the habitat of protected areas	Fine or imprisonment up to 5 years
9.	Article 203 – Ozone depleting substances	From 1 up to 7 years of imprisonment
10.	Article 204 – Illegal fishing	Fine or imprisonment up to 2 years
11.	Article 205 – Illegal logging	Fine or imprisonment up to 1 years
12.	Article 206 – Illegal logging of decorative and fruit trees	Up to 3 months imprisonment
13.	Article 206/a – Wilful destruction through fire of forests	Up to 20 years imprisonment
14.	Article 206/b – Negligent destruction through fire of forests and the forestry habitat	Up to 8 years imprisonment
15.	Article 207- Quarantine violation of animals and plants.	Fine

Table 1. Summary of environmental criminal offenses

However, not only criminal offenses are indicative of environmental crime. Each specific law lists a series of environmental violations that can serve as a guide and reference for identifying environmental crimes by reading these provisions in harmony or parallel with the criminal offenses explained above. For example, regarding the collection, removal, and treatment of solid household waste, reference should also be made to Law No.10463, dated 22 September 2011, “On Integrated Waste Management,” as well as in the Criminal Code.

Local government units (LGUs) have specific powers concerning waste under this law. These powers give any employee of the municipality the opportunity to become aware of or confront environmental crimes as defined in Article 201, such as Waste Management (a), Transportation of Waste (b), Dangerous Activities (c), and Nuclear Materials and Dangerous Radioactive Substances (ç), among others, in the Criminal Code.

In the same manner, if during a control procedure or after identification, an employee of a central or local state authority finds that legislation has been violated or not properly implemented, they must immediately report it to the Inspectorates covering the area of waste (e.g., National Food Authority, Directorate of Veterinary Service, National Inspectorate of Territorial Protection, etc.). However, if a criminal offense has occurred, the official must take all measures to secure the evidence of the criminal offense, the objects on which the crime was committed, and other relevant evidence, and inform the prosecutor or the Albanian State Police. The inspector independently evaluates which evidence will be used to prove the main facts, but does not touch the evidence; they simply notify law enforcement agencies after determining what the identified criminal offense may be.

3.2 National policies and strategies for addressing issues related to environmental crime

Environmental crime is a new concept in the Albanian context, although environmental crimes have existed in various forms and scopes before this notion was recognized and addressed by the legal and institutional framework. Since environmental crimes are closely linked to the environment as the main component, and also interact with society and the economy, environmental crime is quite dynamic in terms of being addressed by the regulatory and institutional framework. From the perspective of the EU *acquis* process, the regulatory framework addressing crimes against the environment has undergone constant changes. As a result, the national policy framework for addressing environmental crime issues is presented schematically in Figure 2 below.

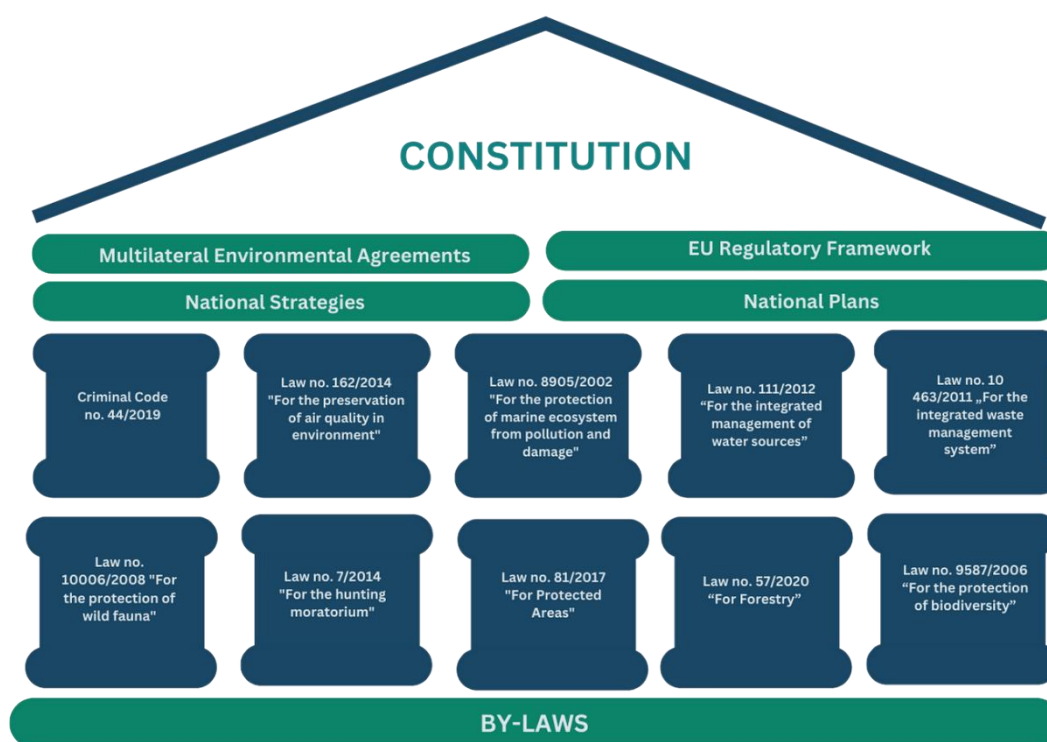


Figure 2. Strategic legal framework, on environmental crime in Albania

It should be noted that there is no specific document of policies dedicated solely to addressing environmental crime, but rather these policies are fragmented across different sectors, with most being included in the environmental sector. With the revision of environmental governance policies, the cross-sectoral environmental strategy has been reconfigured and elements of it have been distributed among specific sectors such as nature conservation, waste management, forest management, etc. In the context of the EU environmental *acquis*, the inter-institutional horizontal document that guides environmental policies and thus those related to environmental crime is the National European Integration Plan 2022-2024.

This document, specifically chapter no. 27, outlines the framework of policies that have been implemented and those that are planned by Albania to address environmental and climate change issues. It is stated that the strengthening of the legal framework regarding environmental crime requires changes to the Criminal Code and the adoption of other legal and by-laws for specific areas such as air, ground waters, waste,

noise, chemicals, biodiversity, forests, and climate change³¹. However, the main challenge identified in the document is the effective enforcement of the legal framework, which is dependent on the human and financial capacities of law enforcement agencies.

The partial transposition of several directives related to environmental crime, such as the Environmental Crime Directive (approximately 65%), the Environmental Liability Directive (approximately 28%), and the Regulation on Minimum Inspection Criteria (approximately 62%), has marked relatively good progress in adapting policies in this area. This is also evidenced in the preliminary report produced by the joint inter-institutional working group supported by the program “Supporting Albanian Negotiations in the Field of the Environment – Chapter 27” (SANE 27)³². However, the progress report produced by DG-NEAR emphasizes that the implementation of the “polluter-pays” principle in the legislation is weak. As a result, further progress is required to achieve the complete approximation of the Environmental Liability Directive.

The elaboration of a dedicated national strategy for the environmental sector could introduce clearer lines of institutional responsibilities and enhance coordination across the various law enforcement agencies. Without an overarching national strategy, current legislation is not properly regulated and outdated legislation is still in effect, making inter-institutional cooperation in combating environmental crime challenging.

In addition to the policies mentioned, Albania has implemented several specific sectoral policies in the field of the environment on a horizontal plane:

- National Strategy for Environmental Air Quality (2014),
- Document of Strategic Policies for the Protection of Biodiversity (2015),
- Strategic Policy Document for Integrated Waste Management (2020-2035),
- Forest Policy Document (2019-2030),
- Climate Change Strategy (2019),
- Strategy of Integrated Management of Water Resources (2017-2027) etc.

Another cross-sectoral strategy is the Strategy for Civic Legal Education (SCLE), which outlines the vision, strategic goals, and specific objectives of civic legal education (CLE) from 2019 to 2023. SCLE is the first strategic document approved in Albania that focuses specifically on the legal education of citizens. It was created through a comprehensive drafting and consultation process. Knowledge of the law and legal education of citizens is crucial in a democratic society, where behaviour, actions, and relationships are governed by legal norms and rules. These norms and rules can sometimes be complex or subject to change.

³¹ <https://integrimi-ne-be.punetejashtme.gov.al/anetaresimi-ne-be/plani-kombetar-i-integrim-it-pkie/>

³² <https://sane27.com/sq/about-us/>



4 **Assessment of the institutional framework**



4. Assessment of the institutional framework

In Albania, there are several institutions and agencies responsible for various aspects of environmental protection. The prosecution and punishment of environmental crimes is divided into two types: criminal offenses (*or crimes pursuant to relevant Articles in Chapter IV of the Criminal Code*), which are prosecuted and punished in court, and administrative contraventions, which are prosecuted and punished by responsible state agencies.

The Ministry of the Interior and the Ministry of Tourism and Environment have primary responsibility for protecting the environment against crimes and violations, according to relevant legislation, while the Council of Ministers is responsible for drafting legislation or by-laws. At the agency level, the National Environment Agency, National Inspectorate for Territorial Protection and National Agency of Protected Areas have the greatest responsibility for identifying, monitoring, reporting, and administratively following up on violations of environmental protection legislation.

Regarding **criminal proceeding and judicial prosecution of environmental crime**, judicial police at the Police State, Prosecutions at the courts of first instances and appeal, district courts, criminal chamber, and as well as Appeals, bear the weight of investigating, proceeding, punishment of perpetrators of such offenses to the environment that are considered criminal offenses, even if they are misdemeanours or administrative contraventions.

Based on the interviews, but also according to the annual reports of the General Prosecutor's Office, the EU progress report for Albania and other relevant documents consulted for this assessment, it is clear that the distinction between criminal and administrative prosecution can sometimes be unclear, and better coordination between the state administration, prosecution, and Albanian State Police is necessary to determine the most appropriate punishment for environmental crimes. The judicial police has a principal role, as the first line, in the environmental crime chain, that eventually lead to the punishment by the Court (Administrative or Penal, depending by the type of violations), discouraging the citizens to act irresponsibly towards the environment.

4.1 Governmental institutions with an inspecting role

Ministry of Tourism and Environment. The Ministry of Tourism and Environment has the responsibility of adopting national environmental strategies and policies that align with the EU environmental *acquis*. Additionally, it serves as the managing authority for international conventions that Albania is a part of, including CITES and the Convention of Aarhus, Bonn, Basel, etc. The Ministry also manages the issuance of permits and certificates under the CITES Convention through its Directorate for Biodiversity and Protected Areas.

National Environment Agency. The National Environmental Agency (NEA) was established in 2014 through DCM No.150 and is responsible for evaluating the requirements for granting environmental permits, drafting the national environmental monitoring program, and monitoring the state of the environment. Since 2020, the NEA has also taken control of the environmental

inspection structure. The Directorate of Inspection and Control at the NEA has assumed some responsibilities from the former State Inspectorate of Environment, Water, Forests, and Tourism. Additionally, the regional branches of the NEA have a directorate for environmental control and inspection. The NEA operates as a central body at the national level with four regional environmental agencies and a workforce of 304 employees. It is responsible for monitoring, analyzing, and reporting data, as well as overseeing the transfer of waste, including hazardous waste. The NEA reports not only at the national level, but also to several international organizations³³.

The Regional Environment Agency (REA) operates under the National Environmental Agency and is responsible for verifying, issuing environmental permits, monitoring and inspecting activities that have an impact on the environment. Currently, four REAs are in operation across the country. These agencies are organized with sectors for Environmental Inspection, EIA Review and Environmental Permit Issuance, Monitoring, Communication and Information. Additionally, there is an information office in each district center. The REAs pursue administrative violations and notify the Albanian State Police and the National Inspectorate for Territorial Protection (NITP) for the review and prosecution of violations that are considered criminal offenses. Inspections are conducted based on annual and monthly plans using a standard template for the field inspection report, which is completed online. Often, REA inspectors are not informed about the progress of the investigation, trial process, and the outcome of punishment measures for offenders for violations referred for further follow-up to other institutions (such as the Albanian State Police, NITP, and prosecution). A joint platform between institutions could contribute to inter-institutional cooperation and communication, increasing the synergy and the timely information distribution.

The National Agency of Protected Areas (NAPA) was established in 2015 as a public entity under the Ministry of Tourism and Environment. It is responsible for the country's system of protected areas and is organized into the Directorate of Monitoring and Management of Protected Areas, the Directorate of Finance and Services, and the Office of Projects. *The Monitoring Sector*, which is part of *the Directorate of Monitoring and Management of Protected Areas*, is responsible for detecting and addressing violations and illegal activities within protected areas. NAPA currently has 304 employees (as of 2022), with 24 located in its central office in Tirana and the rest distributed across 12 Regional Administrations of Protected Areas.

The Administration of Protected Areas (APA) is an institution under the National Agency of Protected Areas, responsible for managing and administering all protected areas within its district. APA is organized into two sectors: the Management sector, which oversees the implementation of activities necessary for *maintaining protected areas*, and the *Monitoring sector, which is tasked with identifying violations within protected areas and reporting them to law enforcement agencies (National Inspectorate of Territorial Control and prosecution)*. The monitoring sector includes rangers who are divided into different areas. APA does not have finance specialists or lawyers in its structure.

The Law on Protected Areas (81/2017) classifies any illegal activity within protected areas as a criminal offense. This law gives the director of the APA and the head of the monitoring sector equal authority to that of the Judicial Police Officer (JPO). In theory, this could allow the JPO to gather

³³ The NEA has several responsibilities, including drafting the national environmental monitoring program, monitoring the state of the environment, publishing annual reports on the state of the environment, providing environmental pollution measurement services, establishing and managing the environmental information system, creating and managing the Register of the discharge and transfer of pollutants, and providing environmental information to the public involved in the environmental decision-making process.

the necessary documentation and forward the case to the prosecutor's office for investigation, but supporting by-laws are needed to clarify this determination. Often, the prosecution does not recognize 'the authority of the JPO' (which is granted to head of APA and head of monitoring sector) within the APA structures. The APA staff identifies cases and reports them to the prosecutor's office. The prosecution often refers to the forest law to prosecute offenses reported by APA. In order to facilitate the processes and increasing the efficacy of forwarding the cases supported by proper evidences and documentations, it is necessary to have a lawyer to follow the progress of the cases on behalf of the APA.

National Forestry Agency. The National Forestry Agency was established in 2020 as a result of the Ministry of Tourism and Environment's efforts to improve and strengthen the forest management sector. The NFA is responsible for managing forests in all their complexity, including enforcing legality³⁴. Over the past two years, the main focus of the NFA has been consolidating its structures and detailing the requirements of the forestry law, as well as completing by-laws to complete the law enforcement. Specifically, the NFA is working on unifying standards for the control and inspection structures in forests. Currently, in line with the forestry law, control and inspection structures in forests include the local government (municipalities), the National Agency of Protected Areas, and the National Forestry Agency, which must coordinate and direct the process at the central level, while two other structures have more responsibility at the local level.

Water Resources Management Agency. The Water Resources Management Agency (WRMA) was established in 2018 with the mission to ensure good governance of water resources to meet all vital needs while considering the sustainability of ecosystems and promoting the competitiveness of uses, with a focus on economic profitability. The Agency's structure³⁵ includes the Directorate of Water Resources Management, which has the responsibility for monitoring and controlling water resources, ensuring that they are used in accordance with the defined purpose and criteria/conditions as specified in the permits issued. The Directorate manages the entire cycle of water resource administration, including planning, usage, and monitoring³⁶.

National Inspectorate of Territorial Control (NITC). The National Inspectorate of Territorial Control (NITC) is a government institution under the jurisdiction of the Ministry of Interior. Its primary responsibilities include the enforcement of laws against unauthorized construction and the protection of the environment from illegal activities, pollution, and damage. The NITC has recently updated its objectives, with a focus on the prevention, protection, supervision, and control of the implementation of effective legislation for the protection of the environment. According to Decision No. 513 dated 1 July 2020, and Order No. 22 dated 3 February 2020, the NITC has restructured its directorates at the central and regional levels to include the Environment and Water Inspection Directorate, the Forestry Inspection Directorate, and the Regional Directorates of the NITC in 12 districts. These directorates are responsible for carrying out administrative measures and initiating criminal proceedings against offenders and environmental polluters, working in close collaboration with the Albanian State Police. The Environment and Water Inspection Directorate has

³⁴ In line with the Policy Document for the Law on Forests as approved in 2019.

³⁵ The WRMA operates according to the hierarchy, with the following organizational units: a) At the central level: (General Director; Director; Sectors); b) At the water basin level (AWB): Director of the Office; Sectors.

³⁶ The Monitoring-Control Sector, which is under the authority of this directorate, is responsible for the following main tasks: identifying unauthorized uses and authorizations and monitoring compliance with rules and criteria for water resource use; monitoring and enforcing permit and authorization conditions; supervising the protection and improvement of water resources to ensure their defined status; controlling the preservation of water resource protection areas/belts; proposing measures and cooperating with the water inspectorate to take punitive action against entities found to be in violation of the law; coordinating with other law enforcement agencies to ensure that water use by various entities is in compliance with legal requirements; and monitoring the fulfillment of tasks by subjects and institutions as defined in decisions of the Water Resources Council and River Basin Councils through the Water Basin Administration Offices.

13 employees, the Forestry Inspection Directorate has 10 employees, and the Regional Directorates of the NITC have 5 employees dedicated to the environment and 4 dedicated to forests.

Municipalities. Municipalities play a crucial role in the control of the local territory and the management of natural resources. Based on the size and scope of the natural resources, Municipalities have established directorates or departments that are responsible for monitoring environmental issues and managing natural resources such as forests and pastures under the jurisdiction of the Municipality. The Municipal Police and the Inspectorial Unit for Territorial Control also fall under the jurisdiction of the Municipality. Generally, Municipalities carry out inspections in forests, but they also respond to citizens' complaints and alerts to verify other environmental events. In such cases, they notify the National Environment Agency and the National Inspectorial Unit for Territorial Control, which are specialized institutions. Forest and pasture inspectors are responsible for overseeing all aspects of forests and pastures, including detecting violations and referring them to the NITC. It is expected that, in collaboration with the National Forest Agency (NFA), a special inspectorial unit for forests and pastures will soon be created within the Municipality. This will help in unifying the documentation process for tracking violations. However, the human capacities of Municipalities are generally limited, both in terms of number and specific skills/knowledge related to environmental violations. Additionally, Municipalities lack personnel who are capable of inspecting and monitoring complex problems such as air, water, or soil pollution. There is also a shortage of vehicles for the forestry and environment sector. Although some Municipalities have IT equipment (computers, printers) and forest measurement equipment, inspectors do not have uniforms or other distinguishing features.

Ministry of Agriculture and Rural Development. The Ministry of Agriculture and Rural Development is responsible for the development of the country's agricultural economy and managed development of the fishing sector, as well as protecting biological diversity and forests. The Fisheries Inspectorate, operating within the Ministry, is tasked with inspecting and preventing illegal fishing activities.

4.2 Law enforcement institutions

General Prosecution Office. The competencies of the General Prosecution are stipulated in the Article no.38 of Law no.97/2016 "On the organisation and functioning of the prosecution in the Republic of Albania". General Prosecution represents the accuse in the Supreme Court and cases in the Constitutional Court, expect when the representation is made by the Special Prosecution Office; issues general instructions for prosecutors of the general jurisdiction and supervises their implementation; ensures the maintenance of the administrative work of the general jurisdiction prosecution, etc.

Prosecution. District prosecution offices have the main role in controlling the investigation carried out by the judicial police, as well as criminal proceeding of cases reported by citizens, public civil servants or by the judicial police. District prosecution offices initiates criminal proceeding. Likewise, the General Prosecution Office represents on behalf of the state the accusation in court and undertakes measures, as well as, supervises the execution of criminal adjudgement. When an environmental crime is identified, it is the duty of the competent institution to report the case in prosecution. For this purpose, the prosecution should have a very clear understanding of the distinction between criminal offence or administrative contraventions, consequently undertaking the respective administrative or criminal punishments.

General Directorate of Police. As the highest body determining the tasks and coordinating the local directorates, the General Police Directorate's priority is to combat crime across the country. It is also responsible for control over the territory, incorporating prevention and fight against environmental crime, in particular unauthorized buildings, as well as criminally prosecuting and bringing to court the perpetrators.

The State Police has a primary role in finding and reporting crimes against the environment. In 2015, the police was restructured to make police efforts more efficient by providing for better coordination among the various departments and creating synergy along the new lines of action. In addition, State Police have an important role in the investigation of criminal offenses through its judicial police officers. The judicial police is organized and operates in accordance with the provisions of Law no. 25/2019 “On the organization and functioning of the Judicial Police”. The activity of the Judicial Police officers is subject to the provisions of the Code of Criminal Procedure. The functions of the Judicial Police in Albania are carried out by the judicial police sections with the prosecutor's offices and judicial police services, set up as the investigative structures of the State Police and Border Police, as well as other state institutions empowered by law to conduct judicial police functions, such as the General Directorate of Customs, the General Directorate of Taxes, the Military Police, etc.

General Directorate of Customs. The General Customs Directorate is responsible for conducting searches and enforcing rules on import-export. Although the Directorate is subordinated to the Ministry of Finance, it has the obligation to report to the prosecution on suspect cases of environmental breaches, as well as annual reporting to the Office on Chemicals on the import and export of dangerous chemicals in the previous year. The Customs Directorate also provides information on mercury's sale at the request of the National Environment Agency.

4.3 Other institutions

Other institutions relevant to environmental crime include educational, training and academic (universities) institutions, civil society organizations, donors and international organizations operating in Albania.

Academic institutions

University of Tirana

The University of Tirana is one of the largest academic institutions in Albania, which trains specialists in various fields, including those dealing with various aspects of environmental crime. The environment, specifically environmental crime, is under the ambit of two main faculties of the University of Tirana: the **Faculty of Law and the Faculty of Natural Sciences**.

- **The Faculty of Law** is the first and main institution in the country that trains lawyers, including on environmental crime. In terms of the institutional chain responsible for dealing with environmental crime, this Faculty trains lawyers who may subsequently be employed to investigate these crimes. Law Faculty graduates who are admitted to and successfully complete the School of Magistrates become part of the justice system and go on to prosecute and adjudicate environmental crimes, among other crimes. In addition, graduates from the Law Faculty may become part of the policy-making structures at the central and local level. In this context, their skills and knowledge of environmental law in general, environmental crime in particular, are of great importance in addressing relevant issues. However, the five-year integrated program of “Master of Science in Law” teaches environmental law as an optional subject. Specific training on environmental law for students at this Faculty remains at the level of open lectures, occasionally and sporadically dealing with aspects of Environmental Law, too.

- **The Faculty of Natural Sciences** also has a role in the environmental field. This faculty trains specialists who will deal with aspects of environmental management, including environmental monitoring, inspection and assessment. Of the nine departments of this Faculty, the Department of Biology and Department of Chemistry deliver study programs or specific subjects that are closely related to the environmental field. The Master's Degree on Environmental Biology deals mostly with aspects of environmental management, including environmental monitoring, environmental law, environmental quality assessment, as well as impact assessment of the various development projects on the environment. Graduates of this program are employed in various sectors and institutions dealing with environmental management, monitoring, inspection, etc. The subject of "Technology and Environmental Protection" taught by the Master of Science in Chemistry delivered by the Department of Chemistry focuses on monitoring the environment and levels of chemicals therein. However, both departments do not cover environmental crime. Knowledge on environmental crime is only provided to students via extracurricular programs or open lectures sporadically arranged by faculty. Furthermore, the Faculty of Natural Sciences has no cooperation with institutions dealing with elements of environmental crime. Cooperation is quite sporadic, mainly in cases where entities investigating environmental crime request help from the Faculty staff in respect of certain species of fauna, or where they need the Faculty labs to test chemical substances and components seized during criminal investigations/proceedings.

The Agricultural University of Tirana. The Agricultural University of Tirana incorporates several faculties and departments related to the identification of and proceedings against environmental violations. Two faculties under this University are described and analysed below.

- **Faculty of Forest Sciences.** The Faculty of Forest Sciences provides training programs in the field of forest and wood sciences. The Bachelor program delivers the core subject of "Knowledge of Law - Forestry and Environmental Legislation" - a semester course (45 hours) taught in the first year of studies. It introduces the basic concepts of law drafting, contract law, labour law, and public administration, and provides in-depth knowledge on the content and analysis of laws related to forests, protected areas and the environment in general. The subject also deals with the criminal contraventions provided for by the Criminal Code and the Constitution of the Republic of Albania. The subject does not include practical aspects of the investigation and prosecution of forest contraventions; nor does it provide training on writing reports/minutes or filling in the standard damage assessment forms. The course is not taught in the "Professional Master's" program. Faculty members do not receive any specific training on environmental crime. Nor does the curriculum comprise ad hoc courses related to such issues.
- **Department of Environment and Natural Resources, Faculty of Agriculture and Environment.** The Department of Environment and Natural Resources under the Faculty of Agriculture and Environment at the Agricultural University of Tirana, provides multidisciplinary scientific knowledge to students through study programs on environmental and agro-environmental sciences. The subject, "The right to natural resources" (60 hours), is part of the core curriculum of the "Bachelor" program and is taught in the third year of studies. The course introduces the history of environmental legislation in the world and its development in Albania, the basic principles of environmental laws, including international conventions, the reflection of international principles in national legislation, the particularities and issues of drafting environmental legislation. The European Directives on environment are separate topics in the course program, which also provides information on the alignment of Albanian law with the EU Directives as well as the implementing manner of these directives. The program also trains students how to document

environmental violations. However, the course program does not include knowledge on organizing and conducting inspection, nor on pursuing or investigating environmental crimes. The “Professional Master’s” program, teaches the subject of “Environmental Legislation and Institutional Framework”, which focuses largely on the description of the role of various institutions in the field of environment. Similar subjects are also taught in other study programs, such as “Agrarian Law” taught in the Professional Master’s in Agriculture, and “Environmental Law” taught in the Professional Master’s in Rural Tourism. The Department does not deliver specific qualification/training courses relative to environmental legislation or the prosecution/investigation of environmental crimes.

- Analogous with the aforementioned academic institutions, Albania has other regional institutions such as the University of Vlora, Shkodra, Gjirokastër, Elbasan etc. as well as private universities. These universities are similar to the above-analysed institutions, sharing the same gaps in terms of the curricula composition in relation to environmental violations.

Part of the Albanian State Police, the **Security Academy** (SA) was re-established in 2015 to deliver education, specialization and training for officers and agents of the Albanian State Police and other law enforcement institutions. The academy teaches degree programs and specialization courses and training in policing, law enforcement and security issues.³⁷ The Directorate of Curricula at the SA is also responsible for program design in handling environmental crime. Environmental crimes are addressed in both the basic program and the continuous training for career officers and agents. Currently, topics on environmental violations are part of a 3-hours lecture in the continuous training program, and the goal for 2023 is for these topics to occupy 3 days.

The School of Magistrates was established in 1996 to conduct the recruitment and initial training of magistrate candidates and the continuous professional training of in service magistrates; run tests for legal advisers of the Constitutional Court, legal assistants of the Supreme Court, the Administrative Court, and the General Prosecutor's Office, former legal advisers of the Constitutional Court and the Supreme Court, and former judges and prosecutors wishing to re-enter the system, where there are no reports on their professional skills assessment.³⁸ The continuous training programs are not specifically dedicated to environmental crime. Prosecution and adjudication of crimes against the environment only occupy three days in the Magistrates School program, with the continuous training program only delivering one topic on environmental crime in October 2022. Interviewed by the experts of this assessment, the leaders of the School of Magistrates **expressed the need for specific curricula on environmental crime, and the provision of training for the new magistrates in the fight against environmental crime.**

4.3.1 Civil society organizations

Research on actors and institutions involved in the fight against environmental crime was extended to non-state actors and institutions such as NGOs and the media.

NGOs are increasingly taking on a combination of protection and enforcement roles in relation to environmental crime. They work across all levels (community, national and regional), and in some cases a combination of these different levels. Compared to government agencies, they usually have far less

³⁷ www.asp.gov.al/akademiaesigurise

³⁸ <https://www.maqjistratura.edu.al/sq/aktiviteti-i-shkolles>

resources available (human and financial) but also fewer restrictions for some of their activities, e.g. in respect of disseminating information.

NGOs carry out advocacy and awareness campaigns on environmental issues, including on environmental crime. In terms of investigative activities, few NGOs are engaged in investigating environmental crimes, but some informally contribute to law enforcement by gathering information and forwarding it to state officials or sharing it with the wider public. Furthermore, NGOs play a significant role in the implementation of multilateral environmental agreements, such as CITES, by collecting, compiling and disseminating relevant information to secretariats of multilateral environmental agreements, state authorities and the wider public, thus representing an important source in respect of environmental compliance.

- Specialized organizations in the field of nature conservation such as **PPNEA, AOS, INCA, EcoAlbania**, etc. have a special contribution not only in the generation of environmental information on nature conservation, but also in promoting and improving monitoring and inspection policies.
- Organizations such as REC, EDEN, Milieukontakt, URI, etc. deal with aspects of horizontal legislation, and urban environmental management policies such as waste, pollution, noise, etc. They also have a contribution in research and provision of data in these specific areas, which represent important constituent elements of environmental crime.
- Even organizations specialized in awareness and accountability such as Ekolëvizja, Ecovolis, Association of Organic Agriculture, etc., in quite a few cases, have had influence in promoting policies to address acute environmental issues.
- In addition to working as separate entities in the environment field exposed to environmental crime, CSOs are often organized in networks and thematic alliances, such as the **Consultative Group against Environmental Crime**. The Consultative Group against Environmental Crime was created at the end of 2019, upon the initiative and with the support of the OSCE Presence in Albania.³⁹ This group is a non-formal, independent and voluntary network of 18 environmental experts, civil society organizations and journalists who aim to raise environmental awareness at the central and local levels, to help advance the government's agenda in the fight against environmental crime by working with authorities and communities to address these crimes. The group meets on a regular basis and has received recognition for building bridges of communication and cooperation with environmental policy-making institutions.

Despite the rapid exchange of information, for environmental enforcement agencies in Albania it is crucial to have consistent cooperation with NGOs and benefit from their wide-ranging expertise in addressing environmental crime.

4.3.2 Media

Today, Albania has about 45 TV channels, 55 radios, 800 online portals, 11 media prints, 3 digital platforms, and about 5100 employees. However, despite the many and various outlets, the journalists interviewed in the frame of the baseline assessment, expressed concerns about the decline of the information quality.

Reporting on environmental issues and environmental crime are perceived by stakeholders interviewed as few, falling under “social” and sometimes “economic” news in relation to the news of the day. No national

³⁹ www.osce.org/albania

television has specialized reporters/reporting on environmental issues. Environmental reports are showed within the last news batch, often without mention of the author.⁴⁰

Interviewed as part of the methodology for this report, numerous reporters allege that many of the media owners in Albania also own enterprises based on natural resource exploitation, which, they believe, in many cases explains why certain media do not venture into reporting environmental damage.

However, there are some TV investigative shows now specializing on environmental issues such as:

- "Inside Story" - Top Channel,
- "STOP" - TV Klan,
- "EcoScanner" - SCAN TV,
- "Veting" - abc news, etc.

These investigative shows conduct investigations and broadcast shows on environmental crime, as well. In particular, environmental issues receive attention when combined with elements of corruption, infringements on community life, etc. In this respect, BIRN, Faktoje.al, Citizens Channel and other portals from time to time address hot environmental topics through investigative writings and reports. Particular examples of this include the following:

One of BIRN's productions on the 15-year damage to the rivers due to hydropower plant construction is the documentary "Pro Rrymës"⁴¹. Top Channel's "Inside Story" often focused on acute environmental issues such as "Hydropower plants in Valbona" or "Pillage of Protected Areas"⁴².

In addition, the show "Veting" focused on urban waste. A complete investigation on the topic of hospital waste treatment was broadcast by this show.⁴³

"Fifth element"⁴⁴ is an online platform, which can be considered as one of the few dedicated to environmental issues and sustainable development. The platform consists of a series of documentaries that, in addition to investigating environmental issues, promotes the values of Albanian nature and educates the public about these values.

⁴⁰ https://www.ecoalbania.org/wp-content/uploads/2019/11/Raport-MECA_ALB.pdf

⁴¹ https://www.youtube.com/watch?v=RPnQWY8KsE8&ab_channel=EltonBaxhaku

⁴² https://www.youtube.com/watch?v=tpwEHpGQblA&ab_channel=TopChannelAlbania

⁴³ https://www.youtube.com/watch?v=SpFYnoJirgs&ab_channel=ABCNewsAlbania

⁴⁴ <https://www.elementipeste.al/>



5 Gap analysis



5. GAP ANALYSIS

5.1 Legal gaps

Criminal code provides criminal punishments measures for any environmental crime. However, often, the assessment of the importance and the scale of occurred environmental crime is determined through the sectorial legislation. For e.g. Article 201 of criminal legislation stipulates that *air pollution, surface and underground water pollution, surface or deep soil pollution, serious damage to animals or plants, through the discharge, emission or injection of ionizing radiation or a quantity of materials in air, soil or water, beyond the allowed limits by law, are punished with imprisonment of up to three years*. As it can be noted, although the criminal code foresee criminal punishment measures, these punishments are based on the specifications and the scale of the consequences that are stipulated not by the criminal code, but solely from the sectorial legislation that regulate that environmental issue.

Criminal code needs the support of the sectorial legislation to assess the environmental crime, and determine the adequate punishment. The sectorial legislation stipulates the regulations on the protection of air, water, soil, forests, wild fauna, etc., behaviours-actions or in-action that should be considered as administrative contraventions, punishment measures, authorities that determine the offence, as well as **the assessment of the damage and the procedure of the assessment (in the concrete example, norms allowed limitations)**, in order that the Court to determine whether it will be punished by administrative or criminal measures.

A common feature of the majority of criminal offenses against the environment is that they are anchored in the applicable sectorial legislation, meaning that the Criminal Code automatically connects criminal offences as provided for by the sectorial legislation. Sectoral laws provide for **administrative measures to punish violations**, categorizing these measures according to the type, severity of the violation and frequency. The measures are mainly of an administrative nature (*suspension and/or cessation of activity*) or pecuniary (*fines or compensation, indemnification, restoration of damages*); however, where elements determined by the Criminal Code appear, the perpetration qualifies as a criminal offense and may be punishable by imprisonment.

Whether an environmental damage constitutes an environmental crime or an administrative contravention is determined by the extent of the damage caused to the environment. The distinction between contraventions causing minor consequences and those causing serious consequences, together with the relevant fines are determined by the Council of Ministers, upon the proposal of the minister. Where violations of this law create serious consequences, the relevant structure should file criminal charges. A general draft has been put up for public consultation, but the Decision of the Council of Ministers was not yet approved as of the finishing date of this report. For e.g. the Law no. 57/2020 “For Forests”, can be used as an example regarding the distinction of punishments based on the damage value. However, this law has problems with the distinction between administrative contravention or criminal offence. Specifically, point 8 of article 37 has altered the criminalisation structure, because such offences, for instance: *emission and leakage of chemicals, industrial wastewater into the national forest fund; digging for carriers of whatever kind of using explosives without the respective permissions; burning surfaces of national forest fund*, - are punished by fine, in meantime, the criminal code classify the aforementioned cases as criminal offence. Likewise, this article regard burning of forest as administrative contraventions, even though it is a criminal

offence, thus overlapping and in contradicts with the provisions of criminal code. Article 36, point 9 of the Law for forests is also in contradicts with criminal code, because it emphasizes that when the consequences are harder, administrative punishment with fines is applied. In meantime, these consequences are automatically classified as environmental criminal offence and thus punished as per the criminal code.

Criminal juridical protection is provided solely in the criminal code for the sake of clarity. Un-lawful actions or in-actions harming the protection of the environment (air, water, soil, plants, forests, etc.) from pollution, are regarded as criminal offence if they are committed intentionally and are offence is stipulated in the criminal code. Environmental violations that are not stipulated in the criminal code, constitute an administrative contraventions. According to the function and organisation of administrative institutions, having the task to prevent environmental pollution/damage, they are the first whom shall undertake administrative punishments. If these cases are more than administrative offences as stipulated in the sectorial legislation, administrative institutions shall forward the cases to the prosecution.

There is legal ambiguity regarding the administrative powers given to some authorities. Additionally, the boundary between actions or inactions under the category of environmental crime and those qualifying as administrative breaches is blurred. The system of environmental protection in Albania, relying precisely on the border between administrative law and criminal code, does not differentiate clearly between what constitutes an administrative offense and what constitutes a criminal offense in the light of environmental protection. Law 57/2020 “On Forests” made an important step in this direction. It determines that actions damaging the national forest fund will engage the structures defined in this law and the relevant by-laws, notably the Forest Inspectorate, whereas criminal offenses against forests and their safety will be directly referred to the special forest protection structures with the ministry responsible for environmental protection.

However, the provisions provided for environmental crime in the criminal code should be improved. The consulted experts affirm that the criminal code needs slight revisions, such as defining and clarifying provisions, as well as harmonization with concerning sectorial legislations, in terms of better classification and definition of environmental crime. For e.g. we Article 201/c of the criminal code, the language shall be revised: it is possible to cause serious damage. The use of phrase “it is possible”, in the context of the environmental damage appears not legitimated, is either caused or not caused. In the legal viewpoint, the term “it is possible” is equivalent to the meaning of attempted criminal offence, but “the attempt” does not exist as a legal institution in criminal offenses against the environment. Likewise, article 205 of the criminal code stipulates that the “Cutting or damaging of forests without permission or in prohibited times and places, when the offense does not constitute an administrative offence, constitutes a criminal offense and it is punishable by a fine or imprisonment of up to one year”. This is un-enforceable due the respective law for forests, which stipulates that cutting or damaging of forests of any kind are all listed as administrative offenses, thus making the respective provision in the criminal code ineffective and unenforceable as explained above.

For example, the Criminal Code does not provide for **environmental crimes committed in collusion**. The 2019 amendments introduced aggravating and mitigating circumstances; however, there are no provisions on the responsibility of the accomplice who acts as an “executor”, “instigator” or “assistant” in the commission of the criminal offense. The degree of complicity or repetition should constitute an aggravating circumstance for persons who commit crimes against the environment. Since this is not covered, it undermines the effectiveness of these provisions.

Likewise, **legal persons committing crimes against the environment** are not subject to **criminal penalties**. This plays into easing punishment against them; thus, they are mainly punished with fines⁴⁵, while for the same offence penalties for individuals may escalate to imprisonment.

Basically, polluter or perpetrators should reimburse each cost which comes from the pollution of environment in compliance with the “the polluter pays” principle”. According to the administrative legislation for the environmental protection, the actual assessment of the environmental damage is carried out by the respective competent administrative institutions. The damage scale occurred to environment serve to distinct if the occurred environmental violations is an administrative contraventions or a criminal offence, as per the sectorial and environmental protection legislations. Specifically, article 12 of Law no. 10431, dated 09.06.2011 “For the protection of environment” has integrated the “The polluter pays” principle, emphasizing that “the natural or legal person, whose action or in-actions affecting the state environmental pollution, take financial responsibility, by covering the costs caused by the occurred damage or risk of damage to the environment. Such costs include the costs of environmental damage assessment, assessment of the required measures, including costs of rehabilitation and compensation of damaged legal and natural persons. Although the punishment measures foresee for polluters in the sectorial legislation (for e.g. the law for the protection of environment) refers to the “polluter pays” principle, there are still lacking by-laws that define the methodology of this principle – action plan to assess the occurred damage by the perpetrators in the necessary limit for the environmental rehabilitation.

An advanced step in this direction is the “For Protected Areas”. DCM 128/2020 “On the determination of damage value occurred in the environmental protected areas, the assessment methodology, collection and administration” foresee the damage type in the protected environmental areas. This DCM does not stipulates that the same methodology could be effective or applied for the all forested areas in the country.

Likewise, companies can continue their activity even though if they are subject to investigation or trial for environmental pollution, as well as even if the company have not paid fines or even though they are obliged to pay for the rehabilitation of the environment damaged by them. In practice, the principle “the polluter pays” is not enforceable and the lack of legal framework for their punishment makes it difficult to put this principle into practice.

Progress steps in this direction is done for the case of Forestry legal framework, which however still needs to be completed. In order to highlight the shortcomings in law enforcement in practice, a series of interviews were conducted with officials of various institutions.

A series of interviews were conducted with officials in various institutions in order to identify practical shortcomings. During the interview, the **General Directorate of Police** raised the issue that citizens fail to report environmental crimes, pointing out that these crimes are detected and documented during field inspections. In Albania, environmental crimes may be easily reported owing to readily available means of communication with the police, such as the reporting line 112 and the Digital Commissariat. However, citizens are not aware of their individual task to report environmental crime. Whenever receiving reports, police patrols and inspectors respond immediately. In respect of human resources in the State Police itself, Europol has recommended to create a dedicated working group on environmental crimes. Recently, the

⁴⁵ Article 9 of Law no. 9754, dated 14.6.2007 "On the criminal liability of legal entities". Further, Article 10 "Complementary punishments" provides that legal persons, who are responsible for committing the criminal offense, may be given one or more of the following complementary punishments along with the main punishment:

- a) closure of one or more activities or structures of the legal entity;
- b) placing the legal entity under controlled administration;
- c) prohibition to participate in public funds procurement procedures;
- ç) removal of the right to receive or use licenses, authorizations, concessions or subsidies;

Albanian police forces have been trained by the Italian *Carabinieri*. In addition, Albanian police officers have travelled to Italy to receive special training. However, such trainings should also be made available for inspectors.

In interviews with prosecutors, they raised their concern over the inspector's discretion in filing a criminal complaint against the offender. They further disclosed that the inspectors hesitate due to a lack of a clear distinction between an administrative contravention and a criminal offense in environmental legislation.

In the meantime, the School of Magistrates conducts **trainings** on an ongoing basis, but there are no training specific to environmental crimes. Therefore, the School of Magistrates should be supported to design training programs on environmental crime.

On the other hand, **the Security Academy** should also provide such trainings for its members in order to promote law enforcement.

5.1.2 Punishment of environmental crimes

According to the annual report of the General Prosecutor's Office⁴⁶, the prosecution of environmental criminal offenses declined in 2021, with 41.46% compared to 2020, whereas there was an increase from 36 proceedings in 2019 compared to 41 criminal proceedings registered in 2020.

In 2021, damage to habitats in protected environmental areas accounted for 4.46% of the group of criminal offenses against the environment, down from 7.25% in 2020. Statistical data show a decrease of 41.67% of the proceedings registered for the criminal offense provided for by Article 202/b of the Criminal Code, "Damage to habitats in protected environmental areas" compared to 2020. This offense, which was introduced in the Criminal Code in 2019 and 2020, saw 24 criminal proceedings registered for violation of this article.⁴⁷

In terms of prosecution, trial and punishment of criminal offenses against the environment, in the last five years, from 2017 until today, **pollution of the air** saw the highest increase in 2018 with 62 proceedings, whereas **logging of forest trees** marked a record in registered cases with 185 proceedings in 2020.

In 2021, the Prosecution asked the Court to punish offences with fines in 33.34% of the cases and imprisonment in 66.66% of the cases; of the latter cases, imprisonment was suspended in 84.09% of cases and the perpetrators were placed on probation.⁴⁸ In 2020, the prosecution requested fine penalties for 53.19% of the cases and imprisonment for 46.81% of the cases, with all the latter sentences being subsequently suspended and perpetrators placed on probation.⁴⁹

In 2021, the court imposed a fine in 29.23% of the cases and a prison sentence in 70.77%; of the latter cases imprisonment was suspended in 71.74% of the cases and defendants placed on probation. One case was dismissed and one case was acquitted. In 2020, the court imposed fines on 44.68% of the cases and prison sentences on 55.32%, of which all sentences were suspended and the defendants placed on probation. In 2021, 80 registered proceedings were suspended, accounting for 25.48% of the total registered, marking an increase from 2020, with 21.45% suspensions. Compared to 25.19% of cases

⁴⁶ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, pg. 143

⁴⁷ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, pg. 143

⁴⁸ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, pg.144.

⁴⁹ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, pg. 151

suspended in 2019, the 2020 share represents a decline. The figures show that notwithstanding the initiation of criminal proceedings, the culprits are not always punished.

Illegal logging of forests accounted for 47.13% of proceedings against the environment in 2021, while in 2020 this figure was 55.89%. There is a downward trend for proceedings registered for this offense by 8.76% compared to 2020⁵⁰; the decline is greater if compared to 2019, when illegal logging of forests accounted for 61.28% of the total of criminal offenses against the environment. The trend for this crime indicates to be decreasing.

Table 1. Crimes with the highest frequency 2020/21. Source: General Prosecutor's Office

Most reported crimes against environment and prosecution rate	Year 2020					Year 2021				
	Registered Proceedings	Proceedings taken to court	Registered Defenders	Def. taken to court	Def. convicted	Registered Proceedings	Proceedings taken to court	Registered Defenders	Defenders taken to court	Defenders convicted
A.201 ⁵¹	41	25	36	26	13	24	8	8	1	15
A.202/2 ⁵²	24	2	18	3	0	14	0	4	0	0
A.204 ⁵³	9	4	14	5	3	9	2	10	5	4
A.205 ⁵⁴	185	30	64	33	28	148	47	76	52	34
A.206 ⁵⁵	16	1	2	1	1	14	3	1	3	2
A.206/a ⁵⁶	20	0	2	0	0	31	0	7	0	0

Referring to the table above, the most reported and prosecuted crimes are those related to air, water and land pollution, the damage of habitats in protected environmental areas and forest logging.

Although environmentally impacting offences are among the most frequent in Albania, report rates are low as revealed by interviews with interested parties.

In 2021, according to the report, criminal offenses against the environment saw a decline of 5.14% in terms of registered proceedings, with the share of these offences in the total of registered proceedings in 2021 representing an insignificant 1.12%, compared to 1.19% in 2020.⁵⁷

Regarding court proceedings, in 2021 there was an increase of 25% related to criminal offenses against the environment. Although the number of defendants registered in 2020 decreased by 8.23%, the number of defendants sent to court increased by 27.14%; more importantly, the number of defendants sentenced for criminal offenses against the environment increased by 38.29% compared to 2020.

Mostly, the defendants registered for criminal crimes against the environment are men, with a ratio of 97.16% men and 2.84% women.⁵⁸ More than half of the defendants only have 9 years of education; specifically 54.61% have no secondary education, 43.97% have completed secondary education and only

⁵⁰ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, pg. 143

⁵¹ Article 201- Pollution of the air, water and soil

⁵² Article 202/b – Damaging the habitat of protected areas

⁵³ Article 204 – Illegal fishing

⁵⁴ Article 205 – Illegal logging

⁵⁵ Article 206 - Illegal logging of decorative and fruit trees

⁵⁶ Article 206/a – Wilful destruction through fire of forests

⁵⁷ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, March 2020, pg. 141

⁵⁸ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, March 2020, pg. 142

1.42% have completed higher education. More than half of the defendants are unemployed and almost three quarters of perpetrators live in the countryside, with 80.8% having no criminal records.

The highest incidence of crimes against the environment is recorded in the district of Tirana with 39.12%, followed by Elbasani and Lezha.⁵⁹ The lowest number of environmental crimes in 2021 was recorded in Mat. In 2020, the highest number of proceedings registered for criminal offenses against the environment was with the prosecutor's offices of Kruja and Berat with 11% of the total number of proceedings, in Elbasan with 10% and Tirana with 9%. Mati was again last on the list of proceedings for crimes against the environment, together with Puka, Kavaja, Lushnja and Përmet with less than 2% of the total number of criminal proceedings registered for this group of crimes.

Although the highest number of proceedings for criminal offenses against the environment was registered in Tirana with 12%, the highest coefficient per 100,000 thousand inhabitants was recorded in Kukës region with 36 proceedings and Gjirokastrë with 26 proceedings.

The share of the criminal offenses of air, water and land pollution in the group of offenses against the environment is 7.65% in 2021, 12.39%, in 2020, and 13.53% in 2019.

5.2 Shortcomings in the institutional framework, capacities, resources, and infrastructure

a) Institutional framework

- i. One of the issues raised by the General Police Directorate is the fact that statistics pertaining to the number of criminal cases sent to the court in the last 3 years are accessible only through an official request. However, the General Prosecutor's Office annual reports drafted for the Assembly cover a general overview of criminal offences and criminality in Albania in figures and percentages including crimes against the environment.
- ii. Formally, the cooperation with security structures (police, prosecutor's office) is good, since they have several cooperation agreements and programs. However, the role of security structures is perceived with suspicion since their investigations on forestry-related crimes are flawed and limited. E.g. *[the driver of] a vehicle lacking proper documentation which was used to transport forbidden wood materials and was stopped by forest inspectors, was charged by the prosecutor's office only on the violation of wood material transport without documentation (administrative violation), while no deeper investigation was conducted about the actual wood which was logged (where and how was it logged, by whom) and about the damage caused to the forest fund.* Oftentimes, the prosecutor's office limits itself to the self-declarations of violators and does not conduct further investigations, resulting in the majority of criminal reports being processed and administrative violations.
- iii. An important aspect of the prosecution of crimes against the environment relates to the inspector's discretion to press criminal charges against the offender, in the view of Police Directorate. There is

⁵⁹ Report of the General Prosecutor's Office on the state of criminality in Albania, year 2021, March 2020, pg. 143

a lack of a clear line which determines that the violation is a criminal offence or, otherwise, an administrative violation that is handled administratively.

- iv. There is a lack of a central structure, which could be responsible for addressing, tackling and coordinating the work for environmental violations. This structure could be a dedicated sector or a working group within the responsible ministry for the environment. Due to the lack of such a dedicated structure, there is also a data gap on environmental violations. The sole information source that provides data on environmental violations is the Annual Report of General Prosecution. However, there is a lack of a report that assesses the progress and state of environmental violations, similar to the report on the state of the environment, which is produced by the NAE.
- v. Relevant illegal activities mainly pertain to logging, fires, hunting, fishing, and touristic activities. In recent years, the number of violations investigated in the territory of protected areas has declined. This is also due to the numerous awareness activities undertaken by APA in the framework of the program on education and awareness in schools. There has also been a reduction of cases of illegal hunting. The rangers have the duty to observe any illegal activity identified in their area and then, in cooperation with the monitoring expert, they determine the value of the damage. The documentation compiled for this purpose is forwarded to the NTPI and police for follow up.
- vi. APA inspections (site patrols of rangers and monitoring specialists) are conducted on the grounds of monthly and annual plans. Monthly plans try to cover the patrols of rangers in their entire area of operation. In the event of compliance checks by monitoring specialists, a working group is established by order of the APA director in order to follow specific issues. **APAs do not participate in online inspections.**⁶⁰
- vii. According to the **National Forests Agency**, the main issue is ensuring the independence of functions. The compliance check function must be independent from the management function. On the other hand, there is an overlap of compliance check and inspection structures in forests. The law on forests tasks the National Agency of Forests with functions of inspection and compliance check, while the National Territory Protection Inspectorate also has competencies to pursue legal violations in forests. This practice may result in clashes and overlapping of competencies between NFA and NTPI over compliance check in forests (a similar example between NEA and NTPI). The control document forms have been approved. The documentation is to be filled in online. The online system for the registration and follow up of the inspection process and compliance check in forests is very efficient and helps a lot in the increase of the fines' collection rate. The templates used by the former Inspectorate of Environment, Forests, and Waters used to be good and there is existing experience with their usage.
- viii. Article 95 of Law No. 111/2012 "On integrated management of water resources", as amended through Law No. 6/2018, specifies that: Inspectorates covering the area of environment, healthcare, and agriculture are responsible of the implementation of the provisions of this law, under the general management of WRMA (as part of the water resources integrated management cycle). The inspectorate, which covers environment protection, and regional environment agencies are responsible for the implementation of the provisions of this law, in accordance with the provisions of the law on environment protection. Even though the abovementioned law contains such a provision, still the inspection and the compliance check of illegal activities related to water

⁶⁰ APAs draft monthly logs of the violations observed in protected areas, which are sent to NAPA on monthly basis.

resources remains unclear and there is overlapping of competences. This is also due to the dissolution of the State Inspectorate of Environment, Forests, Waters, and Tourism in 2020, the competencies of which were divided between NEA and NTPI.

- ix. In general, the continued revision of structures and employees turnover have created institutional unsustainability and overlapping of competencies. Currently, environmental violations are tackled by certain institutions, and the institutional responsibility is ambiguous.

b) Capacities

- i. When it comes to human resources of the State Police, one of the requests received by the EU police bodies (Europol) is on the **establishment of a dedicated working group on environmental crimes**. Trainings were conducted in recent years with Albanian police forces, as organised and implemented by the Italian Carabinieri, in the framework of which Albanian police officers have travelled to Italy. However, there is still need to conduct more of such trainings also for inspectors.
- ii. To date, no specific trainings on environmental crime have been organised. It is necessary to organise trainings on environmental crime, especially in relation to the legal framework, investigation and compliance check procedures, etc.
- iii. In the course of years, **in the forestry area**, there has been increasing interest for trainings on environmental violations, mainly through the support of foreign donors. In some cases, NFA experts were called to train representatives of security bodies on the legality and issues with forest crimes. The level and scope of education of forestry personnel in municipalities leaves much to be desired. Moreover, the low number of personnel results in a high level of workload (surface per person) for the existing personnel, making it difficult to control the entire forest territory under jurisdiction.
- iv. According to the Annual Crime Report 2021 submitted to the Assembly, the General Prosecution in cooperation with the School of Magistrates concluded that prosecutors need further training in cybercrime, **criminal offenses in the field of environment**, human trafficking, domestic violence and violence against women, creation of investigative groups for pro-active investigations and joint investigative teams.

c) Infrastructure/resources

- i. The current level of infrastructure in monitoring/compliance checking/inspecting institutions is low, therefore infrastructural capacities are inadequate and insufficient for conducting their respective duties. In some cases, the infrastructure is problematic and in others it is missing; technology may be outdated; and in some cases there is lack of office equipment. Inspectors/controllers/monitors should be equipped with IT devices (computers, tablets, etc.).
- ii. One of the inherited issues is the (lack of) profiling of specialists appointed or placed in certain positions that often do not match their working profile. This phenomenon directly impacts their efficiency when it comes to prevention, identification, and investigation of crimes against the environment. There is need for political will to change the existing structures and increase the number of personnel dealing with compliance checks and legality.

- iii. NFA is cooperating with the Central State Inspectorate (the institution responsible for drafting and unifying inspection procedures) in order to finalise the compliance check and inspection procedures, pursuant to the law on inspection.⁶¹ In reference to interviews with NFA representatives, it is expected for the institution to set up a structure that will conduct planned inspections on law compliance by municipalities and NAPA, as well as private subjects operating in forests. In the meantime, there may also be inspections triggered by reports of third parties (including citizens). Local government units will conduct compliance checks through programs approved by NFA, taking into account specific issues and the level of risk. NFA is cooperating with municipalities in order to set up the compliance check and inspection structures in municipalities, with the aim to set them up until the end of this year. Meanwhile, the law on forests stipulates that criminal offences are referred to security structures (police, prosecutor's office) for investigation and follow up.
- iv. NFA has a good level of cooperation with local government units and with NAPA. However, there is low focus of municipalities to follow up legal violations in forests. The number of criminal reports by municipalities is also very low. However, not all municipalities are the same. There are municipalities that take forests issues more seriously (e.g. Shkodra Municipality). In general, human resources of municipalities are limited both in numbers and in skills/specific knowledge related to environmental violations. Municipalities do not have staff specialised on inspections and follow up of complex issues such as air, water, or soil pollution. In the majority of cases, there is a lack of vehicles for the forest and environment sector. It is necessary to add the inventory of necessary IT equipment (computers, printers) as well as measuring equipment. Municipal inspectors do not have uniforms or other distinguishing items.
- v. When it comes to criminal offences in forests, there is a need for higher engagement of security structures (police, prosecutor's office). The previous experience of judicial police officers with the Forest Service Directorates was very positive in relation to facilitating cooperation with prosecution structures, and it also heightened the level of preparedness and awareness on forest violations.

5.1 Cooperation, overlapping, role duplication, and clarification of competencies

- i. The cooperation among police, prosecutor's office, courts, institutions and agencies of the public administration in the framework of tackling environmental crime is continuous. However, according to the findings from the interviews with stakeholders, there is no clear specification in the law or in practice on which of the institutions should act in given circumstances. However, based in the expert assessment, as long as the legislation in force for the protection of environment (air, soil, water, etc.) charges the administrative institutions for *the identification, distinction of the violation type, the assessment of the damage/pollution, the determination of administrative punishments for administrative contraventions, forwarding cases to the prosecution office when it is assessed to be a criminal offense*, it is understood that administrative institutions should be in the first line. An environmental violation is classified as a criminal offence for cases that are not foreseen as administrative contraventions.

⁶¹ Law No. 10 433, dated 16.6.2011 ON INSPECTION IN THE REPUBLIC OF ALBANIA

- ii. The mechanisms in place to encourage cooperation among state structures with inspection and investigation competencies are still lacking. The only existing mechanism is the obligation of the Village Elders to report different violations occurring in the territory.
- iii. Often there is overlapping of responsibilities and doubling of work, while inter-institutional interaction is not proper and effective,(on forest inspection, water and corporate pollution) such as in the case of the National Environment Agency and the National Territory Management Inspectorate and their regional branches. As a result, other institutions - such as NAPA/APA and WRMA/WBAO – face difficulties in identifying the institution to address to in the event of detection of an environmental crime, since NAPA/PPA and WRMA/WBAO have on-site staff for the purpose of monitoring and compliance check.
- iv. The cooperation process with NTPI appears to be limited, as in general no information on the progress of processes initiated was able to be obtained for this research from NAPA/APA, WRMA/WBAO, or NEA/REA (inspection structures). It is on occasion that NTPI has not admitted referred cases due to overall restructuring and unclear competencies as one of the reasons revealed to the experts. NTPI has significant staff shortages, mainly in regional branches, which make it almost impossible to proceed with all the cases reported by the other inspection agencies. In the meantime, APAs have cooperation agreements with the police and such cooperation has been on the increase.
- v. NAPA/APA as well as WRMA/WBAO are not part of online inspection. NAPA/APAs do not have consolidated cooperation with NEA/REA for the purpose of following up on specific environmental violations (air, water, soil pollution, dumping etc.). APA does not have specific cooperation with the National Forests Agency in the context of violations in the forest fund.
- vi. According to APA specialists, courts do not consider logging to be a crime (criminal offence) and the offenders are generally released without conviction. There is need for a closer cooperation with judicial bodies and to raise their awareness and information on the relevance of due prosecution of environmental crimes.
- vii. APA specialists and those of WRMA/WBAO have never been summoned in court in the capacity of experts in cases pertaining to environmental crime. E.g. WRMA confirms that no monitor has been summoned to testify in court processes. The judiciary holds the findings in the form of pictures and the monitoring minutes kept by the WRMA/WBAO monitors. On the other hand, NTPI and REA – as institutions responsible to take measures – have not processed offenders. The same applies to NEA. There have been no cases of NEA staff being summoned as experts in court processes related to forests, while municipal structures have been summoned several times.
- viii. Cooperation with police and prosecutor's office is good. E.g. recently, Fier REA was included in a joint working group on the investigation of environmental crime. REA specialists/inspectors have been summoned by the police to verify cases of environmental violations. Moreover, inspectors are summoned in courts to explain the assessments/observations of inspected cases.
- ix. It is noted by the prosecutors that the drafting reports on environmental violations scenes for the identification of environmental violations, which subsequently are delivered to the Prosecution, are partial and with significant gaps that hinder the prosecution, proceeding, and proper judgment of the environmental violation by the side of the prosecution.

5.1.1 Information, NGOs and media

- i. Meetings with journalists who have covered environmental topics have shown editorial offices do not provide them with incentives to cover programs and articles on environmental issues, considering them as not important if they are not simultaneously related to other elements of violations or crimes such as corruption, fraud, abuse of duty, etc.
- ii. There is a lack of effective channels for information exchange between state authorities and media. Information is not often secured in time, and media should follow a long process through the Commissioner for the Right to Information to obtain information related to environmental matters. Media states that there is a lack of a systematic collaboration between media and relevant institutions responsible for environmental matters and specifically environmental violations.
- iii. Covering environmental issues often goes beyond daily news and, as such, requires more time and resources. In the majority of cases, such resources are not offered to journalists by the media where they work due to the “daily news” nature Albanian media have in general.
- iv. To add to that, environmental issues and crimes against environment specifically demand from journalists to have good knowledge and skills to correctly identify and investigate environmental crime. In the meantime, editorial offices do not provide an enabling environment for the organisation of trainings on this topic.
- v. The creation of a media environment or, even better, editorial office dedicated to environment issues, with professional journalists trained in environmental management, environmental crime, and other elements of environmental law, would represent an important step not just for the benefit of the media in addressing environmental issues, but also to the consolidation and specialisation of the media in this domain.
- vi. Media should report more on environmental issues. On the other hand, more should be done to raise the awareness of the public on the damage caused by environmental crimes. This will contribute in strengthening the awareness of citizens for bottom-up reporting of environmental crimes to the respective environmental agencies or media. Moreover, it is important to emphasise and promote the role of specialised institutions, such as REA.



6 Conclusions and recommendations



6. Conclusions and recommendations

The quick ratification of multilateral environmental agreements shows the political importance Albania gives to international cooperation on environmental issues. Despite the existence of several sectorial strategies on environmental issues, *Albania does not have a visionary overarching framework of policies on environmental protection*. Moreover, there is a serious lack of awareness and knowledge on crimes against the environment from all relevant actors and the public.

The country has advanced with the adoption and approval of environmental legislation, in the framework of the European legislation approximation process. However, as also observed by the legal analysis, many of the bylaws are still missing and some other existing acts are not being implemented. Many legal acts are not accompanied by implementation reports.

The pre-screening report drafted by the SANE 27 project shows an advancement in the area of legislation approximation, however implementation of the legislation is in the early stages or there is no advancement.⁶²

During interviews, it has often been observed that the legislation is too advanced for the administrative, financial, and institutional capacities. This can be noticed in the lack of progress with the environmental liability, environmental inspection, and environmental crime areas.

The EU Progress Report on Albania 2022 identified an increase in the investigation of environmental crimes, but still emphasised the need for more focus on environment protection, especially in the approval of private investments and in the protected areas with special habitats and species.⁶³

During 2021-2022, the majority of investigations were initiated on the grounds of Article 205 of the Criminal Code on “Illegal logging”, followed by Article 201 “Air, water, and soil pollution”, and followed by violations envisaged in Article 202, point b) “Damaging habitats in protected environmental areas”. In addition, there was also prosecution of contraventions envisaged in: Article 206, point a) “Arson in forests and forest environments”, Article 206 “Logging decorative and fruit trees”, and Article 204 “Illegal fishing”.

Even though the sentence that was mostly requested by prosecutors was imprisonment, in 66.66% of cases pertaining to crimes against the environment, often suspension of the sentence was requested and replaced with probation. On the other hand, courts have accepted such requests in more than 70% of cases.

An examination of the most frequent offences against the environment reveals a decreasing trend of proceedings, with a decrease of 20% in 2021 of “illegal logging” as compared to the previous year. Moreover, proceedings on offences such as “air, water and soil pollution” and “damaging habitats in protected environmental areas” have also decreased in number according to the General Prosecutor’s Office Annual Report. This indicates room for improvement in prosecuting and sentencing of offences against the environment.

The high number of laws and administrative acts in the Albanian environmental legal framework makes it challenging and difficult for actors of the law enforcement structures (*Police, Prosecutor’s Office, and Courts*) to determine which specific law or act to apply in given circumstances.⁶⁴

⁶² SANE27 Pre-screening report; www.sane27.al

⁶³ https://www.eeas.europa.eu/delegations/albania/key-findings-2022-report-albania_en?s=214

⁶⁴ Longer discussion on whether it is an administrative or criminal violation, and on the level of the sentence.

Despite the implementation of many past projects and initiatives in the area of inspections, permits, and environmental investigation such as (*SELEA IBECA, ECRAN, SANE27*), there is still a low level of priority given to environmental crimes in addition to the lack of awareness of the authorities as well as of the public. Therefore, further and continuous trainings would support all actors in the inspection chain to gain more awareness about the nature of environmental crime, relevant impact, and its dynamics.

On environmental inspection, many respective institutions are not clear about their competencies for different aspects of inspection, such as forests (NTPI, NFA, Municipalities). Whereas, other institutions require additional bylaws in order to fully exercise their legal right.

Environment inspectors, police officers and then prosecutors **need training assistance on how to prove the causal relation between crimes** such as air or water pollution and destruction of forests and the serious consequences caused to human health or lives (paragraph 2 of articles 201 and 203, as well as paragraph 3 of Article 206/a).⁶⁵

Another issue for the prosecution relates to the quantification of environmental damage caused by the pollution, for instance to the air and water, in order to implement the “polluter pays” principle and requiring the financial coverage for the caused damage. This task does not belong to the prosecution. This competence is in charge of institutions and inspectorates, which should provide this information for the prosecution. In practice, the Prosecution needs technical analysis, while institutions provides the answers with delay or depending by the case it is not provided at all, due to the lack of proper measurement equipment or devices. Consequently, the prosecution office is not capable to proceed and exercise its duties.

On the other hand, there is also a lack of a direct and clear distinction in the legislation regarding the differences between administrative contravention and criminal offence. The distinction is constituted and based on the occurred damage and foreseen punishment measures for this damage as per the legislation. In the context of damage, there is a distinction between administrative and criminal offences, based on the case, as well as, limits of allowed norms or the value of damage, which is stipulated whether on administrative or criminal legislation, consequently there is a distinction between criminal offence and administrative contravention.

Therefore it is necessary an in-depth analysis, especially for the administration provisions of laws and by-laws of sectorial legislations, in order to verify the levels of quantity or quality values of environmental pollution/damage for which perpetrators of law are punished, in order to make the distinction with the those provisions in the criminal legislation. Here it is not included the damage caused the life and health of people, which is provided merely in the criminal code for environment.

Lacking a clear overview of the provisions on violations and punishment measures of the administrative legislation for environment, it cannot be concluded about the provision by the legislator for double liability (administrative and criminal) for environmental violations.

Moreover, the responsibility of juridical persons is determined by specific law (Law No. 9754, dated 14 June 2007 “On the criminal responsibility of juridical persons”), but the punishment of such in regards to environmental crime does not seem effective or proportional, since the highest fine imposed to juridical persons is lower than the highest fine imposed to individuals committing the same violation. This is because the determination of the damage is performed case by case and the distinction separating administrative

⁶⁵ Interviews with the prosecutor’s Office and the Police Directorate

and criminal violations remains at the discretion of structures responsible of the identification and punishment of illegal offences against the environment.

Beyond the legal ambiguity, a practical problem is related to the compliance structures of the state administration, mainly the inspection and controlling structures, which have the duty to report the criminal cases to law enforcement structures – these reporting are missing, perhaps due to the lack of clear legislation. **The question that arise is which are the norms that should be applied and how should be enforced? The main recommendation would be compiling guidelines to determine clearly the enforcement level of criminal code, and especially which are the sectorial laws that should be taken into consideration when the criminal code refers to sectorial legislation.** For e.g., when is required to conduct the assessment of environmental pollution, at certain articles, criminal code use general terms, like *“beyond the allowed norms”*, referring like these norms are regulated or stipulated in primary or secondary sectorial legislation. Generally, when articles of criminal code refers to sectorial legislation, it is necessary to clarify these references through a legal analysis, and preparing guidelines that eventually will indicated through a simplified manner and comprehensive which are the articles of sectorial legislation that criminal legislation indirectly refer.

Given the crucified references (administrative and criminal) in sectorial legislation, an analyse is necessary. Often in the punishment measures, an indicative term like *“when it does not constitute an criminal offense, it is an administrative contraventions”* is included. This term itself does indicate the un-clear distinction of responsibilities, as the distinction is conducted as aforementioned, by reading in harmony the sectorial and criminal legislations.

The problem with the term is that it contradicts with the administrative legislation, being stipulated in a way that the first line that shall decide for the perpetrators of administrative legislation are administrative institutions. Administrative institutions identify these contraventions and assess the pollution/damage caused by the perpetrators. If the value of damage and the type of contraventions is not listed in the administrative provisions, but it is included in the criminal code, then administrative institutions are obliged to forward the case to the prosecution. The case is forwarded with the assistance of the lawyers appointed in administrative institutions, or with the cooperation of the judicial police at the State Police, who forward the case to the prosecution office.

Forwarding the cases directly to the prosecution office would bring commitments in terms of the time and financial costs, delay and lack of efficiency in the activity of law enforcements institutions to solve the issue and punish the perpetrator of the law. The purpose of legislation is the prevention of the crime, then applying administrative punishment, and then criminal punishment. The principle of timely action of the law must be taken into account, this is also according to administrative and criminal procedures. Therefore, the guideline will eventually indicate through a simplified and comprehensive manner which is the right article of the sectorial legislation and/or the criminal legislation.

6.1 Proposals on the improvement of the legal framework

- a. While the European Council is being prepared to revise again the Directive for Environmental Crime, where according to the request of the EC, new criminal offences against environment will be included. In light of this, **it is suggested the approximation of the revised version of the Directive** in the Albanian legal framework. Depending on the revised version of the Directive for Environmental Crime, there may be needed to revise the offences in the criminal code for environment in Albania, if the Directive would suggest this. In this way, it can be recommended to amend again crimes against environments foreseen in the criminal code and respective provisions, harmonising them with the introduced changes (if there will be any) in the Directive.

- b. It is recommended to clearly determine the distinction between administrative and criminal offences, in order to avoid incorrect enforcement in similar offences. A similar case might be by e.g. Law no.57.202 “For forest”. It is recommended to revise the article 36 of this law, which in certain points it negatively affect the criminalisation structure of the environmental damage and environmental offences against forests. Specifically, point 8 of article 37 has altered the criminalisation structure, because such offences, for instance: *emission and leakage of chemicals, industrial wastewater into the national forest fund; digging for carriers of whatever kind of using explosives without the respective permissions; burning surfaces of national forest fund*, - are punished by fine, in meantime, the criminal code classify the aforementioned cases as criminal offence. Likewise, this article regard burning of forest as administrative contraventions, even though it is a criminal offence, thus overlapping and in contradicts with the provisions of criminal code. Article 36, point 9 of the Law for forests is also in contradicts with criminal code, because it emphasizes that when the consequences are harder, administrative punishment with fines is applied. In meantime, these consequences are automatically classified as environmental criminal offence and thus punished as per the criminal code.
- c. It is recommended the improvement of provisions in the sectorial legislation, both administrative and criminal, to clarify the type, distinction, value or the allowed limits of environment, for which the perpetrators should be punished according to administrative or criminal code, in order to guarantee higher efficacy in punishing the perpetrators.
- d. In order to address all the legislative changes and requirements from EU acquis, a **strategic plan against environmental crime, needs to be prepared, which** would specify responsible institutions, adequate financial resources to address these changes and the role the various institutions play. The strategic plan should envisage strengthening a specialised agency on environmental crimes, or appointing one focal institutions for such violations.
- e. We recommend to **clearly define the distinction between administrative and criminal competencies**, so as not to leave room for different application in similar circumstances. An example of that could be Article 35 of Law No.57/2020 “On forests”, which contains clear specification of tasks for the National Forests Agency inspectors as well as provisions on the coordination with the municipal police and other structures that deal with the prosecution of criminal offences and administrative violations.
- f. Considering that the division of punishment (administrative vs. criminal) of persons committing offences against the environment is not clearly determined in law, such as the case of Article 29 of Law “On environmental permits” we recommend **the approval of a specific act jointly by the General Prosecutor’s Office and the Ministry of Tourism and Environment**, in order to draw a line between what is an administrative contravention and what is a criminal offence against the environment. This would ensure higher level of efficiency with the sentencing of juridical persons who repeatedly cause pollution, also in line with the “polluter pays” principle.
- g. Reflecting the EU Progress Report recommendations, we suggest the approximation of the legislation on air quality with the EU legislation, as well as the establishment of a functional system to monitor the latter.
- h. **We recommend also drafting instructions/manual on environmental crime**, for the following roles: Inspectors, State Police, Judicial Police Officers, Prosecutors, Judges,

- i. The criteria that determine if an environment contravention is punished whether by administrative or criminal law is related to the value of the damage against the environment. Like for e.g. article 201/c of the criminal code, where the language shall be revised: *it is possible to cause serious damage*. The use of term “*it is possible*”, in the context of environmental violations appears not legitimated, is either caused or not caused. legislations, in terms of better classification and definition of environmental crime. For e.g. we Article 201/c of the criminal code, the language shall be revised: *it is possible to cause serious damage*. The use of phrase “*it is possible*”, in the context of the environmental damage appears not legitimated, is either caused or not caused. In the legal viewpoint, the term “it is possible” is equivalent to the meaning of attempted criminal offence, but “the attempt” does not exist as a legal institution in criminal offenses against the environment. Likewise, article 205 of the criminal code stipulates that the “Cutting or damaging of forests without permission or in prohibited times and places, when the offense does not constitute an administrative offence, constitutes a criminal offense and it is punishable by a fine or imprisonment of up to one year”. This is un-enforceable due the respective law for forests, which stipulates that cutting or damaging of forests of any kind are all listed as administrative offenses, thus making the respective provision in the criminal code ineffective and unenforceable as explained above.

6.2 Recommendations on enhancing the institutional framework, capacities, resources, and infrastructure

- j. We recommend that, the Ministry of Interior in cooperation with the Ministry of Tourism and Environment **reactivates/restructures previous initiatives such as the Inter-institutional Group against Environmental Crime**. This group should have high-level representation, both at steering and operational level, so it can be functional and contribute to the implementation of the effective legislation on environmental crime and to the cooperation among institutions.
- k. It is very necessary to **conduct trainings with police structures in regions and in the headquarters**, on the identification, follow up, and processing of environmental crimes. The trainings should be conducted through the **Security Academy**, building from the relevant examples and trainings conducted by the Italian Carabinieri.
- l. Custom services in Albania have limited capacities and knowledge for tackling environmental violations with cross-border effects. Saying this, employees of customs services need more training, information and knowledge exchange with academic institutions and specialized CSOs to address environmental violations related to wildlife trafficking, dangerous substances, etc.
- m. We recommend publishing and promoting the performance results of the prosecution offices at the district courts (besides the annual report of General Prosecutor’s Office) and of courts in relation to crimes against the environment, with the purpose of raising the awareness of institutions and the general public on the range of environmental crimes. In this aspect, **a tracking system of data** and cases pertaining to environmental crimes could be set up. Such a tracking system would help with knowing the status of given cases and how courts are improving transparency.
- n. **The School of Magistrates should rethink the current curricula and introduce a training program on environmental crime** for new and existing prosecutors and magistrates. The same applies to the Security Academy in order to facilitate the enforcement of environmental legislation.

- o. More effort is needed to **inform and raise the awareness of the public on the individual responsibility** in reporting environmental crimes. It is necessary to further promote simple methods of communication with police structures, such as the 112 dedicated number and the Digital Commissariat.
- p. The role and **mandate of environmental inspectorates' institutions** (*currently distributed in NEA, NTPI, and NFA*) **needs to be clearly defined by Council of Ministers**, taking into account that, institutionally speaking, the structures of the inspectorate must be based on the compliance assurance system. The approach used should combine the staff, the expertise, skills, and equipment available so to improve the capacities of NEA, NTPI, and NFA.

Increasing the effectiveness of the inspection could be achieved through the unification of the inspection structures within an institution with sufficient technical capacity on the environment and specifically environmental violations. The idea of **reuniting all environmental structures** with inspection functions could be considered, in a single inspectorate (similar to former ISHMPU), which can be supported with the appropriate human and infrastructural capacities to cover the entire territory.

- q. In any case, it is important the JPOs are part of the inspection structures, and each of the inspectorates have JPOs within their structures. This will facilitate the improvement of drafting the reports that are delivered to the Prosecution.
- r. Tackling environmental crime requires **trained staff and human resources in every existing institution**. Institutions that were established recently should receive specific training regarding environmental violations. It is very important that relevant institutions, such as the National Environment Agency and the National Territory Protection Inspectorate, possess the relevant training and equipment to measure the pollution levels of entities emitting in the air, water, or soil, in accordance with Law No. 10433, dated 16.06.2011 on "Inspection in the Republic of Albania" and pursuant to Law No.10448, dated 14.07.2011 "On Environmental Permits". The same applies to the Prosecutor's Office, which lacks the necessary expertise to present grounded facts to the court.
- s. We recommend **filling in institutional structures with sufficient and qualified personnel**, in line with acceptable workload standards. All institutions involved should review/update plans/programs on institutional enhancement and rigorous implementation of recommendations contained in such plans. It is necessary to identify, enhance, and implement the necessary mechanisms so to avoid appointments that do not match the job descriptions.
- t. Besides the revision of the legal framework, it is recommended the unification of the documentation and templates, that the administrative institutions use, laying out the type of violations, the damage level, etc., and other necessary elements which are needed for the law or by-laws.
- u. **Media should conduct systematic reporting** on environmental issues. On the other hand, more education activities should be done to raise the **awareness of the public** on the damage caused by environmental crimes.
- v. **The inventory of the fleet** at the disposal of environmental inspectorates (*automobiles, motorcycles, speedboats*) should be augmented, especially when it comes to vehicles. Moreover,

planning and monitoring of operative expenditures (*fuel, vehicle maintenance*) should be improved, so as to ensure the effective and continuous operation of vehicles. It is very necessary to augment and update the material basis for inspections, mainly through IT equipment (computers, tablets, etc.) and monitoring devices (binoculars, GPS, drones) as well as measuring devices for forests.

- w. **The previous experience of judicial police officers** with the Forest Service Directorates was very positive in facilitating cooperation with prosecution structures, and it also enhanced the level of preparedness and awareness in relation to violations in forests. More engagement of security structures (police, prosecutor's office) is necessary when it comes to criminal offences in forests.
- x. At the local level, **the 61 municipalities should raise their awareness and enhance their administrative capacities in relation** to the environment, forests, water, and waste to identify and prevent environmental crimes. Municipalities should prepare the staff with the equipment and training necessary to conduct their duties and to ensure political support to cope with the workload without any intervention.
- y. **Relevant academic institutions** (*justice, forestry, natural sciences*) **must build the capacities necessary to address** issues related to the training of academic staffs and conduct specific trainings in relation to environmental crime. In the meantime, it is more than necessary for the curricula to include information on the organisation and conduction of inspections, as well as on the prosecution and investigation of environmental crimes, and on drafting/compiling minutes or standards evaluation forms. The availability of "Professional Master" study programs on the inspection of environmental crimes could considerably contribute in cushioning the lack of qualified personnel.
- z. It is recommended that academic institutions organise activities related to the adaption of curricula, like congresses and scientific conferences, where the needs are studied and measures are introduced for the incorporation of specific didactic subjects and sessions related to environmental violations. The provision of a dedicated professional master program on the inspection of environmental violations will significantly contribute to filling the gap of qualified personnel.




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8. Annexes

Annex no.1: Findings and recommendations gathered during the technical workshop held on 2 February 2023

Discussion table A: Investigation and punishment (Prosecution and Police)	Discussion table B: Institutional (Management and Inspection institutions)	Discussion table C: Education and Awareness raising (Media, NGOs, academia)
		
<ul style="list-style-type: none"> a. Among the enforcement structures of the legal framework, mainly inspection or monitoring structures have the duty to conduct criminal lawsuits to the law enforcement structures. b. Inspectorates operating in Albania are the main authorities that enforce the regulations of punishment and prosecution and hold the offenders accountable. These are technical inspectorates and should be continuously prepared but this has cannot happen, especially during the recent years they have been restructured several times. Therefore, consecutive restructuring should be avoided because in this way the institutions can drain their “memory/history”, given that the trained staff leaves or relocate. c. In practice, gaps are identified regarding the investigation through depth and specialized methods of violations to forests. 	<ul style="list-style-type: none"> a. NITP states that there is no cooperation with the State Police. Often, their primary focus is on inspection structures – the police deal with the inspectorate – not with the violation that occurs. There is not a case where the Police have exchanged correspondence with NITP for violation cases (e.g. what kind of wood, etc.). There is an agreement, but not concrete collaboration. b. NAPA states that the law is not clear, and it creates difficulties for enforcement. NAPA has the responsibility to inspect within the protected area, including illegal activities and those who have permits. The responsibility is also to NITP and NAPA. Case by case this paves the way for a different interpretation. RAPA cannot punish with a fine. c. REA Fier – gaps in the legal framework and capacities, and the motivation have impacted REA’s work and intervention. 	<ul style="list-style-type: none"> a. There is a lack of effective channels for information Exchange between state authorities and media. Information is not often secured in time and the media should follow the long cycle through the Commissioner for the Right to Information, to obtain information related to environmental matters. Media states that there is a lack of a systematic collaboration between media and relevant institutions responsible for environmental matters and specifically environmental violations. b. It is recommended to create dedicated structures of sectors for training on environmental violations, in law enforcement structures, such as Police and Prosecution. c. The lack of proceeding the cases reported by NGOs or citizens by law enforcement structures decreases the credibility of addressing environmental violations. This could be additional work for NGOs for the identification and denunciation of other

<p>d. The prosecution requests technical analyses from state authorities' institutions in order to proceed and punish environmental violations. It is noted when these institutions respond to the Prosecution request, answers are partially and with un-completed analysis, in such cases, institutions state that do not possess adequate equipment to measure or conduct the needed analyses that are requested.</p> <p>e. The prosecution is one part of the institutional chain dealing with environmental violations, and it is impossible to perform its respective duties when the entire chain does not function. In this regard, it is not reasonable for the respective institutions to request for the measurement and analysis to be conducted by the Prosecution, because this is a duty of these institutions. As well, it is noted a gap of experts in the field of laboratories to measure the damage to the environment, in order to facilitate the work of the Prosecution. There is a lack of human resources and materials to conduct analyses.</p> <p>f. The recommendation of clarifying the general terminology of the Criminal Code related to the measures of damage and pollution is valid. As well, civil servants represent the main denunciator as per their specific laws. The responsibility falls to them because they have the responsibility to conduct the assessment case by case. In this regard, the legislation is not a problem, but law enforcement by inspectors. When inspectors encounter gaps that could be improved with by-laws, they should propose respective by-laws.</p> <p>g. It is necessary to provide reporting forms, which are essential to be completed according to the specific law and the Code</p>	<p>There should be more motivation, at least with basic tools and equipment to gather data (sampling). REA Fier has considerable territory coverage. In front of the dynamics encountered in the field, definitely there should be motivation.</p> <p>d. NAF – given the experience, agreements don't change anything, including the establishment of working groups.</p> <p>e. RAPA Elbasan – staff movements are a problem, once they are trained, they move. As well, the salary is not satisfying.</p> <p>f. NAPA – RAPAs to understand the determination between administrative of penal offences within protected areas. As well as, rangers or specialists, to be trained on filling a report when they encounter or identify violations (including here certain steps, e.g. sampling).</p> <p>g. NAF – there is a lack of trained human resources. NAF needs training materials (manuals), not necessarily trainings.</p>	<p>environmental violations. Thus exposing them to perpetrators.</p> <p>d. One of the environmental violations is waste management, in which it is difficult to find information on the final treatment of specific waste streams.</p>
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<p>of Administrative Procedures. <i>(Through simple forms that could use be applied by the inspectors)</i>. The form could be with fields and options, for e.g. pollution is within the allowed limits or it exceeds the limits, in order to determine if it administrative offence or a case that could be considered for a criminal proceeding.</p> <p>h. It is advised to establish a unified online system for the inspection and monitoring structures, where environmental violations can be reported. This will not allow institutions to avoid their responsibility, as the chain of reporting will be in the same system. This will support the prosecutors as well. In addition, enabling a public electronic database, that could be used for investigation purposes, that can features permits and licenses, etc.</p> <p>i. In the prosecution service all over the country, there are prosecutors willing to act at any time and there is a public contact accessible to all. Anyone, whether citizens or members of the public administration, can consult the prosecutors at any time.</p>		
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Annex No. 2: Potential research questions: Legal, environmental and institutional analysis

Institution	Questions
General Police Directorate	1. Have you received recurrent reports on environmental crimes?
	2. What is the number of reports on environmental crimes in the last 3 (three) years?
	3. Is there a dedicated working group on environmental crimes in the police?
	4. Have the police forces conducted any training placing special focus on the environmental crime cases?
	5. Do you have ongoing cooperation with the prosecution on the environmental crime cases?
	6. What is the percentage of individuals that are sentenced by imprisonment or alternative sentences after being proceeded for environmental crimes?
	7. What are the mechanisms in place to ensure/encourage cooperation among stakeholders by the chain of compliance and implementation, in the environmental crime cases? What is their extent and frequency?
	8. Is there any mechanism in your country applied to encourage the general public to report illegal trade to respective authorities for further investigation?
General Prosecutor's Office	9. What is the number of criminal proceedings on environmental crimes in the last 3 (three) years?
	10. What is the number of criminal cases which have been sent to court in the last 3 (three) years?
	11. Have Albanian prosecutors conducted any training on environmental crimes and relevant legal regulations?
	12. Are there any specific inter-institutional relations with the Public Order Police in terms of environmental crimes?
Courts	13. What is the number of environmental crime cases in Albanian Courts in the last 3 (three) years?
	14. What is the number of environmental crime cases terminated by Albanian Courts in the last 3 (three) years?
	15. Has there been sustainable and ongoing cooperation between Albanian Courts and relevant institutions concerning environmental crime cases?
	16. Has there been any training on environmental legislation and environmental crime for judges?
	17. Has there been any increasing trend in terms of more severe penalties imposed by the Court with regards to environmental crimes in the last 3 (three) years?
Ministry of Tourism and Environment	18. Is there any plan on extending the scope of activity of the respective legislation on environmental crimes?
	19. What are the state authorities involved in the implementation of legislation on environmental crime?
	20. Have any legal initiatives (draft laws) on environmental crimes been undertaken?

	<p>21. Are any talks with neighbouring countries taking place to obtain the best practices in terms of foreign legislations in their approaches to environmental crimes?</p> <p>22. Is enhancing inter-institutional cooperation with other state bodies on increasing environmental protection regarded as an important objective?</p> <p>23. Do state institutions intend to impose more severe measures against important actors in the environment area by enforcing more well-defined and stringent obligations on activities that require an environmental permit?</p> <p>24. Does the Ministry of Tourism and Environment and its directorates conduct awareness activities on the importance of implementing laws on environmental protection?</p>
National Environment Agency/Environmental Inspection Directorate	<p>25. What competences does your institution have with regards to the verification/inspection/prosecution of environmental violations?</p> <p>26. What is the number of reports on environmental violations in the last 3 (three) years?</p> <p>27. Are you in need for more human resources/specific capacities?</p> <p>28. Do you have the necessary inventory of tools and equipment?</p> <p>29. Has there been any training for the Agency staff on environmental legislation and environmental violations?</p> <p>30. What are the mechanisms established to ensure/encourage cooperation among stakeholders by the chain of compliance and enforcement, in cases of environmental violations and what is their extent and frequency?</p> <p>31. Is there any mechanism in place to encourage the general public to report environmental violations to respective authorities for further investigation?</p>
Water Resources Management Agency	<p>32. What competences does your institution have with regards to the verification/inspection/prosecution of environmental violations in water resources?</p> <p>33. What are the most frequent environmental violations reported or detected by you in terms of water resources?</p>
Ministry of Interior	<p>34. Is there a need for more human resources in the state institutions responsible for the investigation and prosecution of (environmental) crimes?</p> <p>35. Do applications dedicated to the involvement of citizens in reporting crimes or offences, such as the Digital Commissariat, work in favour of detecting environmental crimes?</p> <p>36. Does the Ministry of Interior cooperate with its units responsible for civil protection in events of emergencies (natural ones included) related to environment, with other stakeholders in and out of the country to be trained and updated with the latest and most efficient methods of confronting such extraordinary situations?</p> <p>37. Are national defence institutions cooperating with their counterpart bodies of neighbouring countries or the EU to receive training and exchange experiences on environmental protection as well as on detecting and punishing environmental crime?</p>

National Inspectorate for Territorial Protection	<p>38. What competences does your institution have with regards to the verification/inspection/prosecution of environmental violations?</p> <p>39. What is the number of reports on environmental violations in the last 3 (three) years?</p> <p>40. Are you in need of more human resources/specific capacities?</p> <p>41. Do you have the necessary inventory of tools and equipment?</p> <p>42. Has your staff received any training on environmental legislation and environmental violations?</p> <p>43. What are the mechanisms in place to ensure/encourage cooperation among stakeholders by the chain of compliance and implementation, in the cases of environmental violations? What is their extent and frequency?</p> <p>44. Is there any mechanism in place to encourage the general public to report environmental violations to respective authorities for further investigation?</p>
Directorate of Customs	<p>45. What is made available to inspection and customs when checking compliance?</p> <p>46. What competences does the inspection have?</p> <p>47. How do you record data on transboundary movements of waste and endangered species?</p>
Security Academy /State Universities	<p>48. Are environmental legislation and environmental crimes addressed as part of the study programs offered by your Institution?</p> <p>49. Do you offer specialized courses/training for state institutions involved in combating environmental crime?</p>
NGOs/investigative journalists	<p>50. According to you, what are the underlying issues in the reporting, investigation and legal prosecution of environmental crimes?</p> <p>51. Do you cooperate with state bodies on environmental crimes? How would you describe such cooperation?</p> <p>52. What is the role of your organisation in addressing environmental crime in the country?</p> <p>53. Is your organisation part of any international network addressing environmental crime?</p> <p>54. What are the elements/types of environmental crime that you have most frequently encountered in your work during the last years?</p> <p>55. What steps do you follow in addressing environmental crime?</p> <p>56. What is your cooperation with institutions and the media like?</p>
National Agency of Protected Areas	<p>57. What competences does your institution have in terms of addressing environmental crime?</p> <p>58. Do you have a log for recording cases of environmental crime and how do you maintain it?</p> <p>59. What is the level of cooperation with other links of the institutional chain of addressing environmental crime in the network of PAs?</p> <p>60. Are you planning to increase the capacities of your personnel for addressing the environmental crime cases with the network of PAs?</p> <p>61. Would you like to change something specific in the legal framework which, according to you, would address more effectively environmental crime within the PAs in Albania?</p>
Regional Agencies of Protected Areas	<p>62. How do Environmental Rangers follow environmental crime cases within PAs?</p>

	<p>63. Do you cooperate with other local or central authorities on addressing environmental crime cases?</p> <p>64. What are the equipment/tools available for addressing environmental crime within PAs?</p> <p>65. Have you taken part in any training specifically related to addressing environmental crime within PAs?</p>
Municipalities	<p>66. What is the role of your institution in addressing environmental crime? Which is the relevant department/sector?</p> <p>67. What are the financial resources and means available for addressing environmental crime?</p> <p>68. What are the types of environmental crimes that your institution has mostly referred?</p>
Universities	<p>69. To what extent are issues related to environmental crime tackled in the curricula of your institution?</p> <p>70. Do you think that students receive sufficient knowledge to be capable of addressing environmental crime in their future role as specialists?</p> <p>71. Does your institution organise open lectures or workshops that tackle topics of addressing environmental crime?</p>

Annex No.3: List of stakeholders and institutions interviewed

Institution	Position
Ministry of Interior	Deputy Minister
Ministry of Tourism and Environment	Specialist in the Waste and Industrial Accidents Sector
National Environment Agency	Director of Environmental Research
	Director of Impact Assessment and Licencing
National Agency of Protected Areas	Director of Project Monitoring
Administration of Protected Areas, Fier	Director
Administration of Protected Areas, Vlora	Acting Director
Administration of Protected Areas, Elbasan	Head of the Monitoring Sector
	Monitoring Specialist
	Management Specialist
Water Resources Management Agency	Head of Sector
General Directorate of State Police	Chief of Sector on Crimes against Property and Environment
National Territory Protection Inspectorate	Director for Environment
	Director for Forests
General Prosecutor's Office	Prosecutor – Directorate for Institutional Coordination/Decriminalisation Sector
State Healthcare Inspectorate	Inspector
School of Magistrates	Director of the School of Magistrates
Tirana Agricultural University	Lecturer, <i>Faculty of Forestry Sciences</i>
	Lecturer, <i>Faculty of Agriculture and Environment</i>
Ornithological Association of Albania	President
Centre for the Preservation and Protection of the Natural Environment in Albania	Executive Director
Balkan Investigative Reporting Network – Albania	Executive Director
Scan TV	Journalist
Top Channel	Journalist, Inside Story
Fifth Element	Independent Journalist

Annex 4: List of harmonisation of environmental directives and conventions

No.	Directive / Convention	Law ratifying the Directive/Convention	Level of Harmonisation
1.	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Geneva, 3 September 1992	Law No. 7747, dated 29.07.1993 "On the ratification of the Convention "On the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction," as replaced by Law No.9092, dated 3.7.2003 "On the implementation of the Convention "On the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction "	
2.	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, approved in 1989 and in effect since 1992.	Law No.8216, dated 13.05.1997 "On the adherence of the Republic of Albania in the Basel Convention " On the Control of Transboundary Movements of Hazardous Wastes and Their Disposal "	
3.	Bern Convention on the Conservation of European Wildlife and Natural Habitats, signed in 1979	Law No.8294, dated 02.03.1998 "On the ratification of the "Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)"	
4.	Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer, in effect since 1988 and universally ratified in 2009	Law No.8463, dated 10.03.1999 "On the adherence of the Republic of Albania in the Vienna Convention "On the protection of the ozone layer" and the Montreal Protocol "on Substances that Deplete the Ozone Layer "	
5.	International Plant Protection Convention, approved in 1997	Law No.8483, dated 10.05.1999 "On the adherence of the Republic of Albania in the " International Plant Protection Convention "	
6.	United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Paris, 14 October 1994	Law No.8556, dated 22.12.1999 "On the adherence of the Republic of Albania in the United Nations Convention "To Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa "	
7.	Convention on access to information, public participation in decision-making and access to justice in environmental matters, Aarhus, 25 June 1998	Law No.8672, dated 26.10.2000,"On the ratification of the "Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters "	
8.	Convention for the Protection of the Mediterranean Sea Against Pollution, Barcelona, 16 February 1976	Law No.8690, dated 16.11.2000 "On the adherence of the Republic of Albania in the Convention "On the protection of the maritime environment and the coastal area of the Mediterranean, as well as the 6 auxiliary protocols"	
9.	Convention on the Conservation of Migratory Species of Wild Animals, signed in 1979, in Bonn	Law No.8692, dated 16.11.2000 "On the adherence of the Republic of Albania in the Bonn Convention "On the Conservation of Migratory Species of Wild Animals" and the agreements pertaining to this Convention"	
10.	Convention on International Trade in Endangered Species of Wild Fauna and Flora, approved in Washington, signed in 1973 and in effect since 1975	Law No.9021, dated 6.3.2003 "On the adherence of the Republic of Albania in the "Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)"	
11.	International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), in effect since 13 May 1995	Law No.9692, dated 8.3.2007 "On the adherence of the Republic of Albania in the interventional maritime convention "Oil Pollution Preparedness, Response and Co-operation (OPRC),1990"	
12.	International Convention on Civil Liability for Oil Pollution Damage, 1992 (Convention on Civil Liability, 1992)	Law No.9293, dated 21.10.2004 "On the adherence of the Republic of Albania in the international Convention "On Civil Liability for Oil Pollution Damage , 1992"	

13.	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969	Not ratified	
14.	Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971	Not ratified	
15.	United Nations International Convention on the Carriage of Goods by Sea (Hamburg Rules), 1978.	Law No.9504, dated 3.4.2006 "On the adherence of the Republic of Albania in the United Nations Convention "On the Carriage of Goods by Sea (Hamburg Rules)"	
16.	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971	Not ratified	
17.	Helsinki convention on transboundary waters, 1992	Not ratified	
18.	Council Directive 2003/87/EEC, dated 13 October 2003, establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC "	Law No.155, dated 17.12.2020, "On climate change"	
19.	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	Law No.111, dated 15.11.2012, "On integrated water resource management"	
20.	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998, revised in 2005	Law No.10 277, dated 13.5.2010, On the adherence of the Republic of Albania in the Rotterdam Convention "On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade "	
21.	International Convention for the Prevention of Pollution from Ships, 1973	Law No.9, dated 18.02.2020 On the adherence of the Republic of Albania in Annex VI of the international maritime convention "On the Prevention of Pollution from Ships, 1973", as amended by the 1978 protocol (MARPOL 73/78)	
22.	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	Not ratified	
23.	Stockholm Convention on persistent organic pollutants, Stockholm, 2001	Law No.9263, dated 29.7.2004, on the ratification of the "Stockholm Convention 'On persistent organic pollutants '"	
24.	Paris Agreement under the United Nations Framework Convention on Climate Change, dated 12 December 2015	Law No.75, dated 14.07.2016 "On the ratification of the Paris Agreement under the United Nations Framework Convention on Climate Change "	
25.	Kyoto Convention, in effect on 16.02.2005, completion period: 31.12.2012, first period and 31.12.2020, second period	Law No.9334, dated 16.12.2004, "On the adherence of the Republic of Albania in the Kyoto Protocol of the United Nations Framework Convention on climate change". Law 116/2020 "On adherence in Doha amendment of the Kyoto protocol of the United Nations Framework Convention on climate change, adhered via Law No.9334, dated 16.12.2004" ⁶⁶	
26.	1979 Convention On Long-Range Transboundary Air Pollution	Law No.9425, dated 6.10.2005, "On the adherence of the Republic of Albania in the 1979 Convention "On Long-Range Transboundary Air Pollution"	

⁶⁶ Being a developing country, Albania is not among the parties included in Annex I, in the framework of the Kyoto protocol. However, adherence in 2020 in the Doha amendment of the Kyoto protocol is a valid step for global climate action.

27.	1979 Convention On Long-Range Transboundary Air Pollution	Law No.10062, dated 29.01.2009, "On the adherence of the Republic of Albania in the Protocol "Concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes" of the 1979 Convention "On Long-Range Transboundary Air Pollution"	
28.	1979 Convention On Long-Range Transboundary Air Pollution	Law No.10063, dated 29.01.2009, "On the adherence of the Republic of Albania in the Protocol "On the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent" of the 1979 convention "On Long-Range Transboundary Air Pollution"	
29.	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	Law No.10277, dated 13.5.2010, "On the adherence of the Republic of Albania in the Rotterdam Convention "On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade"	
30.	1979 Convention On Long-Range Transboundary Air Pollution	Law No.10436, dated 28.6.2011, " On the adherence of the Republic of Albania in the Protocol "On Further Reductions of Sulphur Emissions" of the Convention "On Long-Range Transboundary Air Pollution"	
31.	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	DCM No. 452, dated 11.7.2012, "On the landfill of waste "	



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