To keep you up-to-date with the latest developments, this bulletin provides information that may affect the operation of your business in Albania.

During the months of June – July 2011 the Albanian Parliament passed the following set of laws that will govern the environmental matters in Albania, entirely repealing the existing legal framework.

(i) Law no. 10431 dated 09.06.2011 “On Environmental Protection”;
(ii) Law no. 10440 dated 07.07.2011 “On Environmental Impact Assessment”;
(iii) Law no. 10448 dated 14.07.2011 “On Environmental Permits”.

The scope of the new environmental legal framework is the harmonization of the Albanian legislation with the acquis communautaire and its approximation with the EU Directives applicable on the relevant area.

The laws provide for a transitory period of 18 months from their publication in the Official Gazette for the entry into force.

The new legal framework governing environmental matters in Albania is now completed with the entry into force of all of the laws indicated above.

The National Environment Agency that will operate under the supervision of the Ministry of Environment, Forestry and Water Administration, is the authority that will evaluate the validity and accuracy of the documents for purposes of obtaining an environmental permit.

During the first four years from the entry into force, the newly established National Environment Agency will carry out its activity in close cooperation with the Ministry of Environment, Forestry and Water Administration. Anyhow the law is silent on the modalities of such cooperation.

The secondary legislation enacted so far under the former environmental legislation will be replaced by new secondary legislation in line with the new legal framework. The Council of Ministers and the Minister of Environment will finalize replacement of the former secondary legislation within timescales as indicated under each of the laws, anyhow no later than two (2) years from entry into force of the laws. During this period, the former secondary legislation will continue to apply.
The law on environmental permits indicated in item (iii) above, provides for a classification of the environmental permits in three levels (i.e. A, B and C) depending to the type of activity to be performed and the environmental impact entailed by said activity.

The holders of environmental permit conducting activities classified under the categories A and B should comply with the provisions of such law no later than eight (8) years upon the entry into force of the law. In any case, within two (2) years from the entrance into force of the law, the permit holder must insure the revision of the terms and conditions of the existing environmental permit with the relevant authorities, along with the compatibility plan prepared in line with the requirements of the new law on environmental permits.

The compatibility plan must contain the information mainly related to modalities and terms anticipated by the permit holder to ensure implementation of the provisions of the new legislation.

Holders of environmental permit conducting activities classified under the category C should comply with the provisions of such law not later than two (2) years after entrance into force of the law.
If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

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**Boga & Associates**

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The firm maintains its commitment to quality through the skills and determination of a team of attorneys and other professionals with a wide range of skills and experience. The extensive foreign language capabilities of the team help to ensure that its international clientele have easy access to the expanding Albanian and Kosovo business environment.

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