REPUBLIK OF ALBANIA
MINISTRY OF CONSTRUCTION AND TOURISM
GERENAL ROAD DIRECTORATE

MILOTI-LEZHA ROAD DETAILED DESIGN

ENVIRONMENTAL IMPACT REPORT

Prepared by
ICP
S.I.A. INFRAPROJECT CONSULTING Sh.p.k.
Tirana – Rr. Sami Frasheri
Tel/Fax 0035542 28321

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<th>Description</th>
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<tr>
<td>CEP</td>
<td>Committee on Environmental Protection (Albania)</td>
</tr>
<tr>
<td>NIRC</td>
<td>Italian National Research Council</td>
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<td>EBRD</td>
<td>European Bank for Reconstruction and Development</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EU</td>
<td>European Union</td>
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<td>GRD</td>
<td>General Road Directorate of the Albanian Ministry of Construction and Tourism</td>
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<tr>
<td>MoH</td>
<td>Ministry of Health</td>
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<tr>
<td>MoI</td>
<td>Ministry of Interior</td>
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<tr>
<td>MoCT</td>
<td>Ministry of Construction and Tourism</td>
</tr>
<tr>
<td>OD</td>
<td>Operational Directive</td>
</tr>
<tr>
<td>PIU</td>
<td>Project Implementation Unit</td>
</tr>
<tr>
<td>ToR</td>
<td>Terms of Reference</td>
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<td>WB</td>
<td>The World Bank</td>
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</table>
1. Executive summary

The present document presents findings from the strengthening of the Environmental Impact Assessment for the proposed rehabilitation of the Miloti-Lezha road located in the Republic of Albania, submitted by the Albanian company ICP to the World Bank to finance construction works; it was prepared by two EIA Experts, according to the ToR prepared by a WB staff.

The aim of EIA is to ensure that the competent Authorities give exhaustive consideration to the potentially negative and positive effects on the environment from implementation of the proposed infrastructures at an early and preventive stage, in order to support the decision-making process with the necessary information. The environment which will be affected by the so-called target environment, should be regarded in its natural, economic and cultural-social components, in order to have a holistic approach when addressing issues at stake.

The EIA also ensures that in case anticipated negative effects are unavoidable, ad hoc mitigation measures are proposed and implemented during construction of the infrastructure. In this context it is stressed that mitigation measures are an important component of design of the road schemes and are related to standards on road traffic, safety, environmental and economic terms.

The methodology adopted for carrying out the assessment consisted in field visits to the location of the road to collect data, followed by office work to refine findings and write the EIA report. Meetings with Albanian officials from GRD, the Ministry of Health, CEP and the ICP staff have played an important part in the work executed.

The present document is organised according to the WB OD 4.01, starting with project description, the legal and institutional framework on the EIA context, the Albanian national environmental policy, baseline data on the study area, identification of potentially negative impacts, selected solution, mitigation plans, suggestions for environmental management training, environmental monitoring plan.

The Appendix presents the list of persons / organisations involved in preparing this Report.
2. **Project Description**

The present project falls in the context of the existing situation concerning the status of the road network and traffic foreseen in Albania and deals with the rehabilitation of the Fushe-Miloti town (km 0) to km 12.353 near the town of Lezha. The project will permit new speed and safety standards for both passenger and commercial vehicles.

It aims at upgrading the existing road conditions in view of the anticipated traffic increase from the present about 3,900 vehicles/day (of which 2,300 cars and 1,600 trucks) to over 5,000 in the year 1998, and a subsequent increase rate of 6%/year. Average travel speed is planned to increase from the current 25-30 km/h to 90 km/h for motor cars, and from 20-25 to 60-70 km/h for trucks.

The feasibility study of the new road section was developed taking into consideration the compatibility or otherwise of the involved infrastructures with the local environmental parameters and specific landscape of the related area. The following are the main data of the project:

- Length of road section: 11.743 km of new road and 0.610 km of upgrading of existing road
- Cross-section: \((3.75\times x_2) + (1.75\times x_2) = 11.00\text{m}\)
- Longitudinal slope: nearly flat; 1.7% slope approach for Mat River bridge and 2.8% slope approaches for Drin River bridge
- Underpasses with urban and secondary roads
- Long bridges on Mat River (L= 650m) and on Drin River (L = 200m)
- 4 short bridges
- Project standards: NRC for design speed = 80-100 kph
- Road surfacing formed by: 25 cm granular base; 10 cm asphalt base; 5 cm binder course; 3 cm wearing course
- Lateral slopes: 1:1.5
- Planimetric trend: nearly straight
- General orientation: NNW-SSE

\(\ast\) = drive and overtaking lane; \(\ast\ast\) = unpaved shoulders

More comprehensive details and project requirements are provided in Sections 2.2 and 2.3 of the report prepared by ICP. Also, Section 4 describes the new road with technical characteristics of the project, climate and hydrological conditions, geological and geotechnical conditions, pavement design, structures, road safety, expropriation plan and cost estimate.
3. National Environmental Policy, legal and administrative framework current in Albania and in conformity to which the EIA was prepared

The Albanian national policy for protection of the environment has been increasingly directed at finding the proper measures to tackle the problem. To this end the Committee for Environmental Protection (CEP) was created. The Committee comes within the Tirana Ministry of Health and is composed of members from various Ministries, each specialised in specific environmental fields. The Committee’s headquarter is within the Ministry of Health, with branches located in the capital towns of each national district (see Article 9, Chapter 2 of Law No. 7664 of January 1993). One of these branches is located at Lezhe.

It is planned to strengthen the CEP in the near future so as to enhance its role in proposing and enforcing measures aimed at environmental protection.

Although at present laws on specific matters of the environment have not been enacted yet, the main reference in this regard can be represented by Law No. 7664 dated 21 January 1993 (hereinafter referred to as the Law), enclosed as Annex II to the present document. The Law refers to general clauses (Chapter 1), EIA (Chapter 2). With regard to the latter it is to be noted that the present document points out that the Law identifies CEP as the Authority empowered to require environmental impact assessments in accordance with that Law for this type of intervention. However, the MoH is the authority responsible for establishing the procedures regarding EIA activities and the activities of individuals or legal entities. Chapter III deals with the licenses to be issued for activities that affect the environment, and a specific list of said activities is presented. The Law then comprises Chapter IV (inspections and information for the environmental situation), Chapter V (duties and rights of central and local institutions on environmental protection), Chapter VI (responsibilities and related sanctions), and Chapter VII reporting final provisions.

However, it should be noted that the MoH from time to time issues documents of various nature such as guidelines, provisions and regulations which also affect, the activities of CEP. For this reason a complete review of relevant legislation is not possible, even if it is believed that the Law can be taken as a benchmark.

Another law which is adopted in the execution of the EIA is the Law on expropriation, required whenever any strip of land has to be expropriated for public purposes, Law No. 7848 dated 25 July 1994 and closed as Annex III to the present document. For the purposes of this document the main provision is represented by the right to appeal for citizens (Chapter V) against the expropriation of land. Here the owner of immovable properties has the right to appeal to the district court within 60 days from the date of receiving notification (Articles 22 and 23). Following this, three experts are nominated for the appraisal of the property and the amount due for compensation, and the deadline for presenting the appraisal of the property to be expropriated is fixed. Two of the experts are nominated by the court and one by the owner of the land.

Chapter V is the section of the law to which reference is made in case portions of land are expropriated for the construction of the road, as 11.60 ha of agricultural land are scheduled to be expropriated. Chapter VI is another section of relevant interest in our case, as it addresses the temporary use of immovable property, which may be the case during the execution of the envisaged works.

The legal framework is completed by Law No. 7968 dated 15 April 1993, which addresses the restitution of land and compensation measures in the event portions of land have been or will be expropriated. It is enclosed as Annex IV to the present document.
Baseline data: assessment of the study area including description of the relevant physical, biological and socio-economic conditions.

This paragraph outlines the existing information and integrates the missing ones, according to the request of TORs.

4.1 Physical environment

The area of the project is mainly composed of a flat plain resulting from the reclamation of the concerned area. Climatic and hydrological conditions of the Milot - Lezha road are reported in Annex 1 of the Technical report prepared by ICP. The Annex specifies the geographic location, climatic conditions (in terms of rainfall, snow, air temperature, wind), hydrologic conditions (in terms of crossing of the Mati river, maximum water level and flood discharge, crossing of the river Drin of Lezha). Paragraph 4.4 also reports additional information on the same topic. The geological conditions are reported in Annex II and in paragraph 4.5 of the same report.

4.2 Biological environment

The road to be constructed passes through a reclaimed area presenting a high degree of human settlements for agricultural purposes. Therefore there is a certain scarcity of biological diversity, which is mostly represented by the common animal and vegetal species of scarce value. The Lake of Lezha is the only area still bearing a certain degree of natural character; at present utilised for hunting purposes, it is located at a distance of about 4 km from the proposed road, therefore is not affected by any impacts.

4.3 Socio-economic conditions of the study area

As specified in paragraph 4.1 the area mainly presents an agricultural character, which is reflected in the kind of employment available for the resident population. Crops are represented mainly by wheat which is cultivated in farmed strips alternating to unfarmed strips, whilst the rest of the land is left to intensive pasture for sheep and cattle, with presence of animal breeding for family purposes. Additional economic activities are represented by a number of scattered shops selling goods of various nature. The remaining part of the resident negligible population is employed in economic activities in the towns of Milot and Lezha, comprising shops of various nature, workshops, etc.
5. **Environmental Impacts: identification and assessment of both positive and negative impacts likely to result from the proposed project.**

This section deals with the identification of potential impacts generated by the execution of project works. In the light of the context in which the present EIA has been executed, identification of impacts for soil, water, air quality, flora and fauna, noise pollution, land acquisition and resettlement, cultural heritage and road safety is presented in the following tables 5.1 to 5.8.

<table>
<thead>
<tr>
<th>5.1 KIND OF IMPACTS ON THE SOIL</th>
<th>IDENTIFICATION OF IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRESENCE</td>
</tr>
<tr>
<td>Soil erosion</td>
<td>X (5)</td>
</tr>
<tr>
<td>Unstable slopes</td>
<td>X (1)</td>
</tr>
<tr>
<td>Side-tipping of spoil material</td>
<td>X (3)</td>
</tr>
<tr>
<td>Depositing agricultural land</td>
<td></td>
</tr>
<tr>
<td>Soil contamination from runoff</td>
<td>X (4)</td>
</tr>
</tbody>
</table>

**Key**
1) There is no generation of this impact, as the road is located in a flat plain.
2) This is the case when top soil is utilised to create vegetation strips on the road slopes.
3) If inert portions of soils will be spoiled, as they are neither utilisable for creating vegetational strips, nor for cultivation purposes they constitute a "waste" generating negative impacts.
4) This can be the case if water coming from the road surface is not collected in an appropriate drainage system.
5) This can be the case of embankments only, as the road does not generally foresee road cut.

<table>
<thead>
<tr>
<th>5.2 KIND OF IMPACTS ON WATER</th>
<th>IDENTIFICATION OF IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRESENCE</td>
</tr>
<tr>
<td>Water pollution from lead, zinc, dust, accidental spillages and other substances</td>
<td>X (1), (2)</td>
</tr>
<tr>
<td>Secondary impacts of polluted water, agricultural land, ground water pollution and pollution of the Mat and Drin valleys</td>
<td>X (3)</td>
</tr>
<tr>
<td>Dust modification water drainage patterns</td>
<td>X (4)</td>
</tr>
</tbody>
</table>

**Key**
1) Dust should be included although it causes low impacts.
2) The presence and/or absence of lead and zinc depends upon the correct use of unleaded fuel and maintenance of engines. The main pollutants produced by running vehicles are: solid particles (moss, metal, tyres, road surface), lead, cadmium and organic compounds (grease, lubricating oil, rubber, etc.). The effects are significant in streams at the points of emission (runoff discharge points). Accidental spillage could represent the most dangerous pollutants for water course. The presence of important rivers like Mat and Drin places an important role in the protection of water.
quality and associated vegetal biota. Attention should be devoted to the Mat and Drin river crossings to avoid substantial alterations in the local hydrological system supporting biological communities which may be located even far away from the study area.

1. The generation of this kind of pollution significantly depends upon the pouring of polluted waters from the road surface, upon the agricultural land in turn reaching groundwater through percolation.

2. Road construction interferes with the pattern of existing drainage and irrigation system

<table>
<thead>
<tr>
<th>5.3 KIND OF IMPACTS FOR AIR QUALITY</th>
<th>IDENTIFICATION OF IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRESENCE</td>
</tr>
<tr>
<td>Generation of dust</td>
<td>X (2)</td>
</tr>
<tr>
<td>Pollution from leaded gasoline: lead and aerosols</td>
<td>X (1)</td>
</tr>
<tr>
<td>Emission of carbon monoxide and carbon dioxide</td>
<td>X (1)</td>
</tr>
</tbody>
</table>

Key
1. Both impacts depend upon the use of leaded gasoline
2. Dust is usually negligible for new paved road

<table>
<thead>
<tr>
<th>5.4 KIND OF IMPACTS FOR FLORA AND FAUNA</th>
<th>IDENTIFICATION OF IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRESENCE</td>
</tr>
<tr>
<td>Passing through virgin areas</td>
<td>X (1)</td>
</tr>
</tbody>
</table>

Key
1. As described in the biological environment (see par. 4.2) the road affects only a civilised area, therefore impacts on natural environment are absent. The same applies to construction materials.

<table>
<thead>
<tr>
<th>5.5 KIND OF IMPACTS FOR NOISE POLLUTION</th>
<th>IDENTIFICATION OF IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRESENCE</td>
</tr>
<tr>
<td>Passing through populated areas</td>
<td></td>
</tr>
<tr>
<td>From quarries, emitters and moving plants</td>
<td></td>
</tr>
</tbody>
</table>

The road in fact passes through a scarcely populated area presenting only scattered rural housing

The mentioned sources of impacts are located far away from the site of the road. Furthermore, residential areas are present in the zone
5.6 KIND OF IMPACTS FOR LAND ACQUISITION

<table>
<thead>
<tr>
<th>IDENTIFICATION OF IMPACTS</th>
<th>PRESENCE</th>
<th>ABSENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destruction of dwellings</td>
<td>X (2)</td>
<td></td>
</tr>
<tr>
<td>Resettlements</td>
<td>X (2)</td>
<td></td>
</tr>
<tr>
<td>Land expropriation</td>
<td>X (1)</td>
<td></td>
</tr>
</tbody>
</table>

Key
(1) The land expropriation involves exclusively agricultural land and does not affect community areas. The occupation area of the road is estimated to be about 27 ha, but the surface lost for agriculture may be estimated at approximately 12 ha, excluding waterways, abandoned land and the land reclamation service areas.
(2) No destruction of dwellings and resettlements are foreseen along the road alignment.

5.7 KIND OF IMPACTS FOR CULTURAL HERITAGE

<table>
<thead>
<tr>
<th>IDENTIFICATION OF IMPACTS</th>
<th>PRESENCE</th>
<th>ABSENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>损坏 to monuments of historical value</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

5.8 KIND OF IMPACTS FOR ROAD SAFETY

<table>
<thead>
<tr>
<th>IDENTIFICATION OF IMPACTS</th>
<th>PRESENCE</th>
<th>ABSENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase of traffic accidents</td>
<td>X (1)</td>
<td>X (2)</td>
</tr>
</tbody>
</table>

Key
(1) It is caused to road users by the increase of the average travel speed
(2) New road without inhabited areas crossing
6. Identification of alternatives: comparison of different alternatives in relation to the overall benefits of selecting the proposed route.

Alternative selection is an important component of EIA as it helps to identify the most appropriate solutions respecting the needs of both the target environment and the proposed development. In this way benefits from the implementation of developments can be maximised and potentially negative impacts can be prevented, or at least significantly mitigated at an early stage.

Alternatives have been compared amongst each other in the light of the above concepts. The choice of the selected alternative is supported by findings acquired during the field visit and information from the road and by reading project maps from Lezha to Miloti southbound, which is the pattern we have followed during the field visit. The design maps permit to include specific comments on the optimal alignment of the road.

The study of the road alignment identifies two "hot spots" with the related necessity to avoid to pass nearby or across the villages of Ishull-Shengini and Ishul-Lezha. Therefore, the most appropriate alignment is represented by locating the road in areas with the lowest density of housing, which in our case is located in between said villages. This solution avoids to destroy and/or resettle any dwellings. The compromise requiring the road to pass nearby a limited number of rural houses is the outcome of this choice, which is unavoidable due to the layout of said houses which are terraced.

Other rural houses are located at km 5.5 and 4.5 respectively. With regard to km 4.5, the presence of the curve is justified to avoid potential interactions with urban housing in correspondence of Gajushi. In this way the alignment becomes parallel to an existing rural road and passes in the vicinity of only three rural houses.

The above mentioned solutions design a road shorter than the old one (12.3 km against about 15.0 km) on one side. This is presented by the following Table explaining the reduction of the time required to travel along the road. On the other side the selected solution improves enormously traffic flow conditions with the possibility to maintain constant travel speed, which means less accelerations and decelerations, in turn increasing the engine performance. Revolutions per Minute (RPM) of the engines would then be very close to the optimal 65% ratio; consequently, the "running engine time" would be reduced of at least 70% as the time to travel along the road would be reduced as so and burned gas emissions will also be reduced of about one third.

<table>
<thead>
<tr>
<th>Speed (km/h)</th>
<th>Time (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing road</td>
<td>New road</td>
</tr>
<tr>
<td>60 km/h : 0.5 km/min</td>
<td>90 km/h : 1.5 km/min</td>
</tr>
<tr>
<td>15 km/h : 0.5 km/min = 30 min</td>
<td>12.3 km : 1.5 km/min = 8.2 min</td>
</tr>
<tr>
<td>22.5 km/h : 0.38 km/min</td>
<td>65 km/h : 0.60 min = 1.08 km/min</td>
</tr>
<tr>
<td>15 km/h : 0.38 = 39.5 min</td>
<td>12.3 km : 1.08 km/min = 11.4 min</td>
</tr>
</tbody>
</table>

No towns will be crossed by the new road and the level of air quality will not be significantly altered if compared to levels prior to the implementation of the road.
7. Mitigation plan: identification of cost effective measures to reduce potentially adverse environmental impacts including costing, institutional training and monitoring requirements for these measures.

Mitigation measures are directed at reducing the impacts generated by the construction and/or related operations. In this case a set of mitigation measures is proposed in relation to each kind of impact as identified in paragraph 5.

7.1. Mitigation measures against impacts on soil. (Table to 5.1)

Soil erosion can be mitigated by planting vegetation (shrubs and grass) on embankment slopes using top soil taken from excavations. This also avoids the spoil of top soil which can be re-utilised. Soil contamination can be prevented by collecting water coming from the road surface into a new appropriate drainage system, such as canals located at the base of each side of the road.

The slope of the embankments and the use of granular materials provide also good conditions for re-growth of vegetation.

For the same reasons we consider that the lining of canal and river sides would be less efficient in terms of nature conservation, if hydraulic efficiency is preserved. Reno type mattress and gabions are used for the embankment protection at the Mat River.

7.2. Mitigation measures against impacts on water. (Table to 5.2)

Water from the road surface is collected by the drainage systems and the speed of polluted water can be reduced and infiltration rate increased by turfing the embankment slopes. Water drainage patterns would not be modified in order to avoid the contact between polluted and irrigation water. For this purpose on both sides of the embankment the drainage canals will be maintained and/or completed at lower elevation than the adjacent irrigation canal. Also, there are positive synergies with the protection of fauna (see).

Concerning the Mat and Drin rivers, provisions are made to protect the rivers waters from being the direct recipient of polluted runoff, collecting the pavement waters into side pipes which finally will be dispersed into infiltration pits close to both edges of the bridges. Planting of native trees, shrub and aquacous crops would represent a further valid measure to benefit the biotic potential and better mimic the road with the surrounding landscape.

7.3. Mitigation measures against impacts on air quality. (Table to 5.3)

Most common mitigation measures consist in implementing vegetation screens to filter air pollution, with positive effects also for noise pollution. To prevent the generation of part of air pollution the use of unleaded gasoline and proper engine maintenance, which also improves vehicle
During the works it is important to try to avoid the generation of dust due to quarries and asphalt plants activity. However, in the case of the present road, since the majority of construction materials come from existing quarries located outside the project area the possible impacts are very limited and can be avoided with the use of bag houses, mechanical cyclones, etc., as prescribed in the requirements for new concrete and asphalt plants.

The road is far from most of inhabited areas and sensitive receptors closer than 100 m to the road are limited to some farms. The area is also rather windy, this means that the atmosphere can be easily self-cleaned attaching limited importance to this item.

4. Mitigation measures against impacts on flora and fauna. (Table 5.4)

From the project design, underpasses connecting both sides of the road are scheduled on average each 3 km in correspondence of bridges. This situation might be ameliorated by constructing further underpasses, although it is rather difficult to implement them due to the scarce elevation of the road from the ground. Therefore underpasses can be scheduled, on condition of prior testing of the height of the watertable; if this is excessively high underpasses cannot be built but this is not a significantly negative consequence due to the scarce presence of natural fauna, being the area with high presence of human settlements.

The trespassing of the road should be avoided by the presence of both drainage and irrigation systems located at each side of the road, which is another mitigation measure in place (drainage canals are 1.5-2.0 m deep).

5. Mitigation measures against noise pollution. (Table 5.5)

Generally noise will be mitigated by the same vegetation screens adopted for air pollution. There are no settlements located near the road, except for 7 farms for which it is foreseen to adopt wood and vegetal barriers against noise.

Since the road is not located near dwellings, impact mitigation measures will concern mainly the egress of trucks to the work yards. The existing road pattern will ensure easy connections to the construction site, even if the trucks traffic will increase during the construction works. We consider the worst inconveniences are likely to occur during construction of the underpasses serving the road crossings, obliging to lower speed and consequent traffic slow down.

6. Mitigation measures against impacts on land expropriation. (Table 5.6)

Sana has no experience on expropriation of private land and related enforcement of compensation measures. Law No. 7848, currently in force, should ensure that impacts derived from expropriations are mitigated and properly handled.
7.7. Mitigation measures against impacts on the cultural heritage and the landscape. (Table 5.7)

The cultural heritage is the product of human activity carried out through centuries and it may be the case that ruins and settlements of archeological importance are present in the study area.

However, it has been recognised that the present project does not affect the local heritage, therefore mitigation measures are not required.

From the landscape point of view mitigation measures for high embankments will be provided, through the planting of native trees, shrubs and herbaceous plants. The provision of extensive tree plantations in suitable areas on the river sides is also important.

7.8. Mitigation measures against impacts on road safety. (Table 5.8)

The road avoids to cross intensely inhabited areas and the road safety refers mainly to the road users themselves. In this case appropriate road traffic signs, marking and road intersections layout, road barriers are the most appropriate measures to be enforced. Setting up of speed limits and related patrolling from the Police service is another effective tool.

An important point the authority is called to define for the safety of road users is to discourage the crossing of the road by farmers with tractors and, above all, by animal-drawn carts domestic animals and pedestrians in the lowest sections in spite of the road embankment slope (1:1.5) and the presence of drainage canals.

Training is an important component of EIA, being a valuable updating tool particularly in the Albanian context. Through effective training it is possible to develop ad hoc expertise necessary to prevent and/or mitigate adverse environmental consequences from roads, which can then be refined during the course of practical application of EIA to roads.

Although it is foreseen that CEP be the central authority dealing with EIA matters in Albania, it is recommended that Unit to establish within GRD, to acquire specific expertise on environmental issues related to road design, construction and maintenance. This replies on the one hand to the need to develop dedicated expertise, and on the other to have ongoing liaisoning between those responsible for road development and those responsible for environmental issues applied to road schemes.

A list of potential subjects to be dealt with in the training courses for EIA and road schemes is presented below:

- Available resources and the environment with elements for sustainable development
- The EIA process: general information and specific focus on roads
- Environmental management and conservation of natural areas with focus on the main biotopes present in Albania
- Principles of environmental economics
- Principles of biology
- Principles of geology
- Environmental pollution and environmental chemistry

The following is a list of elective courses:

- Latest impact assessment methods
- Cumulative impact analysis
- EIA at strategic level: policies, programmes and plans
- Environmental Health Impact Assessment
- Social Impact Assessment
- Principles of environmental monitoring
- Air diffusion and barriers
- Valuations
- Recent techniques to produce asphalt
- Loaded and unleaded gasoline
- Road safety
- Traffic management

During the impact assessment stage events can be predicted with the aid of various technologies. After implementation of a road the degree of reliability of assessment of the impacts will be evaluated, by monitoring parameters utilised to assess each impact. Furthermore, monitoring allows to understand if impact assessment was reliable, if unforeseen events have occurred, regulations and laws have been complied with, and to anticipate trends of certain environmental parameters.

The GRD should not be responsible for monitoring environmental parameters for roads that GRD has designed and for which has been involved in the construction. Therefore it is advisable that a third party should be in charge for monitoring. This party can be identified in CEP as operational body, under the supervision of MoH.
## 10. Summary of mitigation measures

<table>
<thead>
<tr>
<th>IMPACTS</th>
<th>MITIGATION</th>
<th>DESIGN &amp; IMPLEMENT. AGENCY</th>
<th>MONITORING AGENCY</th>
<th>MITIGATION COSTS (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil erosion</td>
<td>Planting vegetation</td>
<td>ICP &amp; CEP</td>
<td>CEP</td>
<td>27,000</td>
</tr>
<tr>
<td>Water pollution</td>
<td>Bridges drainage systems,</td>
<td>ICP &amp; CEP</td>
<td>CEP</td>
<td>195,000</td>
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<td></td>
<td>embankment drainage canals</td>
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<td></td>
<td></td>
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<td>Air pollution</td>
<td>Vegetation screens, unleaded</td>
<td>ICP &amp; CEP</td>
<td>CEP</td>
<td>17,000</td>
</tr>
<tr>
<td></td>
<td>gasoline</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flora &amp; Fauna</td>
<td>Avoid animal road trespassing</td>
<td>ICP &amp; CEP</td>
<td>CEP</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise pollution</td>
<td>Wood/vegetal barriers</td>
<td>ICP &amp; CEP</td>
<td>CEP</td>
<td>150,000</td>
</tr>
<tr>
<td>Land acquisition</td>
<td>Correct use of law</td>
<td>MoCT</td>
<td>CEP</td>
<td>None</td>
</tr>
<tr>
<td>Damage to cultural heritage</td>
<td>None</td>
<td>none</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Traffic and workers accidents</td>
<td>Speed limits, police patrolling</td>
<td>MoI</td>
<td>MoI</td>
<td>None</td>
</tr>
</tbody>
</table>

## 11. Conclusions

The considerations presented above indicate that no significant environmental impacts will be generated by the construction of the Fushe - Mitro - Lezha road and also indicate that great benefits will be derived concerning work opportunities and improvement of the social conditions of the resident population.

Positive evaluations can be the attained on condition that road works and subsequent maintenance are carried out according to the parameters and suggestions provided in paragraph 7, with particular emphasis on avoidance of pollution of rivers Mali and Drin.
APPENDIX

List of persons / organisations involved in preparing the EIA

ICP:
Mr. V. Guri - President
Mr. A. Polimanti - Project Manager
Mr. S. Carpano - EIA Expert
Mr. E. Marsaglia - Civil Engineer

W.B.:
Mr. L. Revuelta, Leader Task Force Albania
Mr. K. Shankar, EIA Expert

EBRD:
Mr. S. Enzelberger, Project Officer
Mr. Y. Atlan, Road Engineer (Consultant)

CEP:
Mr. G. Deliu, Administrative Director of CEP
Mrs. N. Panariti, Director of PIU
Mr. R. Shillaku, Environment Specialist

Tomucci and Claes Solicitors: Mr. Mark Frhart, Legal Assistant to Albanian Government
Mr. Scott Carlson, Legal Assistant to Albanian Government
ANNEX I

Terms of Reference for the Execution of the EIA

Prepared by WB Staff
Terms of Reference to Update the Environmental Impact Report Prepared by ICP for the General Road Directorate, Ministry for Construction and Tourism, Government of Albania

Background:

The improvement of the Roads network is an important component of the Government of Albania's Investment Plan. It is also the basis for the proposed Road Network Development Strategy of Development in the Republic of Albania, August 1995. The project components proposed for World Bank funding include the rehabilitation of national roads in the Northern and the East West Corridor. The project components include:

- Rehabilitation of the Tirane-Vore section (5.950 to 11.650 km)
- Rehabilitation of the Tepize-Fushe Kruja section (7 km)
- Rehabilitation of the Elbasan-Pogradec (63 km)

and construction of new section from Mitoti to Lezha (12 km)

As the project involves the construction of a new road, the World Bank requires that the borrower prepare an environmental impact assessment (EIA) for the project. The purpose of the EIA is improve decision making and ensure that project options are environmentally sound and sustainable. EIAs identify ways to improve projects environmentally and socially by preventing, minimizing or mitigating adverse impacts.

The Government of Albania has prepared the EIA report for the Mitoti-Lezha section. After reviewing the report submitted by GRD, the World Bank is assisting the Government of Albania strengthen the report and also complete environmental analysis for project roads undergoing rehabilitation.

According to the Operational Directives of the World Bank guidelines, section 4.01, an EIA report should typically include the following sections:

1. Executive summary - significant findings and proposed mitigation actions.
2. Project description
3. National Environmental Policy, Legal and Administrative Framework existing in the country under which the EIA was prepared.
4. Baseline date - assessment of the study area including description of the relevant physical, biological and socioeconomic conditions.
5. Environmental Impacts: Identification and assessment of both positive and negative impacts likely to result from the proposed project.
6. Identification of Alternatives: Comparison of different alternatives in relation to the overall benefits to the environment and the benefits of selection the proposed route.
7. Mitigation Plan: Identification of cost effective measures to reduce potentially adverse environmental impacts including costing of these measures, institutional training and monitoring requirements for these measures.

8. Environmental Management and Training; assessment of environmental capacity within the agency or at the Ministerial level including legislation, regulations, etc. Based on findings, recommendations on the building of capacity in the agency.


10. Appendices: List of persons/organizations preparing the EIA, References, records of consultation meetings with stakeholders.

Report Prepared by ICP for the Milot-Lezha section

The EIA report prepared by ICP does meet part of the requirements as indicated in the World Bank OD 4.01, but requires strengthening in the following areas - description of the policy, legal and institutional framework, preparation of mitigation management and monitoring plan, identification of training needs and approx costs for the mitigation measures, monitoring and training components.

Consultant Tasks:

In discussion with GRD and ICP consultants, it was decided that the report would be strengthened in the following areas:

1. Describe the legal and institutional framework for addressing environmental issues in Albania. This could be prepared with the assistance of the Committee for Environmental Preservation and Protection in the Ministry of Health. The section should also describe the new legislation on expropriation of land and how it will be used in the case of Milot-Lezha section. The section should also describe the procedural process of public hearings at the local council, compensation provided as indicated by Mr. Veli Guri. Site visits and discussions with the GRD engineers have established that there are no major issues of resettlement (no houses need to be demolished) in the proposed project.

2. Describe the alternatives proposed and the alignment selected for Milot-Lezha as described by Mr. Riok Bushati, Design Engineer, during our site visit on Feb 2). This section should describe the different alternatives considered and discuss the advantages of the alignment selected since it avoids residential areas and resettlement issues. The section should detail the environmental benefits of bypassing populated areas, thereby lowering of health risks due to air and water pollution, improvement in road safety.

3. Systematically identify the expected impacts and the proposed mitigation measures and prepare a environmental mitigation and monitoring plan. The possible impacts anticipated and mitigation measures include the following:

SOIL
Impacts: The proposed project crosses agricultural land in some areas and impacts could include soil erosion, unstable slopes due to road cuttings or embankments, side-tipping of spoil material which could erode on adjoining agricultural land and soil contamination due to road runoffs (ex; for approx 10,000 vehicles/day up to 128.6 ppm of lead could be discharged within 10m from the road from traffic, whereas the tolerance limit for plants is less than 0.1 ppm.)

Mitigation: Planting trees in the cleared areas and slopes is the most efficient way of stabilizing soil and preventing soil erosion. Store and reuse top soil which is an important resource to used later on the slopes to grow grass and trees. Proper compaction of soil and inexpensive methods such as use of riprap and grass to stabilize slopes. Proper design of drains and settlement basins to catch polluted water before it reaches critical areas such as water bodies and agricultural land.

WATER

Impacts: As the road passes over two rivers, there is the possibility of polluting both the Mat and Drin rivers. For example the pollutant loads in road runoffs for approx 10,000 vehicles per day correspond to 80 to 120 gms/km/day of lead, 40 gms/km/day of zinc and dust of 150 kg/km/day. If the water is not properly drained they could contaminate the adjoining agricultural lands. The chances of groundwater pollution is also relatively high. Site visits have shown that in most cases the irrigation channels are very close to the road and leading to contamination from road runoffs. Furthermore road construction are likely to change existing water drainage patterns - causing flooding, or water stagnation.

Mitigation: Design of closed drainage systems for the bridges to prevent runoff polluting the Mat and Drin rivers. (Engineering drawings presented by the ICP do not show any drains for the bridges). The runoff should be preferably collected in infiltration ditches (economical and highly effective) on either side of the bridges to reduce flow of pollutants into water bodies and adjoining agricultural land. Other measures include water speed reduction structures such as grasses, bushes, riprap. Cross drainage design in the case of change in original water drainage patterns should take into account hydrological data and water flow patterns for the proposed project area.

AIR QUALITY

Impacts: The road route avoids populated areas and hence impacts to air pollution will be limited. However the road does pass close to few farm houses and a village school (at Mixon) which are located closer than 50 meters from the highway. Use of leaded gasoline and the resulting emissions through aerosols are very harmful to health and are known cause of neurological disorders among children. Other harmful pollutants emitted include carbon monoxide due to incomplete combustion, sulfur dioxide from high sulfur diesel fuels.
**Mitigation:** Measures should target both site specific and policy issues at the national level to control air pollution in the highway sector. Site specific measures include using vegetation screens to filter TSPs and dust from the road traffic. The provision of an underpass close to the school as per the design drawings is a good mitigation measure. Policy measures include use of low sulfur fuels, reduce lead content in fuels, vehicle emission control and traffic management. Furthermore, during construction, the location of quarries and asphalt plants should be away from residential areas. Inclusion of dust reduction measures in asphalt plants and quarries such as bag houses, mechanical cyclones, etc.

**FLORA AND FAUNA**

**Impacts:** The roads generally pass through agricultural land and the impacts on the flora and fauna will not be as severe as passing through virgin forests. Nevertheless, the lack of knowledge of the existing flora and fauna in the area may contribute to possible negative impacts on some rare species. Furthermore the construction activity and storage of materials and the construction of access roads could affect the flora and fauna in the adjoining areas. For example: when the road cuts through some natural habitat as proposed in the realignment of the Elbasan - Procadaz (close to Xhraka), it could impact flora and fauna destroying their habitat and isolate wildlife on either side of the highway. In Albania the creation of a new highway could also entice new dwellings or even whole villages to move closer to the road, placing further pressure on natural habitats.

**Mitigation:** A rapid assessment of the flora and fauna in the area should be carried out to evaluate the measures necessary to prevent any permanent damage to the area. Mitigation measures include planting of screens and bushes to provide protection from pollutants in adjacent areas to road construction. Providing safe animal crossings (provision of underpasses connecting both sides of the roads, fencing in sensitive areas to prevent animals crossing the highways). Furthermore laws to prevent induced development (roadside development of business, commercial and residential buildings) or the establishment of a clearance zone close to highways.

**NOISE POLLUTION**

**Impacts:** As the proposed road does not pass through populated areas, the extent of noise pollution will be limited to few farm houses and a village school in Milot which are closer than 50 meters from the axis of the highway. The noise normally generated from a fairly busy highway during the day (more than 7500/vehicles/day) is in the order of 60 to 70 decibels db(A). Noise pollution over 55 db(A) is disruptive. The few farm houses and school which are less than 50 meters from the highway could be subjected to noise pollution in the future. The quarries and crushers during the construction phase could also be a source of noise pollution if located close to residential areas.

**Mitigation:** Mitigation measures could be taken in pavement design and maintenance of the road such as using graded asphalt and avoidance of surface dressing close to sensitive
areas. Other measures include the construction of embankments/barriers and mounds to suppress the noise pollution close to houses and schools. The barriers could be constructed in mud, wood or solid concrete. Elevation of the road close to the village school will restrict the noise pollution. Probably the proposed mitigation measure for the Milot Lezha site should be a combination of mud barriers and restricted dampers such as shrubs and trees. The barriers are generally need to be between 2 to 4 meters high.

LAND ACQUISITION AND RESETTLEMENT

Impacts: There will be no instances of destruction of dwellings, business or any major resettlement involved in the proposed project. The roads mostly pass through agricultural lands which do not seem to be under active cultivation. Furthermore the Albanian Government is in the process of drafting legislation on expropriation of land and fair compensation. Though the land will be expropriated for public projects with compensation, nevertheless these actions cause social disruption and economic loss for the affected families and communities. In addition to economic impacts there maybe social and psychological costs associated with the expropriation of property. However, during discussions with farmers close to Milot, they seem to be aware of the project and supportive of road project which they feel will contribute to their well being and provide them with better business opportunities to sell their produce.

Mitigation: Describe the current setting - the government establishing private ownership of land, etc. Describe the recent expropriation law being developed in Albania including the proposed compensation measures being considered. Furthermore, describe the consultation process as described by Mr. Vehir Guri - discussions with local councils on the proposed routes, etc. Mitigation measure normally consist of consultation with affected people before the alternatives are selected, decisions regarding financial compensation, decisions on rehabilitation or reestablishing their livelihood.

CULTURAL HERITAGE

Impacts: Damages to historical and cultural sites are possible during road construction and related works such as development of quarries and burrow pits. Road construction could also damage the atheistic of cultural and archeological monuments.

Mitigation: Carry out investigation of inventories of cultural and historical sites along with bibliographic searches to check for possible impacts of the proposed route on cultural and historical monuments. This check should be done in close collaboration with the Ministry of Culture. If the road does pass close to cultural and historical monuments then the contracting agencies should be made aware of safety precautions to be taken with regards to proper disclosure and protection of sites and artifacts. Cooperation with the Ministry of Culture and Committee for Environmental Preservation and Protection will be needed.

ROAD SAFETY
Impacts: Traffic has risen more than ten fold in Albania over the last five years and with it the potential for traffic accidents which will become a major public health problem for the country. New roads will help in reducing accidents, but increase in speeds results in more fatalities. Estimate the existing number of traffic accidents per 100,000 vehicles with the help of hospital and police records. In addition to road user safety, construction workers at site are also at the risk of accidents.

Mitigation: Analysis of traffic accidents is essential for the development of mitigation measures. Information on the number of death, injuries, location of the accidents are used to identify road black spots where physical road safety improvements will have maximum impact in reducing the number of accidents. Mitigation measures locally include traffic signs, markings, proper intersection layout, presence of road barriers such as trees, poles, walls. Policy issues such as speed limits, and vehicle inspections contribute to reduction in traffic accidents. (Discuss the proposed grant from EU for road safety). In addition measures to promote worker safety in the road construction needs to be addressed. Safety measures including wearing of helmets, signs to reduce speed in worker areas, etc.

4. Describe the training needs necessary to establish capacity within the Ministry of Construction and Tourism to implement the mitigation and monitor the mitigation measures identified through the Environmental Impact Assessment. For example: the TA financed under the project will assist in developing an action plan to build sufficient capabilities within GRD. A small unit could be established within GRD to address environmental issues for all road projects. The unit should be trained in environmental management, preparation of EIAs, monitoring of environmental mitigation measures, etc.

5. Identify the agency which should monitor the proposed mitigation measures which also should include detailing of responsibilities. In the initial phases when capacity is being built within the General Roads Directorate, involving the Directorate of Environment within the Ministry of Health could be prove beneficial.

6. Cost the mitigation measures proposed including the costs which could be incurred for supervision, monitoring and training. There has already been some costing done in the study already submitted. For example the costing for planting of screens, fencing in sensitive areas, closed drainage for bridges, sound barriers, etc. The costs of financial compensation for expropriation of land. These costs should be internalized as part of the overall project costs.

7. Summarize the mitigation measures through a Environmental Mitigation and Monitoring Plan as shown below:
<table>
<thead>
<tr>
<th>Impacts</th>
<th>Mitigation</th>
<th>Design /and Implementing Agency</th>
<th>Monitoring Agency</th>
<th>Mitigation Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion</td>
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<td></td>
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<tr>
<td>Water Pollution</td>
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<td>Air Pollution</td>
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<tr>
<td>Flora and Fauna</td>
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<tr>
<td>Noise Pollution</td>
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<tr>
<td>Land Acquisition</td>
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<td>Damage to Cultural Heritage</td>
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<tr>
<td>Traffic and Worker Accidents</td>
<td></td>
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</tr>
</tbody>
</table>
ANNEX II

Law No. 7644 dated 21 January 1993

for

Environmental Protection
LAW
No. 7664, date 21.1.1993

FOR ENVIRONMENT PROTECTION

Based on article 16 of law no. 7491, date 21.4.1991 "For main constitutional provisions", proposed by the Council of Ministers,

PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL CLAUSES

Article 1

Environmental Protection constitutes necessary conditions for the development of the society, a priority of national concern, the main strategic elements of which are: preventing and reducing the pollution of water, air, land and any other kind of pollution; conserving the biological diversity specific to Albania; managing in a rational way natural resources and avoiding their over exploitation; ecological restoration of areas damaged by people activities or natural destructive phenomena; preserving the ecological balance and improving the life quality.

Article 2

For purposes of this law the following terms are defined:

a) "Environment" means all the natural and human elements and factors, in their action and interaction.

Elements, phenomena and products are represented by water, air, land and underground, solar radiation, vegetable and animal organisms as well as all natural processes and phenomena generated by their interaction and which affect life.

Human factors are represented by human society and its economical and social activity.

b) "Environmental protection" means the activity for preventing degradation, for regenerating, preserving and improving the environment.

c) "Environmental pollution" means the change of the environment quality as a result of the creation and insertion of physical, chemical or biological factors of the natural or human resources, inside or outside the country.

d) "Environmental damage" means demolition of the physical, chemical and structural features of a natural ecosystem, reduction of biological activity and diversity of natural and human ecosystem, destruction of ecological balance and life quality caused
mainly by water, air or soil pollution or catastrophes.

d) "Dangerous substances" means those substances whose production, transport, storage, usage or emission on environment, as a result of their quality, damage or may damage human health, environmental qualities, flora, fauna, biocenoses or biotops.

dh) "Dangerous wastes" means those erosive, toxic, excitant, explosive, inflammable carcinogenic and radioactive substances suitable to cause the change or the creation of another substance, have the quality of accelerating burns, harming the natural state of water, land or air by damaging humans or other living beings in the natural environment.

e) "Individuals or legal entities" means enterprises, institutions, companies, organizations and individuals, Albanian or foreign, state or private that carry out production, construction, service activities or any other activity of economic or social nature that may cause pollution or damage to the environment.

Article 3

The environmental protection from pollution and damage by gaseous, liquid, solid or radioactive substances and dangerous wastes generated or discharged by industrial plants and industrial, agricultural, public, trade, social, cultural, military or transport activities that infringe on ecological and natural systems balance, damage material blessings or cultural and historical values, is an obligation for all state institutions and individuals or legal entities, Albanian or foreign.

Article 4

Environmental protection from pollution and damage includes protecting water and land ecosystems, atmosphere and nature.

Detailed rules for protecting water, air, land and nature are defined by specific legislation.

Article 5

It is prohibited to import dangerous substances or waste in the Republic of Albania for storing, preserving or destroying.

Transit transport of dangerous substances or waste through the territory and territorial land waters of the Republic of Albania is permitted only if it is established by an international agreement or treaty to which the Republic of Albania is a party. In such cases, the Council of Ministers has the authority to issue a license for transit transport based on security rules defined by the Council of Ministers itself.

Article 6

The Republic of Albania implements the principles and regulations of international conventions and treaties on the environment to which it is a party. In cases when the Republic of Albania it is not a party, it will recognize and respect the generally accepted principles and regulations of international rights on environment.
CHAPTER II
ENVIRONMENTAL IMPACT ASSESSMENT

Article 7

All activities of individuals or legal entities, Albanian or foreign, who exercise their activity in the territory of the Republic of Albania, are subject to environmental impact assessments.

Article 8

Environmental impact assessments is required to be made for the following items:

a) National or local programs for territory structuring and urban plans development as well as their changes.

b) Programs and activities which effects environment or which are particularly dangerous to human health

c) Programs for reconstruction and enlargement of activities established by hem "b" of this article.

c) Programs and local activities defined by local government institutions.

Article 9

The Committee of Environmental Preservation and Protection, its local agencies and district, municipality or commune councils according to the relevant territorial units have the authority to require environmental impact assessments according to this law.

Above mentioned institutions have also the authority to assign experts or institutions that will carry out the environmental impact assessment. The Minister of Health and Environmental Protection establishes rules for compensating these experts or institutions for their work.

Article 10

The Committee of Environmental Protection and Preservation has the authority to define programs and activities according to items "a", "b" and "c" of article 8 of this law, which require environmental impact assessments. The Chairman of the Committee of Environmental Preservation and Protection has the authority to order a periodically reassessment of programs and activities, but not less than once in five years.

The Committee of Environmental Protection and Preservation may require to local government institutions, when it judges necessary, to perform an environmental impact assessment for programs and local activities.

Article 11

The Minister of Health and Environmental Protection establishes rules and procedures of environmental impact assessments of activity of individuals or legal entities,
based on a proposal of the Committee of Environmental Protection and in co-operation with relevant ministries and other central institutions.

**Article 12**

Concerned individuals or legal entities have the right to participate in the meeting for determining results of environmental impact assessments. They must be informed by national or local mass media or other appropriate means, about the procedure of the environmental impact assessment, not later than one month before the assessment begins.

**Article 13**

Environmental impact assessment must be performed by experts or institutions, Albanian or foreign of relevant fields, who:

a) Are specialists.

b) Are independent and have no contractual bonds with the program’s investors and operators and are not involved with such activities.

c) Give conclusions in accordance with determined environmental impact assessment procedure and admissible regulations and standards for environmental pollution.

**Article 14**

Individuals or legal entities and authors of projects defined by article 8 of this law, are obliged to submit documents for beginning an environmental impact assessment, which contain the following information:

a) A description of the program and activity, as well as the location and size.

b) A description of existing environmental conditions in relation to the project or activity prior to its implementation.

c) A prognosis of the project’s impact on the environment.

d) A description of measures taken to prevent or stop adverse effects on environment.

e) Individuals or legal entities who can be affected by environmental pollution or damage.

d) Definitions.

e) Other documents that are required by the Committee of Environmental Protection.

**Article 15**

The authorized institution according to this law, based on experts conclusions, makes decisions for the environmental impact assessment, taking the following measures:

a) Full or partial close, stop or interruption of the activity of individuals or legal entities and application of projects, when the impact on the environment is negative.

b) Interruption of the assessment procedure if the project has not a negative impact on the environment.
The appropriate institution informs about taken decisions concerned parties and, according to the case, provides information to the public.

**Article 16**

Assessment expenses, when the environmental impact is negative, must be paid by individuals or legal entities, who are responsible for the environmental pollution and damage. The order issued by the authorized institution for payment of assessment expenses is an executive order.

**CHAPTER III**

**LICENSES ISSUED FOR ACTIVITIES THAT AFFECT ENVIRONMENT**

**Article 17**

Individuals or legal entities, who carry out economic or social activities that impact or may impact on the environment, are required to apply for a license issued by appropriate institutions, defined by this law.

**Article 18**

Such licenses must be issued for the following economic and social activities:

a) Building and using various facilities of national and local interest.

b) National and local programs and city plans for territory structuring and urban development, as well as their changes.

c) Building roads, railways, harbors, industrial activities, hydro technical plants, land reclamation and programs for improvement of superficial watercourses.

d) Exploring, developing and exploiting natural resources.

e) Exploiting biological resources in waters intended for fishing, taking into account species, seasons, means and admissible levels of fishing.

f) Exploiting forests that are of common interest, creating forest areas, hunting, taking into account zones, species, seasons, weapons and admissible levels of hunting.

g) Exploiting natural resources of flora and fauna in various zones, as well as sea bottom.

h) Creating new fruit-tree plantations.

i) Producing, selling or using toxic products, as well as those that are used for phytosanitary, agricultural and forestry purposes.

j) Importing or exporting toxic substances in, and transporting toxic substances through the territory of the Republic of Albania.

k) Determining the method of transport and the place for storing, processing and destroying toxic substances or waste.

l) Importing or exporting plants and animal that can damage flora or fauna.

m) The Committee for Environmental Protection determines other activities that may have an impact on the environment.
Article 19

The following institutions have the authority to issue environmental licenses according to article 18 of this law:

a) The Council of Ministers for activities established by items "g" and "gl" of article 18.

b) The Committee for Environmental Protection for activities of national interest and other activities established by items "a" to "f" and "h" of article 18.

c) The District, Municipality or Commune Council for activities of local interest established by items "a" to "c", "d", and "dh" of article 18.

d) The Committee for Environmental Protection defines authorities according to item "i" of article 18.

Article 20

An environmental license is issued with the request of an individual or legal entity, based on the technical documentation and analysis of the impact on the environment submitted by the concerned person. The license must be given within three months from the day when the application is submitted and is valid when the activity begins until circumstances, according to which the license is issued, will change.

Authorized institutions may postpone the period of time of giving a license up to six months, when conditions established by the first paragraph of this article, are not satisfied. These institutions are obliged to give an answer within six months, otherwise the license is considered approved.

An environmental license will be made invalid unless the activity begins within one year from the time that the license is given. If this schedule is not complied with, a new license can be requested.

Article 21

Authorized institutions that have issued an environmental license may review or revoke the license if new and unknown ecological elements appear at the time of issuing the license, or if new legal acts for the environment will be approved. For reviewing or revoking a license, the Committee for Environmental Protection, in cooperation with ministries and other central institutions, considering the nature of the activity, defines deadlines, within which above mentioned conditions for issuing a license must be satisfied.

Article 22

The Council of Ministers has the authority to revoke a license for important activities that have a special impact on the environment, based on the proposal of the Minister of Health and Environmental Protection.

The Minister of Health and Environmental Protection, in cooperation with ministries and other central institutions, has the authority to define important activities that have a special impact on the environment. The Council of Ministers approves such definitions.
Article 23

The Minister of Health and Environmental Protection defines reports and analyses of the impact on the environment that individuals or legal entities must submit for taking an environmental license and approves procedures for issuing such licenses by authorized institutions.

Article 24

Authorized institutions have the authority to close, stop or interrupt totally or partially economic or social activities of individuals or legal entities established by article 18 of this law, when they are carried out without an environmental license.

Individuals or legal entities for existing activities that do not satisfy conditions for an environmental license, according to this law, are obliged to satisfy necessary conditions within deadlines established by the Committee for Environmental Protection, in cooperation with ministries and other central institutions. Existing activities that do not satisfy conditions for an environmental license within established deadlines must be closed, stopped or interrupted totally or partially by the above mentioned institutions.

Article 25

Individuals or legal entities provided with an environmental license, have to pay a service fee set by the Minister of Health and Environmental Protection. The license fee must be paid into the account of the institution that has issued the license.

Individuals or legal entities, who invest for protecting the environment, do not pay the service fee. The Committee for Environmental Protection in cooperation with ministries and other relevant institutions defines such investments.

CHAPTER IV

INSPECTION OF AND INFORMATION FOR THE ENVIRONMENTAL SITUATION

Article 26

The inspection of the environmental situation consists of reviewing natural and human elements and factors of the environment, observing and recording changes, as well as reviewing sources and causes of these changes.

Data collected through the inspection serve as a basis for information on the environmental situation, for reviewing or revoking environmental licenses, and for taking appropriate measures established by this law.

Article 27

The inspection of the environmental situation is a duty of employees designated by the Minister of Health and Environmental Protection, the Committee for Environmental Protection
Protection and its local agencies, ministries and other central institutions, and district, municipality or commune councils.

The inspection is standing and continuous in accordance with the extent, sources and causes of environmental pollution and damage.

Article 28

The Minister of Health and Environmental Protection approves specific environmental extent, areas of environment that must be inspected, and the method of exercising the inspection.

Article 29

The inspection based on sources and causes of environmental pollution is exercised as follows:

a) With a legal act approved by authorized institutions that are established by article 27 of this law.

b) With a request of individuals, legal entities or citizens that are affected or may be affected by environmental pollution and damage, as well as other organizations of an environmental nature.

Article 30

Expenses for inspecting the environmental situation, when the environmental pollution and damage is verified, must be paid by the responsible individual or legal entity for the pollution or damage. The order issued by the authorized institution for the payment of expenses for inspecting is an executive order.

Article 31

The appropriate institution, based on the inspection on the environmental situation, decides, depending on the case, to close, suspend or interrupt totally or partially activities of individuals or legal entities, who are responsible for the environmental pollution or damage, and defines the respective obligations to improve the situation.

Article 32

The information for the environmental situation includes the following items:

a) Data for the condition of environmental elements and factors.

b) Data for results of actions that cause or may cause pollution or damage to environment and its elements and factors.

c) Data for performed activities for protecting the environment.

c) Data for conditions and use of biological and mineral resources.

The information is accompanied by explanations about the possible adverse impact of delayed action on the environment and human health, and by recommendations for the method of acting citizens in the event of expected adverse effects.
Article 33

The Committee for Environmental Protection and its local agencies, ministries and other central institutions, and local government institutions receive and collect information for the environmental situation, presented by specialized institutions.

Individuals or legal entities are obliged to submit the information for the quantity and quality of waste and substances that impact on environment, within two weeks from the date when the request is received. The information must be submitted to the authorized institution and according to rules defined by the Minister of Health and Environmental Protection.

Article 34

Institutions established by article 33 of this law must publish information which contains data on the change of environmental situation, through mass media or any other means, in a manner that is accessible to citizens.

Confidential information defined in specific provisions, is presented in writing as a summary without the right of dissemination.

Article 35

Institutions established by article 33 of this law, as well as individuals or legal entities, must inform people about the occurred environmental adverse alteration, immediately after observing pollution and damage to the environment, measures taken to reduce or limit the pollution or damage, and the appropriate conduct of citizens concerning health protection and their security.

Article 36

Individuals or legal entities must inform buyers or customers during the time of sale or performing the service, in writing or orally, about dangerous components of goods and services and about their possible adverse effects and impacts on the environment and human health.

CHAPTER V

DUTIES AND RIGHTS OF CENTRAL AND LOCAL INSTITUTIONS FOR ENVIRONMENT

Article 37

The Minister of Health and Environmental Protection implements and develops the Government policy in the environmental area for the purpose of obtaining economic and social development harmonized with the environmental protection and life quality maintenance and improvement. The Committee for Environmental Protection must implement this policy.
Article 38

The Minister of Health and Environmental Protection has the following authorities in the environmental area:

a) The Minister presents to the Government the strategy for protecting the environment, coordinate supervising functions of ministries, other central and local government institutions, and approves the particular environmental standards and activities subject to inspection.

b) The Minister prepares annual report on the environmental situation and presents it to the Council of Ministers.

The Council of Ministers after reviewing the report, presents the report to the Parliament for approval. The report, after the approval by the Parliament, must be published as an annual report on the environmental situation.

c) The Minister processes the main policies and defines priorities in investments for protecting the environment in accord with economic and social development and possibilities of Albania.

d) The Minister defines and distributes funds for scientific research projects and study programs for the purpose of taking important measures for protecting the environment, for using purely ecological technologies, for obtaining equipment and training the staff within and outside Albania.

d) The Minister represents Albania in international activities, intergovernmental organizations for protecting the environment.

dh) The Minister, in cooperation with ministries and other central institutions, approves regulations and instructions for registering specially endangered areas and for programs for natural environmental rejuvenation.

Article 39

The Committee for Environmental Protection is a specialized central institution in the environmental area. The Minister of the Health and Environmental Protection supervises the Committee and approves the composition of the Committee, proposed by the Chairman of the Committee of Environmental Protection.

The Committee supervises its local agencies. The Chairman of the Committee defines duties and rights of these agencies.

Article 40

The Committee of Environmental Protection has the following duties and rights:

a) The Committee implements laws and legal acts approved by the Council of Minister for protecting the environment and submits to superior institutions various studies and proposals for organizing, managing, and solving environmental protection issues.

b) The Committee assists and supervises ministries, other national and local government institutions, and individuals or legal entities to implement legislation for protecting the environment.

c) The Committee prepares drafts agreements, conventions, protocols, projects and programs that will be implemented in the framework of bilateral or multilateral cooperation.
with international institutions and organizations for protecting the environment, and follow up their implementation.

c) The Committee, in cooperation with ministries and other central and local government institutions, manages monitoring the pollution for the purpose of determining the environmental situation and based on data of industrial, urban and agricultural pollution level and other dangerous, chemical-toxic and radioactive substances, proposes concrete measures for protecting the purity of air, water, land, flora and fauna of Albania.

d) The Committee studies needs of Albania for experts and co-ordinates the staff training and specializing for protecting the environment.

db) The Committee organizes and supports the spreading of education and participation of the public for protecting the environment. It organizes and publishes scientific publications and popular manuals in the environmental protection area.

c) The Committee administers and distributes environmental funds created according to this law and investments funds established by the state budget for the environment.

g) The Committee, in cooperation with ministries and other central institutions, conducts the following items:

- The Committee approves admissible limits of gaseous, liquid, or solid and radioactive pollution substances discharged in water, air or land as well as the admissible limits of harmful and toxic substances in dangerous waste.

- The Committee approves rules for gathering, storing, preserving, transporting, and classifying dangerous substances and waste, as well as for using natural resources that are rejuvenated or non-rejuvenated.

- The Committee defines the list of substances that contain dangerous waste and the list of dangerous substances.

**Article 41**

The Inspectorate of Environmental Protection is organized and functions attached to the Committee of Environmental Protection. The Inspectorate is composed of the chief inspector, inspectors attached to the Committee, and inspectors attached to local agencies.

The Minister of Health and Environmental Protection defines duties, rights and authorities of the Inspectorate of Environmental Protection.

The Inspectorate of Environmental Protection, for implementing this law cooperate with other Inspectorates and Police Institutions.

**Article 42**

The Commune, Municipality or District Council has the following duties and rights:

a) The Council implements laws and acts approved by the Council of Ministers on environmental protection issues.

b) The Council takes measures and ensures the protection and environmental rejuvenation.

c) The Council compiles and publishes programs and measures for protecting the environment, in cooperation with authorized and specialized institutions in the field of the environment.
c) The Council informs people for the environmental situation and for local activities that are subject to environmental impact assessments.

d) The Council inspects the environmental situation according to this law.

e) The Council administers and distributes local environmental funds created according to this law.

CHAPTER VI

RESPONSIBILITIES AND SANCTIONS

Article 43

Individuals or legal entities, who cause damage to natural resources, which result in environmental pollution and damage are obliged to pay for the resulting damage.

Complaints for the payment of damages may be presented to the court by individuals or legal entities who have suffered harm.

Article 44

The payment for damage resulting from environmental transboundary pollution and damage will be made in accordance with international agreements, conventions, treaties, to which the Republic of Albania is a party. In cases when the Republic of Albania is not a party, the payment will be made in a manner that is consistent with generally accepted principles and regulations of international rights in the environmental area.

Article 45

Violations of this law, when not constituting a criminal offense, constitute a violation of administrative rules in the environmental area. Violations of administrative rules occur in the following cases:

a) Transit transporting without a license of dangerous waste and substances through the territory and territorial land waters of the Republic of Albania.

b) Importing dangerous waste and substances for preserving, storing or destroying.

c) Violating insurance rules defined by the Miniser of Health and Environmental Protection, when transporting dangerous waste or substances.

d) Failure to send, or presentation later than the fixed date, of data on the environmental situation.

d) Failure to submit, attached to the information on the environmental situation, recommendations for the appropriate manner of action of citizens when adverse consequences to the environment are anticipated.

e) Failure of individuals or legal entities to inform people for environmental pollution and damage caused by them, for measures taken to limit or eliminate the damage, and for the appropriate manner of action of citizens.

e) Failure to provide buyers or customers with relevant information about
dangerous goods and services and their possible adverse effects and impacts.

  g) Objections to, or failure by individuals or legal entities to perform an environmental impact assessment.

  h) Failure to submit designated documents for beginning an environmental impact assessment.

  j) Violation of the environmental impact assessment procedure by experts.

  k) Exercise of economic and social activities, which may affect environment, without receiving the relevant license from authorized state institutions.

  l) Violation of rules and instructions, issued by the Minister of Health and Environmental Protection for specially endangered environmental zones.

  m) Violation of admissible limits of substances that cause environmental pollution defined by the Committee for Environmental Protection.

  n) Violation of rules for storing, preserving and transporting dangerous substances or waste that are defined by the Committee for Environmental Protection.

**Article 46**

For violating administrative rules, established by article 45 of this law, for individuals the fine is from 2,000 to 50,000 leks, and for legal entities the fine is from 5,000 to 500,000 leks. In addition, may be decided to confiscate equipment that caused environmental pollution and damage or to revoke the environmental license.

For foreign individuals or legal entities who conduct their activity in the territory of the Republic of Albania, the fine must be paid in foreign currency according to the above mentioned fines, converted by the official rate notified by the Bank of Albania at the day of the ascertainment of the violation.

**Article 47**

For violating administrative rules the following institutions have the right to require payment of a fine: employees authorized by the Minister of Health and Environmental Protection, employees of the Committee for Environmental Protection, authorized by the Chairman of the Committee and inspectors of the Inspectorate attached to the Committee and inspectors of Local Agencies.

Against the punishment decision a complaint may be made within 5 days from the day when the decision has been proclaimed or announced respectively to the Minister of Health and Environmental Protection, Chairman of the Committee of Environmental Protection, Chairman of the local agency, Chief Inspector of the Inspectorate of Environmental Protection. Decisions of the above mentioned authorities are final.

**Article 48**

Fines must be deposited in the Bank in the account of the relevant institutions, whose employees have imposed these fines, and paid within one month from the day when the final decision is taken. For every day of delay after the deadline the fine will increase 10 percent over its value.
If the above mentioned deadline is exceeded, the bank where involved individuals or legal entities have current accounts, have the authority to execute the decision that set the fine or, if they do not have a current bank account, the decision will be executed based on the law of drawing state revenues.

**Article 49**

Individuals or legal entities appeal against the decision for closing, suspending or totally or partially interrupting their activities by authorized institutions according to articles 15, 24 and 31 of this law to the Court within 15 days from the date the decision is imposed.

**CHAPTER VII**

**FINAL PROVISIONS**

**Article 50**

Revenues from license fees and fines generated according to this law, must be deposited in the account of the relevant institutions for creating environmental funds. Environmental funds will be used as financial support for the following activities:

a) Taking measures in the elimination of pollution sources.

b) Designing projects and taking rehabilitation measures in ecologically damaged zones.

c) Scientific research, performance of studies and training specialists.

d) Providing the staff and offices with necessary supplies.

d') Compensating environmental employees, experts and institutions which carry out environmental impact assessments.

dh) Affording administrative expenditures related to the supervision of environmental impact assessments, monitoring programs or other activities of this type.

**Article 51**

Environmental protection employees in accomplishing their duties established by this law, cooperate with public order police and forest police, according to a special instruction approved by the Minister of Health and Environmental Protection, the Minister of Public Order and the Minister of Agriculture and Food.

**Article 52**

The Council of Ministers is authorized to issue detailed regulations to implement this law.

**Article 53**

Decree no. 5105, date 30.10.1973 "For the environmental protection and
preservation", decree no. 7451, date 5.1.1991 "For some changes to decree no. 5105, date 30.10.1973 "For the environmental protection and preservation", decree no. 7452, date 5.1.1991 "For creating the Committee of Environmental Preservation and protection", as well as any other provision which contradicts this law is repealed.

Article 54

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

Proclaimed with decree no. 447, date 2.2.1993 of the President of the Republic of Albania, Sali Berisha.
ANNEX III

Law No. 7843 dated 25 July 1994

for

Expropriation for Public Purposes and Temporary Use of Immovable Property
LAW

No. 7848, date 25.7.1994

EXPROPRIATION FOR PUBLIC PURPOSES AND TEMPORARY USE OF IMMOVABLE PROPERTY

Based on article 16 of law no. 7491, date 29.4.1991 "For main constitutional clauses," proposed by the Council of Ministers

PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER 1

GENERAL PROVISIONS

Article 1

The law establishes the right of the Government to expropriate or to take for temporary use immovable property, owned by individual and legal entities, for the public interest, and to acknowledge the rights of those entities affected by the expropriation or temporary use of property.

Article 2

According to this law, expropriation for the public interest occurs in the following cases:

a) for construction of public infrastructure such as roads, railways, airports, ports, hydropower stations and reservoirs;

b) for construction and improvement of public works in urban areas such as electric networks, gas, steam, water pipelines, channeling and telecommunications networks;

c) for construction of oil and gas networks, power transmission and distribution systems, research, drilling, development and use of minerals, oil, gas, and water;

d) for construction of public facilities such as schools, hospitals, parks, sport and residential centers to be built by government funds for large scale housing projects;

e) for protection of national, historical and archeological treasures;

f) for strategic purposes in national protection and public order.

Article 3

According to Article 2 of this law, expropriation for the public interest aims and is
realized by using land for new construction projects.

Exceptions to this rule are defined in item "d" and "dh" of article 2 of this law.

Article 4

In all cases, expropriation of immovable property for the public interest is carried out by the decision of the Council of Ministers.

CHAPTER II

DOCUMENTS FOR EXPROPRIATION

Article 5

The documents for expropriation must contain:
a) the request for expropriation of immovable property for the public interest;
b) a summary showing the object to be constructed, the aim of the project, indispensable argumentation on expropriation, projected expenditures, and the deadline for expropriation and new construction;
c) the list of expropriated owners, properties to be expropriated, and the amount of compensation;
c) planned location of the object.

Article 6

The documents for the expropriation of immovable property for the public interest are compiled by central and local government offices and all other legal entities requesting expropriation. Expropriation for the public interest is carried out in favor of the national and local government, agencies, and institutions that represent these interests.

Commercial companies will benefit by expropriation only in very special cases and according to this law. In this case, land becomes government property, which is leased to the commercial companies requesting expropriation.

Article 7

The request for expropriation must be published in a local newspaper, under whose jurisdiction is the object to be expropriated, and in a national newspaper. Publication is made 30 days prior to delivering the documents for expropriation. Publication is made by the state agency or legal entity who has presented the request for expropriation, after preliminary approval by the responsible agency in the decision for expropriation.

Article 8

The municipality of commune, under whose jurisdiction is the object to be expropriated, makes available to the interested parties, for a period of 30 days, the
documents for expropriation. After this period, the documents, with the relevant comments by the interested parties, are delivered to the Council of Ministers, which is a competent agency for making the decision for expropriation.

CHAPTER III

METHODS OF EXPROPRIATION

Article 9

The Council of Ministers makes the respective decision that must indicate the object of expropriation and the subject, in whose favor the expropriation will be made.

The act proclaiming expropriation for public purposes must also contain a period within which the expropriation will begin and end.

Article 10

The decision of the Council of Ministers for the expropriation of immovable property is performed by the municipality or commune in the territory in which the property is located.

Article 11

Within 30 days from the decision for the date of expropriation, the municipality or commune notifies, in writing, the owners to be expropriated. The notification must contain: reference to the decision for expropriation, the identity of the owner, the object to be expropriated, the amount available for compensation, the deadline for the completion of expropriation and the right of the owner to oppose the decision.

Article 12

After being nominated by the state agency or legal entity, engineers, architects and others responsible for administering the decision for expropriation, are entitled to enter the property to be expropriated and to perform the necessary technical procedures for measuring and forming a graphical representation of the property.

The above mentioned persons are provided with the relevant written authorization by the head of the municipality or commune, according to the location of the property. Authorization is released three days after the owner receives notification.

Expenses for the notification presented to the owners is covered by the entity in whose favor the expropriation will be carried out.

The municipality or commune, in the territory in which the property is located, select a representative to supervise the administration of the decision for expropriation.
Article 13

Individuals who act against the authorized representative of the municipality or commune regarding the property to be expropriated or remove the markers put up for the creation of the project, are penalized for administrative infringement and fined by the head of the municipality or commune between 5,000 and 20,000 leks.

CHAPTER IV

METHOD OF COMPENSATION

Article 14

Inmovable property is compensated by the entity for the full market value, in favor of the entity for whom the expropriation is being carried out.

Article 15

If the inmovable property to be expropriated is leased by the owner, the entity making the decision takes into account the interest of the lessee and third party who will be damaged by expropriation.

Article 16

In cases when expropriation for the public interest is associated with the devaluation of a part that is not to be expropriated, or of a property bordering the one to be expropriated, compensation is provided equal to the property devaluation.

Instances, methods, and the calculation of the amount to be compensated are defined by the regulations set by the Council of Ministers.

Article 17

When inmovable property is expropriated the actual user is compensated for all direct financial and economic damages related to the implementation of this act.
Article 18

If the expropriated property is not used for the purposes of expropriation or is not used within two years from the date of the decision, the former owner, upon request, may fully reclaim his property as it was prior to expropriation. In this case the owner must repay the amount received for compensation or that which was given in kind.

Article 19

For the appraisal of property to be expropriated, a joint group of experts is established. The group is comprised of representatives from the urban department of the district responsible for the appraisal of sites and buildings, from the agricultural department in the district responsible for the appraisal of agricultural land, and from the financial department in the district responsible for the valuation of other immovable properties. The appraisal is signed by three experts.

Article 20

The compensation for the expropriated property is provided in leks or, by agreement with the owner, in kind with the same estimated value as the expropriated object. In cases when expropriation is for public housing construction and financed by government funds, according to item "c" of article 2 of this law, the owner is entitled the right to choose between compensation in leks or compensation in kind of the object to be constructed, determined by the ratio between the value of the land and the value of the construction project.

Article 21

Whenever possible and upon approval of the owner compensation is given in kind for agricultural land and construction sites.

CHAPTER V
THE RIGHT TO APPEAL

Article 22

The owner of the immovable property to be expropriated and other individuals, damaged by the expropriation or temporary use of property, have the right to appeal to the district court within 60 days from the date of receiving notification.

Claims may be presented against the decision for expropriation or temporary use of property, the method of appraisal, and the amount of compensation. Three experts are nominated for the appraisal of the property and the amount of the compensation, two of which are nominated by the court and one by the owner whose property is to be
Article 27

If the owner, whose property is temporarily used, according to item "a" of article 24, refuses the compensation amount, the prefecture orders that the amount in favor of the owner be deposited. In this case, disputes are settled by the district court immediately after the situation has been stabilized, according to provisions of Chapter V of this law.

The disputes arising from temporary use of immovable property mentioned in items "b" and "c" of article 24 of this law, are settled by the district court, according to provisions of Chapter V of this law.

Article 28

The temporary use of immovable property can be requested by the contractor for construction building in the public interest, for land necessary in the construction of roads necessary for the transport of construction materials, opening of channels for installation of engineering networks as well as other operations necessary for the implementation of the project.

Article 29

Request for temporary use of property according to item "c" of article 24 of this law is submitted to the head of the municipality or commune by the government agency or legal entity, which then makes their decisions and passes the request to the prefecture for approval.

The request must contain:

a) Description of property to be temporarily used.

b) Time frame for starting and ending of the temporary use.

c) Compensation offered.

Article 30

The decision is communicated to the interested owners who, in the cases mentioned in items "b" and "c" of article 24 of this law, are entitled the right to appeal within ten days from the date of notification.

Article 31

Temporary use of property cannot be longer than two years from the date the decision has been made.

Article 32

When the property temporarily used is returned to its original owner damaged or devalued, the owner has the right to be compensated. In case of dispute, provisions of Chapter V of this law enter into force.
CHAPTER VII

SEPARATE PROVISIONS

Article 33

In case the owner is not identified, the amount of compensation is deposited in a special bank account for a period of five years. If the owner has still not been identified at the end of this period the amount becomes budget revenue until the owner makes an appearance. The owner who is identified after the deadline of five years has the right to receive compensation together with the amount of interest earned only during the five year period. He is entitled the right to appeal only for the amount of compensation, according to the procedures defined in this law.

When it is not possible to contact the owner of the property, the amount of compensation is deposited in a special bank account. At the moment the owner is identified, he has the right to receive the compensation and the interest earned. He is entitled the right to appeal only for the amount of compensation according to the procedures mentioned in this law.

Article 34

The Council of Ministers is authorized to issue instructions and decision to implement this law.

Article 35

Decree no. 4494 dated 31.3.1969 changed after law no. 4626 dated 24.12.1969 on "Expropriation and temporary use of property" as well as any other provision running contrary to this law are repealed.

Article 36

This law comes into force 15 days after publication in the "Fletorja Zyrtares,"

Proclaimed with decree no. 993, date 4.9.1994 of the President of the Republic of Albania, Sali Berisha.
ANNEX IV

Law No. 7698 dated 15 April 1993

for

Restituting and Compensating
Former Owner Property
L A W

No. 7698, date 15.4.1993

FOR RESTITUTING AND COMPENSATING FORMER OWNER PROPERTY

Based on article 16 of law no. 7491, date 29.4.1991 "For main constitutional clauses", proposed by a group of Parliament members,

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DE C I D E D:

Article 1

This law recognizes the right of ownership to all former owners, or their heirs for property which has been nationalized, expropriated, or confiscated according to legal acts (including law no. 37, date 13.1.1945 "For extraordinary tax"), sublegal acts and court decisions issued after 29 November 1944, or taken illegally by the state at any other method, as well as determines methods and measures for restituting or compensating them.

Article 2

According to this law, property means immovable property as building sites, buildings, and everything else that has been permanently joint to them, such as housing, factories, workshops, shops, where houses, and every other construction.

This law does not include immovable property in the form of land that is subject of law "For land."

Article 3

For the purpose of recognizing, restituting or compensating properties, according to this law, land means a building site, agricultural land and non-agricultural land.

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

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

Article 4

Properties that at the time of the effective date of this law exist as unoccupied building sites, agricultural, or non-agricultural land, or unchanged buildings, except in cases defined in this law, are recognized and will be restituted to former owners or their heirs.

Article 5

The amount of the restitution or compensation with an equivalent parcel of land will be at its full value up to 1000 m², except in cases defined in this law.

When the size of property is from 10,000 m² to 100,000 m², the amount of restitution, or compensation will be equal with 10%, while when the size of property is more than 100,000 m², the amount will be equal with 1%.

Article 6

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

When former owners claim for the amount and manner of the valuation, they have the right to appeal and, if their claim is certified, they will be compensated with the difference adjusted by the inflation index.

Article 7

A former owner has the right to receive his building, for which he has been compensated at full value at the time of expropriation, when this building has not been demolished, and has not been used for public purposes. The former owner is required to pay back the received compensation adjusted by the inflation index.

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

Article 8

A former owner has the right to receive his expropriated building site, for which he has been compensated at full value, when this building site has not been used for purposes...
of expropriation, and at the moment it is not occupied. The former owner is required to pay back the received compensation adjusted by the inflation index.

Article 9

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

Article 10

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

Former owners, who donated their properties to the Government and, for these acts exist relevant documents and publications, are not subject of this law.

Article 11

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

According to the definition above, those parcels of land, which are divided based on law no. 750, date 19.7.1991 "For land", will not be restituted to former owners.

Article 12

Private individuals or legal entities who own buildings, are required to pay a rent to the owner of the building site, or to re-buy the building site according to the contract that will be agreeing between the parties. The court has authority to resolve disputes.

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

Article 13

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

Former owners have the right to receive their buildings, after they have paid back more than 20% of the value of expenditures, when expenditures made consist of 20% up to 50% of the building value. The value of expenditures will be calculated according to construction prices at the time of the building restitution. A building will remain in co-owners, so when the value of expenditures is more than 50% of the building value.

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

The court has authority to solve disputes between parties.

**Article 14**

Relationships between tenants and former owners who will become owners according to this law, will be regulated according to law no. 7652, date 23.12.1992 "For privatizing state housing."

A tenant is required to leave the housing when the former owner of the housing finds other housing for him, at the same urban area, with a living space according to existing sheltering norms in the date when this law becomes effective, but not more space than he has at the former owner housing.

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

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

**Article 15**

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

**Article 16**

When building sites are occupied by permanent construction, former owners will be compensated within limits of expropriation in the following methods:

a) with state bonds, which will be used according to the equivalent value and with priority in relationships with the Government in the process of the privatization of state enterprises, and in other activities carried out by loans;

b) with an equivalent parcel of building site near to urban areas according to general regulating plans, but not more than 5,000 m²;

c) with an equivalent parcel of land in touristic zones, according to general regulating plans, but not more than 5,000 m².

The remaining portion, for items "a" and "c" will be compensated according to other methods established by this law.

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

**Article 17, 18**

Article 17 has been repealed by the Constitutional Court Decision no. 4, date 8.4.1994.
Article 18

The following persons are excluded from the right of ownership of shops, bars, restaurants, etc.:
- those who have privatized their shops in an illegal method;
- those who have changed the use of shops, in contradiction with provisions in force;
- those who have not carried out any activity for six months beginning from the time of the privatization of the shop.

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

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

Article 19

The amount of unoccupied building sites, which will be restituted to former owners, when such unoccupied building sites are located within boundaries of cities and touristic zones, according to regulating plans approved at the effective date of this law, will be as follows:
- for building sites, 5,000 m², and the other portion will be compensated according to methods established by this law.
- for agricultural land, 5,000 m², and the other portion will be compensated according to law no. 7699, "For compensating former owners the value of agricultural land."

The Council of Ministers has authority to issue detailed rules to implement this article.

Article 20

A former owner of a building site, on which one or two storey state housing have been constructed, has the right of co-ownership for the building site. When there are one storey buildings, the joint ownership will be in the ratio of 1:2; when there are two storey buildings, the joint ownership will be in the ratio of 1:3. In both cases, the former owner has the right to construct another floor over the existing housing, while all further changes will be made according to law "For joint ownership of housing."

Article 21

During the process of the privatization, former owners have the right of first refusal of state facilities that have been built on their building sites, agricultural or non-agricultural land, such as shops, store houses, workshops, etc. The selling price in these cases is defined according to provisions in force.
Article 22

Institutions, which register immovable property, on the basis of the official documents submitted by former owners, have authority to proceed for recognizing the ownership according to provisions of this law. When such documents are not available, ownership is proved through a court decision in the presence of the opposition party.

Requests for receiving ownership must be submitted within 31, August, 1994. When a former owner, for justifiable causes, does not know the deadline, he has the right to set another deadline through the court.

Article 23

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

Article 24

The following persons do not benefit from this law:
- former collaborators of Nazi-fascist occupiers for property they gained during the war, after the Cassation Court will review their files, and will define them as collaborators;
- former leaders of the Communist Party, or Government, for property they gained as a consequence of abusing the official position, which must be proved with a court decision;
- persons convicted for stealing the national property in huge amounts, at the measure that is equal with the unpaid damages, as defined by the court decision.

Article 25

The State Committee for Restituting and Compensating Former Owner Property is created attached to the Council of Ministers for verifying claims of former owners, which claims have not found solution by this law.

Article 26

A special law sets the price of the building site.

Article 27

In all cases defined by this law, the inflation index will be calculated at the time this law comes into force.

Article 27/a

Concerned persons have the right to appeal to the district court a decision of the Committee for Restituting and Compensating Former Property Owners.
The court decision in this case is appealed according to procedures defined by the Civil Procedure Code.

Article 28

The Council of Ministers within one month from the effective date of this law is authorized to issue necessary sublegal acts and to take all measures to implement this law.

Article 29

All provisions that contradict this law are repealed.

Article 30

This law comes into force 30 days after publication.

Proclaimed with decree no. 515, date 16.4.1993 of the President of the Republic, Sali Berisha

Changes to Law no. 7698, date 15.4.1993

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Law 7698, Compensating property

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