



Extract of the study on ecological network of mountainous region of Dinaric Arc

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Albania

National Legal Framework

In the Constitution of the Republic of Albania 1998, approved by Law No. 8417, dated 21.10.1998 it is determined that “the state intends a healthy and ecologically suitable environment for current and future generations, and a rational exploitation of natural resources based on the sustainable development principle” thus providing a legal base for nature protection. (1)

Nature Protection in general principles is also guaranteed through Law "On Environmental Protection" No. 8934, dated 5/9/2002, Official Journal No. 60, dated 16.10.2002 which was amended by Law No. 9890, date 20.03.2008, Official Journal: Year 2008, No. 45. The “conservation of biological diversity” is defined as one of the environmental elements. The 2011 Law on Environmental Protection, No. 10431, substitutes the 2002 Law No. 8934 and transposes the Directive 2004/35/EC on environmental liability. The Law entered into force in 2012. It provides a clear legal basis and framework for further transposition of a large number of environmental directives which are relevant to the protection of the environment. (1)

Law no. 10440, date 07.07.2011 "On Environmental Impact Assessment" is in fully compliance with EU Directive 85/337/EC. The law entered into force on January the 1th 2013. Another horizontal legislation is Law no. 10448, date 14.07.2011 "On environmental permitting".

Administration and management of protected areas are based on Law No. 8906 dated 06.06.2002 "On protected areas", as amended by Law No.9868 dated 04.02.2008 on some addendums and changes in the Law No.8906, dated 06.06.2002 “On protected areas” published at Official Journal No.18, publishing date 19.02.2008. It was amended by inclusion of the main provisions of the Habitats Directive, 1991/43/EC. This law regulates the protection of six categories of protected areas, based on the criteria and baseline of the International Union for Conservation of Nature (IUCN).

- ☒ Strict natural reserve / scientific reserve (I Category);
- ☒ National Park (II Category);
- ☒ Nature Monument (III Category);
- ☒ Managed Nature Reserve/natural park (IV Category);
- ☒ Protected landscape (V Category);

☒ Protected area of managed resources/ protected area with multiple use (VI Category). (2)

According to the provisions of the law “On biodiversity protection”, the list of flora and fauna species that are under protection are materialized with the publication of the Red Book of Albanian Flora and Red Book of Albanian Fauna and is updated regularly every five years. The last approved was in December 2013, by Ministerial Order no. 1280 of 20.11.2013. (1)(2)

The habitat protection is done through provisions of the law on protected areas, based on which is revealed the representative network of protected areas that will serve to identify and create the ecological network NATURA 2000. Thus major development so far has been the establishment of the *Representative Network of Protected Areas* in Albania that is being extended gradually specially since 2005. The total number of protected areas is 798 (including nature monuments), covering an area of more than 455,854 hectares. In addition there are four Ramsar sites of wetlands on international importance in the country and Important Bird Areas designated by Ministerial order in April 2013. The first marine protected area - Marine National Park of Sazan - Karaburun was designated in April 2010. During the reporting period since 2010, the proposed Emerald network of Areas of Special Interest (ASCIs) for Albania, consisting of 25 sites and covering an area of 17, 8 % of the country’s territory was approved by the Standing Committee of the Bern Convention in December 2012. (2)

There are several legal acts guaranteeing Nature protection in the Republic of Albania including:

- Law No. 9587, dated 20.07.2006, Official Journal No. 84, publishing date 9.8.2006, page 2847, “On Biodiversity Protection”, amended in 2012;
 - Law No.10006, dated 23.10.2008, Official Journal No. 168, publishing date 31.10.2008, page 8273, “On Wild Fauna Protection”, amended in 2012;
 - Law No.9867, dated 31.1.2008, Official Journal No. 18, publishing date 19.2.2008, page 629, “On rules and procedures for international trade of endangered species of flora and fauna”, amended in 2012;
 - Law no. 10253, date 11.3.2010, “On hunting”, approved by the Assembly and to be published in the Official Journal.
 - Law no. 9385, date 04.05.2005, “On forests and the forest police”
 - DCM No. 84, 27.1.2009 "On the determination of the criteria for establishment of biodiversity inventory and monitoring network", Official Journal No. 12, dated 19.2.2009
 - Law no. 9103, date 10.7.2003 "On protection of crossborder lakes"
 - Law no. 8905, date 2002 “On Protection of Marine Environment from Pollution and Damage”
- (2)(6)

The main institution dealing with environmental issues in Albania is the Ministry of Environment (MoE) which was established in 2001. The mission of MoE is to draft and propose policies, strategies and action plans for the protection and administration of the environment, forests, waters and fisheries in order to achieve sustainable development, and to improve the quality of life and enable the country to join the European Union. The MoE is also the focal

point and the main institution responsible for the process of implementing activities related to climate change in Albania within the framework of UNFCCC and the Kyoto Protocol. (3)(4)(5)

In 2006 the new Agency of Environment and Forests was created which in 2011, with the New “Law on Environmental Protection” was transformed into the National Environmental Agency (NEA). The new NEA also includes the 12 regional environment agencies (REAs), and 12 Regional Inspectorates with 39 inspectors. Local government units (LGUs, comprising municipalities and communes) represent an important element for environmental protection. (3)(4)

Other competent ministries related in protection of environment and biodiversity besides MoE:

- Ministry of Agriculture, Food and Consumer Protection – Directorate for Plant Protection (control of production, traffic, import, export, storage, and application of plant protection and nutrition agents), Veterinary Services in customs etc.;
- Ministry of Economy, Trade and Energy (industry, energy efficiency, licenses for exploitation of mineral resources except ground waters, renewable energy sources
- Ministry of Health (implementation of sanitary regulations related to environmental protection);
- Ministry of Public Works and Transport (road, air, railway, and water traffic);
- Ministry of Tourism (tourist development areas). (1)

National strategies and programs

2007-2013 (DCM No. 342 of 12/03/2008) is the key national strategic document which outlines issues and measures related to climate change. It states that Albania is a small actor in the global environment due to its low GHG emissions per capita. However, the strategy outlines measures for mitigation of and adaptation to climate change, although the overall goal of these measures is not explicitly related to climate change. The Ministry of Environment, Forestry and Water Administration and UNDP in November 2009 released two national reports: “The Second National Communication of Albania to the United Nations Framework Convention on Climate Change” and “Albanian Policy Paper for Carbon Finance”. (5)(7)

A National Biodiversity Strategy and its respective Action Plan was developed in 1999, based on the 11 priority issues defined by the Pan-European Strategy on Biological and Landscape Diversity. The Biodiversity Strategy and Action Plan (BSAP) approved by Decision of the Council of Ministers No. 532, dated 5.10.2000, on the approval of the study "Strategy and action Plan for Biodiversity", published in Official Journal No. 32, dated 23/10/2000, is the main document on biodiversity for the period 2000-2015. The main objective was to fulfill the requirements of the Convention on Biological Diversity which Albania signed in 1994 and implement on a national level the indications of the Pan-European Strategy on Biological and Landscape Diversity. The Albanian BSAP was the first document analyzing on a national level the situation, the impact of country development the biodiversity and landscape (as habitat loss and fragmentation, damage and degradation of habitats and ecosystems, disturbance and maltreatment of wildlife, loss of species or the threat of their extinction, damage and erosion of

genetic resources), identifying the major threats and propose the main actions to be taken in a short and long term for improving the situation. The Strategy and Action Plan for Wetlands, of the year 2006 is another document that complements the framework of plans for elements of biodiversity. The Government's Program 2009-2013, to increase the surface of protected areas was also part of biodiversity plans, aiming to guarantee preservation of habitats and species to reach a favorable conservation status. The extension of the representative network of Protected Areas has increased since 2005 from 5.8 % to 15, 83 % by 2013. (2)(6)

The updated National Environmental Action Plan (NEAP) of 2002 and National Environmental Strategy (NES) of 2006-2020 elaborate the environmental policies of the country. NEAP is the basic document presenting the Government's policy and general programs in the environmental sector.¹ The Cross-Sectoral "National Environmental Strategy" (NES) recognizes that "the environment is the source of everything that people need to stay alive and to develop." referring to the findings of the National Strategy for Socio-Economic Development (NSSD - 2002) and the Priority Action Plan 2003. NSSD included a chapter entitled "Environment, Growth and Poverty Reduction" which set out long and medium-term objectives for the environment. According to the NES, the main aims of government policy are i) Sustainable Development, and ii) Accession to the European Union. As integration into the European Union is the main strategic and political objective of the country, national legislation has been developed in line with the *acquis communautaire*. This framework is very important to ensure that new laws in Albania are compatible with the principles of sustainable development. (4)(6)

Albania has no explicit "National Strategy for Sustainable Development", but the principles of a sustainable development are integrated into a number of strategic and legal documents. The most important are the Environment Cross-cutting Strategy (ECS) adopted by Decree of the Council of Ministers No. 847, dated 29.11.2007 (Official Journal 174/2007, p. 5349, date of publication 22.12.2007), and the National Strategy for Development and Integration (NSDI), 2007-2013, adopted in Decree of the Council of Ministers in March 2008. (2)

Environmental goals, objectives, and issues are also identified in the following documents:

- Albanian Government Programme – 2013-2017;
- National Plan for European Integration;
- Action Plan to Implement European Partnership Priorities. (2)

References

- (1) Fourth National Report to the United Nations Convention on Biological Diversity, Republic of Albania, December 2010
- (2) Fifth National Report of Albania to the United Nations Convention on Biological Diversity, May 2014

¹ Balkan Regional Ecological Network in Albania, Baseline report, 2013

- (3) Albania Environmental Services Project, Environmental Assessment Report, Environmental and Social Management Framework, Integrated Pest Management Plan, 2013
- (4) A new path for the sustainable development: a green economy for Albania, National Report for Rio+20, June 2012
- (5) National State-of-the-Art Analysis, Albania, JOANNEUM RESEARCH, 2013
- (6) Balkan Regional Ecological Network in Albania, Baseline report, Prepared by: Spase Shumka, 2013
- (7) Haki Kola and Enkeleda Pjetri, 2010, Albania in Forests and Climate Change Working Paper 8, Forests and Climate Change in Eastern Europe and Central Asia, edit: Dr.Csaba Mátyás, FAO UN

Table 1 Status of Albania at international conventions and agreements

Convention	Date	Status
UN Convention on Biological Diversity	1994.01.05	accession
Cartagena Protocol	2005.05.09	accession
Ramsar Convention	1996.02.29.	entered into force
Convention on the Conservation of Migratory Species of Wild Animals	2001.09.01.	entered into force
Bern Convention	1995.05.01.	entered into force
UN Framework Convention on Climate Change	1995.01.01.	entered into force
Kyoto Protocol	2005.06.30.	entered into force
UN Convention to Combat Desertification	2000.07.26.	entered into force
Convention on International Trade in Endangered Species of Wild Fauna and Flora	2003.09.25.	entered into force
European Landscape Convention	-	-
Water Convention	1994.01.05.	ratified