

### Issue 01/13

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

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

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

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

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

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

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

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

The secondary legislation enacted so far under the former environmental legislation will be replaced by new secondary legislation in line with the new legal framework. The Council of Ministers and the Minister of Environment will finalize replacement of the former secondary legislation within timescales as indicated under each of the laws, anyhow no later than two (2) years from entry into force of the laws. During this period, the former secondary legislation will continue to apply.

The law on environmental permits indicated in item (iii) above, provides for a classification of the environmental permits in three levels (i.e. A, B and C) depending to the type of activity to be performed and the environmental impact entailed by said activity.

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

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

Holders of environmental permit conducting activities classified under the category C should comply with the provisions of such law not later than two (2) years after entrance into force of the law.

# BOGA & ASSOCIATES

If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

## **Tirana Office**

Ibrahim Rugova str.  
P.O. Box 8264  
Tirana, Albania  
Tel +355 4 225 1050/225 1022  
Fax +355 4 225 1055

## **Pristina Office**

Nene Tereza str.  
Entry 30, No. 5  
Pristina, Kosovo  
Tel +381 38 223 152  
Fax +381 38 223 153

The Newsletter is an electronic publication edited and provided by Boga & Associates to its clients and business partners. The information contained in this publication is of a general nature and is not intended to address the circumstances of any particular individual or entity. The Newsletter is not intended to be and should not be construed as providing legal advice. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. You can also consult the Newsletter on the section "Library" of our website.

© 2013 Boga & Associates. All rights reserved.

This publication is copyrighted and is protected to the full extent of the law. Nevertheless, you are free to copy and redistribute it on the condition that full attribution is made to Boga & Associates. If you have not received this publication directly from us, you may obtain a copy of any past or future related publications from our marketing department ([marketing@bogalaw.com](mailto:marketing@bogalaw.com)) or consult them in our website ([www.bogalaw.com](http://www.bogalaw.com)). To unsubscribe from future publications of the Newsletter, please send "Unsubscribe" by replying to our email accompanying this edition.

## Boga & Associates

Boga & Associates, established in 1994, has emerged as one of the premier law firms in Albania, earning a reputation for providing the highest quality of legal, tax and accounting services to its clients. Boga & Associates also operates in Kosovo (Pristina) offering full range of services. Until 1<sup>st</sup> of May 2007, the firm was a member firm of KPMG International and the Senior Partner/Managing Partner, Mr. Genc Boga was also Managing Partner of KPMG Albania.

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

With its diverse capabilities and experience, the firm acts for leading businesses in most major industries, including banks and financial institutions, as well as companies working in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods sectors.