

# Environment protection in the legal system of Albania: The current situation in Albania on combating environmental crimes and the new reform directions

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## Abstract

The scope of this article is twofold, on one hand; it makes an analysis of the current situation of the environment protection through the criminal law in the Albania, by proving a legal landscape on the current criminal conducts as are foreseen by the Criminal Code of Albania. It starts with an introduction which aims to highlight the status play of the increased attention that is being shown for the environmental protection in the global arena. Then it makes an assessment on the definition of the environmental harm, and the technical-legal approaches utilised for the protection of the environment. After that, this article makes a description of the legal concept of environment in Albania and analyses the existing criminal offences as they are foreseen by the Criminal Code.

On the other hand, the article makes a preliminary assessment of the new coming reform on the environmental crime in Albania, by trying to identify the problematic issues and their address by the draft-law.

The conclusions reached at the end shows the evolution of the concept of environment and its protection, welcomes the new reform by noting the need of the judicial authorities to be trained in order to be fully implemented.

**Keywords:** environment; environmental crime; environmental harm; criminal law; criminal liability; criminal offence; criminal code; environmental consequences; legal protection of environmental in Albania

## Introduction

The protection of the environment from the negative impact of the human and economic activities, its preservation as a heritage for the future generations, but also the use of it to generate economic benefits, such as tourism and economic benefits, are some factors that engender the enactments of the provisions for the punishment of the environmental crimes.

Environmental crime is putting in a serious danger the live and the planet<sup>1</sup> or every being on it by contributing to the climate change, a phenomenon that has been

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<sup>1</sup> See, Wyatt T., *Hazardous Waste and Pollution. Detecting and Preventing Green Crimes*, Springer, 2015, p. 1.

associated with causing many of natural disasters. Considering the global environment as *res publica*, the decision-making of other countries, have a potential impact to the environment of another state. According to a share common opinion, the protection of environment has become an important task of the modern criminal law. Therefore, throwing away of toxic waste, or producing toxic smoke, which pollutes the land, air, and water, and the illegal transportation of plants and animals, is an activity that has a global dimension, therefore it has become a global concern for all the states. This is demonstrated by the fact that the international agreements regarding the environment protection and management are increased among the global arena from 1960<sup>2</sup>.

Nowadays the scholars speak about the 'transnational environmental crime'<sup>3</sup>, and environmental harm, and most of the governments of many countries have undertaken general national policies for the protection of environment and also the fight against environmental crime, because this issues pertains to national health and economic interests.

According to the data on the environment, as a result of the growing competition and demand for global resources, the world's population has reached a stage where the amount of resources needed to sustain it exceeds what is available, humanity's footprint is 21.9 ha per person, while the Earth's biological capacity is, on average, only 15.7 ha per person, with the ultimate result that there is net environmental degradation and loss<sup>4</sup>.

### **Definition of environmental harm**

In the common language the environment is everything that surrounds us, thus the nature, the state of natural ecosystem, which is the component of the biosphere: air, soil, water. In the field of environment, the harm is a broadly-defined concept, which may cover many different types of conduct affecting the environment.

In general, the approach toward environment issues can be can be grouped into four broad categories: private law, especially tort<sup>5</sup> and property law<sup>6</sup>; public regulation<sup>7</sup>, including criminal law<sup>8</sup>; market mechanisms; human rights law or international law<sup>9</sup>.

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<sup>2</sup> See, Anton Donald K., Shelton Dinah L., *Environmental Protection and Human Rights*, Cambridge University Press, 2011, p.1.

<sup>3</sup> See, UNEP, Transnational environmental crime- a common crime in need of better enforcement, January 2013, at: [http://na.unep.net/geas/archive/pdfs/GEAS\\_Jan2013\\_EnvCrime.pdf](http://na.unep.net/geas/archive/pdfs/GEAS_Jan2013_EnvCrime.pdf)

<sup>4</sup> United Nations Environment Programme, *Global Environment Outlook*. New York: UNEP, 2007.

<sup>5</sup> See, article 624 of the Civil Code enacted by the law no.7850, dated 29.07.1994, (amended); "liability for environment", provides that the person that wrongfully damages the environment by deteriorating, changing or damaging it, in whole or in part shall be obliged to pay compensation for the damages.

<sup>6</sup> See, article 159 of the Civil Code, provides that the owner during the exercise of its propriety powers is obliged to take measure in order to preserve and protect the surrounding environment.

<sup>7</sup> See, for instance law no. 10431, dated 09.06.2011, on the protection of the environment.

<sup>8</sup> See, *infra*.

<sup>9</sup> Anton Donald K., Shelton Dinah L., *Environmental Protection and Human Rights*, cited, p.17.

This article shall make an assessment of the current situation in Albania on combating environmental crimes and the new reform directions announced by the government.

Like in other modern states, in Albania environmental concerns are being protected by the criminal law, as well as by administrative law, imposing criminal liability or administrative liability on those subjects who pollute or otherwise harm the environment.

Environmental crime is conceptualized in several different ways within the broad framework of green criminology<sup>10</sup>. With regard to the concept of environmental harm, on one hand, it exist a criminological conception considering harm “transgressions that are harmful to humans, environments, and non human animals, regardless of legality per se (i.e., harm occurs whether or not the activity is legal or illegal)”<sup>11</sup>.

On the other hand, it exist also a criminal conception, considering criminal environment-related harms, those that are defined according to the criminal law provisions of each state.

The key focus of criminological view is environmental crime, but green criminologists also study environmentally harmful activities not currently defined as traditional crimes. Environmental crime tends to be animals, etc.), since these activities are viewed not intrinsically criminal or harmful. The criminal environment-related harms generally are perceived as less serious than other types of crimes, and the aims are to consider environment as value to be preserved and ameliorated for the next coming generations.

The manner which the criminal law can assure the protection of environment can be seen from two points of views. The first view consist in protecting in a precautionary manner the environment values, by punishing the endangering conducts, before the harm is occurred, based on perils discovered and foreseen by the scientific community, and going beyond that. In this view, the inspiring principle states that, in case of doubts the conduct must be avoided, only unharmed conducts should be taken. Those actions that put in danger the environment should be punished before the harm is occurred.

The second view, considers the human being as part of the environment, thus a part of the nature, recognizing to him some legitimate actions over the nature, thus actions that are managed and regulated by the law and regulations and balanced with other general public interests recognized by the constitutions, such as propriety, economic freedom, etc. Thus, the existence of environmental danger or harm to public interests, should be punished as far as it violates traditionally protected values by criminal law,

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<sup>10</sup> See, White R., Heckenberg D., *Conceptual and methodological foundations*, at *Green Criminology-An introduction to the study of environmental harm*, Routledge, 2014, p.8.

<sup>11</sup> See, White R., *Transnational Environmental Crime*, at Natarajan M., *International Crime and Justice*, Cambridge University Press, 2010, pp. 193-199.

such as life, health, and property. This view requires some degree of proven harm to in order to indentify determinate victims<sup>12</sup>.

### **Albanian constitutional framework on environment**

The Constitution of the Republic of Albania in article 56, stipulates that *“Everyone has the right to be informed for the status of the environment and its protection”*. In this article it recognises a right to be informed on the status of the environment and its protection, but at the same time, it implies the existence of a protection and a qualitative environment. This is also, in line with the commitments of Albania to the Aarhus Convention, ratified in 2000<sup>13</sup>. The international agreements ratified by the Republic of Albania, pursuant to the Constitution, occupy a privileged rank at the domestic legal order. An international agreement ratified by law of the parliament prevails over the laws of the country that are incompatible with it, and it is directly applicable, except the case when it is not self-executing and its application requires the adoption of a law. In the field of environment the major part of the international treaties are not self-executing and require positive measures in order to be properly implemented at the domestic level. Fore instance, to the purpose of dissemination and implementation of the Aarhus Convention for the judiciary, the Albanian School of Magistrates has organized several trainings for the judges and the stakeholders.

The article 59, paragraph 1, letter “d” and “dh” of the Albanian Constitution utilises the term “environment” in the framework of the State objectives, in order to provide a healthy and ecologically adequate environment for the present and future generations, and also a rational exploitation of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development, a fact that demonstrates the importance attached to environmental issues<sup>14</sup> in Albania, although a state in development.

It is interesting to note that the approach of the Albanian Constitution, considers environment a value per se, and not necessarily linked with the traditional values, like propriety, economic freedom, etc., but the Constitution does not classify the environment as a fundamental right directly actionable before the courts. Therefore, taking into consideration these constitutional provision and the way they are written down, the protection of environment can be understood not only as a values to the extend it violates the fundamental rights, but also as a harm to the environment per se, as such.

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<sup>12</sup> See, Hall M., *Victims of Environmental Harm. Rights, recognition and redress under national and international law*, Routledge, 2013.

<sup>13</sup> See, Law no. 8672, dated 26.10.2000.

<sup>14</sup> See, Berati R., *The environmental policy in Albania*, <http://www.worldlawbook.com/article/the-environmental-policy-in-albania-5640.htm>.

## Albanian environmental criminal law

The constitutional values, rights and obligations are implemented and enforced in the Criminal Code of the Republic of Albania (or 'CC'). The criminal system of Albania has made crucial steps to combat the environmental crimes by providing environmental offences in the Criminal Code of Albania enacted in 1995<sup>15</sup>. The environment is considered among those values that constitute the tasks of the Albanian criminal law<sup>16</sup>, thus the environmental topic is included in the list of rights and liberties protected by the criminal code, and not in the special or organic legislation. This could be considered a factor that may contribute for the environmental offences to be more accessible and foreseeable and consequently more known and observed had they been included in a special organic legislation. Furthermore, this could be considered the prevailing trend in legislation over the other European countries, like Spain, Austria, Germany, etc.

Previously, criminal environmental offences were not foreseen in any separate head of the Criminal Code. The previous Criminal Code<sup>17</sup>, provided in article 170 for the criminal offence "violation of provisions on the plant quarantine" article 173 provided for the criminal offence "illegal cutting or damaging of forests", and also the criminal offence "illegal fishing" in article 174. These were the only three criminal offences against the environment foreseen by this Code<sup>18</sup>.

The Criminal Code of 1995 provides in a separate chapter IV systematically the criminal offences against the environment, in seven articles starting from article 201 up to article 207 of the Criminal Code; two more offences have been added in 2008, after the enactment of the Criminal Code<sup>19</sup>.

The criminal acts against environment according to the CC in Albania are the following: (1) polluting the air through emission of smoke, gasses and other toxic, radioactive substances<sup>20</sup>; (2) transporting toxic waste transit into the Albanian territory or the depositing therein<sup>21</sup>; (3) polluting waters of the seas, rivers, lakes, or the springs of the water supply system with waste either toxic or radioactive or other substances, which break the ecological balance<sup>22</sup>; (4) prohibited fishing<sup>23</sup>; (5) unlawfully cutting

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<sup>15</sup> See, law no. 7895, dated 27.01.1995, Criminal Code of Republic of Albania, amended.

<sup>16</sup> See, art. 1/b of the Criminal Code.

<sup>17</sup> See, law no. 5591, dated 15 June 1977, amended.

<sup>18</sup> See, Shegani A., Xhaxha E., *The Albanian criminal law and environmental crime – Ecomafia*, in *Iustinianus Primus Law Review*, 2012, p. 8.

<sup>19</sup> See, law no. 10023, dated 27.11.2008, as amended by law no. 144, dated 02.05.2013, introducing in article 206/a, the criminal offence of "destruction by fire of forests and of the forestal environment", and also in article 206/b, the criminal offence of "unintentional destruction by fire of forests and of the forestal environment".

<sup>20</sup> See, art. 201, of the Criminal Code.

<sup>21</sup> See, art. 202, of the Criminal Code.

<sup>22</sup> See, art. 203, of the Criminal Code.

<sup>23</sup> See, art. 204, of the Criminal Code.

forests<sup>24</sup>; (6) cutting of decorative and fruit trees<sup>25</sup>; (8) destruction by fire of forests and of the forestal environment<sup>26</sup>; (9) unintentional destruction by fire of forests and of the forestal environment<sup>27</sup>; (10) breach of quarantine for plants and animals<sup>28</sup>. According to the CC of Albania individuals and legal persons as well can be held liable for committed the crimes against environment.

The Albanian Criminal Code categorizes the criminal offences against the environment into crimes and misdemeanours, based on the type of punishment. From the analysis of the punishment of the environmental offences, the punishment is heavier in cases of grave consequences of the criminal offences on the life and health of human beings. The punishment of the environmental offences is more severe for some those amounting into a crime. It may be up to ten years of imprisonment for the criminal offence foreseen in the second paragraph of article 201, "air pollution"; from one to five years of imprisonment for the criminal offence foreseen in article 202, "transportation of toxic waste"; from five to fifteen years of imprisonment in case of grave consequences from the commission of the criminal offence foreseen in the second paragraph of this article; from one to five years of imprisonment for the criminal offence foreseen in article 203 "water pollution", and from five to ten years of imprisonment in case of grave consequences from the commission of the criminal offence foreseen in the second paragraph of this article; from one to five years of imprisonment for the criminal offence foreseen in article 206/b "unintentional destruction by fire of forests and of the forestal environment" and from two to five years of the sentence is imposed from one to five years and according to the second paragraph in case of imprisonment in case of grave consequences from the commission of the criminal offence foreseen in the second paragraph of this article.

The criminal offences of "prohibition of fishing" foreseen in article 204; "illegal woodcutting" as foreseen in article 205, "decoration and fruit tree cutting", foreseen in article 206, "forest destruction by fire", article 206/a and violation of plant and animal quarantine, foreseen in article 207, and the first paragraph of article 201 "water contamination, fall under the category of misdemeanours and the punishment foreseen ranges from imposition of a fine up to two years of imprisonment.

As it can be observed, the CC of Albania has few provisions of crimes against environment. This set of provision is considered not sufficient for the protection of the environment in nowadays. Therefore, the Albania government has prepared a draft law to amend the provisions of chapter IV of CC with criminal law measures, bearing

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<sup>24</sup> See, art. 205, of the Criminal Code.

<sup>25</sup> See, art. 206, of the Criminal Code.

<sup>26</sup> See, art. 206/a, of the Criminal Code.

<sup>27</sup> See, art. 206/b, of the Criminal Code.

<sup>28</sup> See, art. 207, of the Criminal Code.

in mind that the new sophisticated crimes against environment have been emerged over the 20 years, since the CC was enacted. On the basis of an assessment of the case law of the merit jurisprudence of the Albanian court, it may be said that the approach followed by the court of merits is a lenient one<sup>29</sup>.

The criminal provisions for the protection of the environment have been drafted with a particular attention on the occurrence of the natural harm. Some of them do envisage the mere fact of the criminal conduct which endangers the environment, while the occurrence of grave consequences for the life and the health of person are considered only as aggravating circumstances.

With regard to environmental criminal offence of the unlawful cutting of the forest and destruction by fire of the forest and forestal environment, these provisions are not intended to be amended or changed by the draft law, since the existing provisions protect the ecosystem.

Despite the punishment of conducts prohibited by the by the CC regarding environment, in Albania there is of concern the situation regarding the forestal environment, due to the illegal and uncontrolled cutting of trees, and forest. For this reason, in January 2014, a moratorium for suspension of hunting in Albania, has been was approved by the Parliament<sup>30</sup>, while in February 2016, it was adopted the moratorium for the suspension of the cutting of forests, for a period of 10 years<sup>31</sup> by the Parliament. Moreover, a serious concern is the deforestation of some areas caused by fire, which often is caused by human's actions or omissions.

By foreseeing a specific chapter on environmental crime, the criminal system in Albania has contributed to the understanding of the notion of environment and its effects on the legal system and this notion has been codified in the organic legislation interlinked with the notion of the environment in the criminal law.

In 2014 according the official Bulletin of the Ministry of Justice, the number of criminal offences regarding the environment was 5 crimes<sup>32</sup>, committed by 5 persons, the same number offences were committed in 2013<sup>33</sup>, while in 2012 have been committed 84 criminal offences, regarding mostly unlawful cutting of forests, and prohibited fishing<sup>34</sup>.

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<sup>29</sup> See, for instance the Judgment nr. 3601, dated 23.10.2015, of the Tirana District Court, finding guilty the defendant for the criminal offence of air pollution, and convicting him with a fine of 160.000 of ALL, (approximately: 1.143 Euro). In this case, the defendant, in order to produce the lime for construction, had utilized the abandoned car tires burning them as s source of energy to produce the lime for construction.

<sup>30</sup> See, law no. 7/2014, dated 30.01.2014.

<sup>31</sup> See, law no. 5/2016, dated 04.02.2016.

<sup>32</sup> See, Official Bulletin of the Ministry of Justice for 2014.

<sup>33</sup> See, Official Bulletin of the Ministry of Justice for 2013.

<sup>34</sup> See, Official Bulletin of the Ministry of Justice for 2012.

In such conditions, in the courts the most adjudicated cases concern the offences of:

- Unlawful cutting of the forests
- Destruction by fire of the forests
- Prohibited fishing, undertaken through means of public danger like explosives.

### **The new coming reform on the environmental crimes in Albania**

The Albanian state is party to several Conventions in the environmental area. It has signed and undertaken the commitment to fulfil the obligations deriving from these Conventions. On the other hand, Albania has to fulfil its international obligations that have been undertaken in relation to the protection of the environment. An important aspect on that regard is that further steps have to be taken to transpose the EU legislation into Albanian legal system in order to achieve an effective protection of the environment.

Considering the aforementioned reasons and taking into account of the concerns and problematic of environmental criminal provisions, the Government of Albania has prepared in 2015 a draft law to reform chapter IV of the CC, aiming at: i) adding new offences; ii) strengthening of the criminal penalties of the criminal acts that already exist in the CC, as a need to achieve more dissuasive punishments of crimes against environment, complying with the international conventions such as: "CITES<sup>35</sup>", "BASEL", "MARPOL", in which Albania is party.

The bill of new amendments should be in compliance as well as with the EU Standards lay out in the Directive 2008/99/EC of the European Parliament and the Council of 19 November 2008 on the protection of the environment through criminal law.

The 2015 draft law on the reform of the environmental crime in Albania (which has to be adopted by Parliament) provides in the following directions.

*Expanding the criminalisation of existing environmental offences with new figures concerning environmental harm*

To the polluting of the air as an environmental crime is added another crime such as the polluting of the soil (on the surface and underground) through the discharge, emission, introduction of ionising and radioactive radiation and other toxic substances.

Such acts shall constitute crimes also, when have occurred in the plots protected by law due to their environmental, cultural, historic, architecture etc, values.

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<sup>35</sup> See, law no. 9021, dated 06.03.2003.

It shall also, constitute a criminal offence, when the polluting of the air and soil, has caused serious irreversible consequences to ecosystem, biodiversity, animals and plants, or has caused serious consequences to the life and health of people.

The aforementioned proposed amendments are in line with the initiatives of the Government aiming to improve the situation of the pollution in Albania, such as:

- The increase of the task of the fuel;
- Adoption by the Council of Minister decision no 594/2014 of the National Strategy of the Quality of the Air;
- Adoption of the law no. 162/2014 “On the protection of the quality air”;

Whereas regarding the protection of the soil from the pollution the follow initiatives have been taken:

- The management of the wastes,
- Establishment of the landfills
- Protection of the water from the wastes of dangerous materials.
- Adoption by the Council of Minister decision no. 175/2011 of the national strategy and the plan for the management of the wastes.
- Law no. 10463/2011 “On the management of the wastes”

#### *Inclusion of new criminal offences causing serious environmental harm or environmental disasters*

The draft law provides for a new criminal offence against environment, such as causing of natural disasters and pollution of air and soil with grave consequences, which consists of an irreversible damage to the natural balance of the ecosystem, and requires very considerable financial intervention and other measures to repair the damage of such balance, and has serious consequences to the health of a considerable number of persons.

Such acts shall constitute a crime also, when it occurs in the plots protected by law due to their environmental, cultural, historic, architecture, etc., values. The punishment shall be applicable in accordance with the gravity of the consequences.

#### *Inclusion of criminal offences due to environmental urban harms*

The draft law adds a new environmental crime which is the burning of the urban wastes.

Such provision is the consequence of the necessity to protect the environment from the spreading of the toxic substances. The burning of the urban wastes in Albania has been a widespread phenomenon. For this reason, the Government has taken the

initiative to establish landfills in different part of the country, therefore the natural burning of the waste cannot be considered as a permitted solution. On these aspects, the draft has taken into account the European Regulation (EC) no. 1013/2006 of the European Parliament of 14.06.2006, article no. 2/35.

*Environmental offences by failure of information or failure to act or to adopt proper measures*

The draft law sets out a new criminal offence such as, the lack of notification in due time or the lack of taking the measures to inform the population from the economic operators about the activity or the research on the surface or underground of the soil, in seas with high risk of industrial casualties.

*Environmental offences due to nuclear materials environmental harm*

The draft law foresees as criminal conduct the processing, handling, use, holding, storage, transport, import, export or disposal of nuclear materials or other hazardous radioactive substances which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, the quality of soil or the quality of water, or to animals or plants. It foresees also aggravating circumstances in cases where the consequences are grave or a natural disaster has occurred.

*Environmental offences due to water pollution harm*

The CC of 1995 states also that it is an environmental crime the polluting of the water of the seas, rivers, lakes or the springs of the water system with waste either toxic or radioactive or other substances which breaks the ecological balance.

The draft law provides that the same act constitute crime also when it has occurred in the plots protected by law due to their environmental, cultural, historic, architecture etc, values.

In relation to the protection of the seas from the pollution the draft law provides for a new specific criminal act which is the discharge of the dangerous wastes in the seas. Furthermore, the punishment for this criminal offence has been increased from two up to eight years of imprisonment.

The aforementioned proposed amendments came out in the situation where the government has taken many initiatives to improve the situation of the pollution of the seas in Albania such as:

- The adoption by the Decision of the Council of Ministers no 643/2011 of the National Strategy regarding the Supply of the water and the System of canalization.
- The adoption of different memorandums on the measures that should be taken for the protection of the lake of Shkodra, river of Buna and etc.

### *Other environmental offences*

The draft law sets out other environmental crimes such as:

- throwing waste from the ships
- fishing and hunting in a prohibited time, place or method, and when it is undertaken through means of public danger like explosive poisonous substances
- trading in specimens of protected wild fauna or flora species
- the capture, keeping, destruction of the protected varieties of flora and fauna
- any conduct which causes the significant deterioration of a habitat within a protected site

These criminal measures are in line with the moratorium of the prohibition of hunting that the Government proposed and passed by the Parliament, in 2014.

This moratorium was approved as a consequence of the reduction of the number of the wild animals and the damages of the fauna. What happened in Albania was that, many hunters also, coming from Italy or other countries neighbouring Albania hunted for many years illegally and in the unsupervised manner. Consequently, the Government by adopting the moratorium decided to suspend the hunting in the country for 2 years.

The providing of such conducts as environmental crimes was also, necessary for the protection of the habitat in the protected sites from any economic activity. In Albania there are many protected sites such as, national garden of Butrinti, the national park of Dajti etc.

In 2015, it has been established the National Agency for the Protected Sites dealing with the protection of such places.

The reform of the Criminal Code concerning environment crimes moves in a better position the protection of the environment in Albania, by covering new actions and omissions, as well as introducing new principles and directions over the development of the criminal environmental law in Albania.

### **Legal environmental framework and the strategies on environment**

The framework environment legislation in Albania consists on the law on the protection of environment<sup>36</sup>, law on the protection of the diversity, law on the environmental impact assessment<sup>37</sup>, law on the integrated waste management, law on the protection

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<sup>36</sup> See, law no. 10431, dated 09.06.2011.

<sup>37</sup> See, law no. 10440, dated 07.07.2011.

from the pollution of the air<sup>38</sup>, etc. It is to be noted that a specific Ministry as branch of the Executive power deals with the environmental policies.

In Albania there are adopted many laws regarding the protection of the nature and biodiversity, such as:

- Law on the protection of wild fauna<sup>39</sup>,
- Law on hunting<sup>40</sup>,
- Law on protected sites<sup>41</sup>,
- Law on rules and procedures of international trading of protected wild fauna or flora species,
- Law on biodiversity<sup>42</sup>

It should be mentioned that a series of conducts and breaches of the law regarding the environment in the Albanian legal system are foreseen administrative infractions, thus punishable with an administrative fine<sup>43</sup> the procedural rules for proceeding with an administrative infraction are foreseen by the law on administrative contraventions<sup>44</sup>. The scope of the administrative infractions is to control the compliance with the law and regulations concerning environment, thus being much simpler than the complex criminal procedure, when ascertaining criminal responsibility of the defendant accused with a criminal offence related with the environment, but more is to be done with regard to the enforcement of the administrative provisions, devolving more power to the local authorities, since they are in a better position to monitor, control the status of environment and that the observance of environmental norms than the central authorities, which could for instance retain the power to criminally prosecute the perpetrators of environmental offences, more effectively.

## Conclusions

The protection of environment in Albania has gradually evolved, although the criminal system of Albania has made crucial steps to combat the environmental crimes by providing environmental offences in the Criminal Code of Albania of 1995, it remain still to be done, in terms of administrative controls and to increase the awareness of the law enforcement agencies, particularly of the prosecuting authorities and of the

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<sup>38</sup> See, law no. 8897, dated 19.05.2002.

<sup>39</sup> See, law no. 10006, dated 23.10.2008.

<sup>40</sup> See, law no. 10253, dated 11.03.2010.

<sup>41</sup> See, law no. 8906, dated 06.06.2002.

<sup>42</sup> See, law no. 9587, dated 20.07.2006.

<sup>43</sup> See, law no. 10431, dated 09.06.2011, chapter XI, "Contraventions", article 69.

<sup>44</sup> See, law no. 10279, dated 20.05.2010.

judicial authorities to the extension and the diffusion of the environmental crime or the administrative contraventions regarding environment and other matter related to it. The notion of environment has evolved during the years, including the biotic and other elements.

The new coming reform on the environmental criminal law moves on the needs to increase the level of protection of the environment on the basis of the experience of the activities of the citizens and the operators in Albania. It may be noted that the draft on the environmental criminal law focuses more on the consequences related to the traditional values, then the environmental values per se.

In order to be fully implemented, training of the judicial police, prosecutors, and judges it may be necessary for its effectiveness.

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## Laws

1. Criminal Code of Albania, enacted by the law no. 7895, dated 27.01.1995, amended.
2. Civil Code enacted by the law no.7850, dated 29.07.1994, amended.
3. Constitution of the Republic of Albania.
4. Charter of Fundamental Rights of the European Union, Nice, 2000.