Climate Change Legal Setup, EU Acquis, Implementation and Interaction with Water, Environment, and Cross-Cutting Sectors in Albania

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Abstract: The paper represents a detailed overview and analysis of the national legal setting and related requirements to fully align national climate change legislation with the respective EU legislation in Albania; the paper is focused mainly on the climate change legal setup and policy and its interaction with water and environment management process, as well as energy, agriculture, urban and economic development in Albania. This assessment aims to identify the findings, gaps, and possible future steps to improve water and environment resources management and their sustainable use in the country.

Although Albania’s national climate policy, which establishes a comprehensive legal and inter-institutional framework for climate action at the national level and the endorsement of the National Climate Change Strategy, the country still needs further efforts and concrete actions to transpose, fully align and enforce the EU legislation and regulations related to climate change and contribute to mitigation of its effects in water, environment and other related sectors.

Keywords: Climate Change; Implementation of the EU acquis; Paris Agreement; EU Regulations

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1. INTRODUCTION

Addressing climate change is a priority for the polities of Albania and its ascension process to the EU. In this regard, the country has undertaken policy initiatives at the international level.

Within the UN framework, Albania submitted its First National Communication in 2002, its Second National Communication in 2009, and its Third National Communication in 2016, while the Forth Communication is currently in an advanced stage of preparation.

In November 2015, the nation submitted its Intended Nationally Determined Contributions (INDCs) (UNFCCC, 2015). A commitment to cut business as usual (BAU) CO₂ emissions by 11.5% by 2030 was included. This is the nation’s contribution to international efforts to combat climate change, which, in accordance with the Paris Agreement, seeks to keep the increase in global temperature to 1.5°C above preindustrial levels. The Paris Agreement’s Article 3 states that countries’ contributions must be “ambitious” and “represent a progression over time”. Because of this, Albania is currently revising its NDC and presenting it five years later with increased ambition and a wider scope that covers more types of greenhouse gases (GHGs) and more sectors.

Compared to the BAU scenario, Albania’s revised contribution to mitigation aims to reduce emissions by 3,170kt CO₂e by 2030, which would have a -20.9% mitigation impact.

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The parties signed the Zagreb Declaration (2020) to reaffirm their unity and the EU’s vision for South-Eastern Europe during the EU-Western Balkans Summit on May 8, 2020. In the Declaration, the phrase “a significant role should be given to the affiliation of the area to the EU’s climate-related aspirations” is used to particularly refer to climate change. By signing the Sofia Declaration at the EU-Western Balkans summit on November 10, 2020, the leaders of South-Eastern Europe reaffirmed their commitment to fully support the EU Green Agenda for the area and execute climate action. Albania signed the Silesia Declaration “Solidarity and Just Transition” and supported the Declaration “Forest for Climate”.

This was a commitment made (among others) for a climate-resilient development and climate-resilient infrastructure as a source of decent job creation for both men and women.

2. METHODOLOGY

This paper represents an analysis of the relevant climate acquis applicable to Albania and included in the EU-Albania Association Agreement and Energy Community Treaty, and their interaction with other sectors in Albania such as Water, Environment, and Cross-cutting sectors; in this regard, the analysis was carried out through the following steps:

- Detailed review and analysis of the relevant climate acquis along with detailed review and analysis of existing legislation mainstreaming climate change into relevant sectors, such as water, agriculture, energy, biodiversity, tourism, emergency response planning, coastal management, or health.
- Detailed gap analysis of the national legislative framework of Albania to verify if domestic legislation exists and/or is in compliance/compatible with the EU acquis.

3. RESULTS AND DISCUSSION

3.1. Legal and Policy Initiatives at the National Level

The national climate framework has been dynamic and, although the first documents were drafted in the early 2000s, the most substantial developments have taken place in recent years, with the approval of national strategy and climate law.

The Law No. 155/2020 on Climate Change, which went into effect in December 2020, is the main tenet of Albania’s national climate policy. The law’s objectives are to “assist in reducing the nation’s GHG emission” and “accelerate adaptation to climate change in order to mitigate the detrimental consequences of climate change.” It will create “the institutional foundation and the legal environment” to take action by ensuring that the Republic of Albania’s responsibilities to the UNFCCC (2015) are honored, the legislation seeks to support national efforts to reduce greenhouse gas emissions, adaptation measures, and global climate change activities. It creates a thorough legislative and inter-institutional framework for national climate action following EU legislation. It also acknowledges the urgent climatic situation. The legislation governs the conditions for carbon dioxide collection and geological deposition, as well as greenhouse gas emissions from both fixed and mobile sources, goods, and substances. Additionally, it establishes a system for tracking, disclosing, and verifying GHG emissions at the sectoral and resource levels.

Albania was the first country in the region to endorse a Strategy for Climate Change and related Action Plans on Mitigation and Adaptation. The National Climate Change Strategy, 2020

In the COP24 in Katowice, 2018
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- 2030, adopted in 2019, is the country’s low-carbon development strategy within the meaning of the Paris Agreement. It identifies six mitigation strategy priorities (UNFCCC, 2015):
  - SP.1 Ensure sustainable economic growth consistent with GHG emission pathways defined in the NDC and move towards an economy-wide target to which all sectors contribute.
  - SP.2 Establish a monitoring, reporting and verification system for GHG in line with EU requirements.
  - SP.3 Strengthen the capacity of relevant institutions and inter-institution cooperation to address climate change issues.
  - SP.4 Streamline climate changes across sectoral strategic planning.
  - SP.5 Reinforce capacity building and awareness raising on climate change issues.
  - SP.6 Align with the EU Climate Change framework across sectors.

To incorporate climate change into important industries like water, agriculture, energy, biodiversity, tourism, emergency response planning, coastal management, or health, Albania has continuously pushed both climate change mitigation and adaptation. The existing framework is shown in Table 1.

4. CONCLUSION AND FUTURE RESEARCH DIRECTIONS

According to our assessment, Albania has shown some level of preparation in the area of climate change. However, only a small amount of progress was made toward further harmonizing the laws and policies with the acquis. Public administration cannot still address the effects of climate change and integrate it into sectoral strategies and plans.


The EU regulations that are partially aligned in Albania are Regulation 1005/2009/EC Ozone Depleting Substances, Regulation EU 517/2014 Fluorinated Gases and Directive 98/70/EC Fuel Quality; however, their implementation is still at the initial stage in Albania.

Significant efforts are still needed on implementation and enforcement, especially on waste management, water and air quality and climate change.
Table 1. Legal and policy framework for climate change in Albania

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<th>Sector</th>
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| Cross cutting | Law No. 107/2014, amended No. 73/2015, No. 28/2017 on Territorial Planning and Development | This Law strives to ensure the territory's sustainable development via the rational use of land and natural resources, analysing the current and future possibilities of territory development on a local and national level by balancing natural resources with economic demand and public and private interests. It also aims to coordinate efforts for: i) the conservation of natural resources such as land, air, forests, flora and wildlife; ii) the establishment of territories suitable for functional building; iii) the promotion of economic, social, and cultural life at the local and national levels; iv) the promotion of regional development to ensure sustainable balance; v) the protection of appropriate supplies; vi) the provision of life safety, national security, public health, and public interest; vii) the promotion of balanced regional development to ensure sustainable distribution of population. | National Strategy for Development and Integration for the period 2015–2020, 2016 | Actions in the Strategy that impact climate change, include:  
• Ensure the sustainable management of natural resources and undertake climate action.  
• Enhance and strengthen the protection of nature.  
• Strengthen the management and preservation of forestry and pasture resources.  
• Strengthen the management of water use, to reduce floods and phenomena of erosion and soil loss.  
• Develop sustainable tourism in Albania, which will help preserve natural ecosystems. |
| Urban Development | Strategy for Health System Adaptation to Climate Change | The Strategy provides for the approaches for mainstreaming climate change adaptation into health policies, and presents an action plan for 2011–2021 | General National Territorial Plan “Albania 2030” (DCM No. 881, date 14.12.2016) | The elements of the plan that address climate include:  
• The water sector: reconstruction, growth, and development of water supply infrastructure, including consideration of climate change scenarios. Utilizing recycled water, creating new water reserves, harvesting rainfall, desalination, etc. to control water demand.  
• The agricultural sector should boost water efficiency, irrigation infrastructure, plant variety, drainage systems, fertilization, and soil moisture conservation while taking into account the effects of temperature rise brought on by climate change.  
• Coast: keeping an eye on the movement of the shoreline and the sea level; keeping an eye on the water quality in wetlands and groundwater; managing coastal erosion; and taking adaptation measures to deal with anticipated sea level rise. |
<p>| | Integrated Cross-sectoral Plan for the Coast | A 15-year strategy for the sustainable economic development of coastal regions as a natural resource with an emphasis on territorial development is put forth in the Integrated Cross-sectoral Plan for the Coastal Belt. This plan is devoted to the UN Sustainable Development Goals and complies with the Barcelona Convention of 2000 on the protection of the Mediterranean coast. The plan's strategic targets include enhancing urban quality of life, enhancing coastal mobility and transportation infrastructure, enhancing agricultural systems and agricultural products, and enhancing environmental protection. Each of these strategic objectives has a particular target in the plan that must be met by 2030. | | |
| | Integrated Cross-sectoral Plan for Tirana - Durres Area | The vision, goals, and plans Albania has for enhancing and preserving this regional corridor are specifically articulated in the country's Integrated Plan for the Tirana-Durres area. 1) Sustainable Economic Development is the first of this plan's four strategic objectives. 2) Higher standards of living in both urban and rural areas Infrastructure, transportation, and mobility improvements are prioritized as are environmental protection and enhancement. Each approach has a set of particular goals, such increasing energy efficiency, minimizing river pollution, and cutting CO2 emissions. | | |</p>
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<td>Agriculture</td>
<td>Law No. 10/390/2011, amended No. 64/2013 on the Use of Fertilizers for Plants</td>
<td>The Law establishes guidelines for evaluating fertilizers, classifying them, monitoring their manufacture, packing, labeling, transit, storage, and trade, registering those not labelled as EC fertilizers, and designating the authorities in charge of each of these areas.</td>
<td>Intersectoral Strategy for Agriculture and Rural Development for the period 2014–2020 (2014)</td>
<td>The strategy provides the framework for addressing the challenges faced in the agricultural and agro-processing sector as well as sustainable economic, environmental, and social development of rural areas.</td>
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<td>Law No. 24/2017 on Irrigation and Drainage Administration</td>
<td>This Law establishes guidelines and procedures for the institutional structure of the national policy on irrigation, drainage, and protection from erosion; the legal framework for the formation and/or operation of irrigation and drainage departments, municipalities, and water users associations (WUAs); the duties and obligations for the individuals and organizations that deal with irrigation, drainage, and protection from floods and erosion; and the transfer of power and authority between the irrigation and drainage departments, municipalities, and WUAs.</td>
<td>National Strategy for the Development of Forests and Pastures for the period 2004–2014 (DCM No. 247 dated 23.04.2004)</td>
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<td>Agriculture</td>
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<td>Energy</td>
<td>Law No. 124/2015 on Energy Efficiency</td>
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<td>National Energy Strategy for Albania 2018-2030 (2018)</td>
<td>This is the country’s energy sector’s strategic plan, and it completely complies with all other national policies, plans, and goals as well as those of the European Green Deal: creating and upgrading structures while fostering a cleaner building industry; hastening the transition to sustainable and intelligent mobility; and eradicating pollution through quick and effective pollution reduction methods. The following five dimensions are supported by the energy strategy: 1. The variety of energy sources promotes energy security. 2. Complete integration into the local market, followed by the European market. 3. Energy effectiveness, which helps to moderate demand. 4. Economic decarbonization. 5. Competition, innovation, and research.</td>
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<td>Energy</td>
<td>Law No. 43/2015 on the Energy Sector</td>
<td>This law notably aims to prioritize the production and use of energy from renewable sources.</td>
<td>National Energy Efficiency Action Plan for the period 2011–2018 (DCM No. 619 dated 07.09.2011)</td>
<td>This sectoral Plan was created with the objective of producing up to 38% of Albania’s total gross energy consumption from renewable sources by the year 2020. Strategic goals of the Plan include integrating renewable energy sources into local markets as well as regional and European ones and strengthening security in Albania’s energy supply sector. Additionally, improved energy production security will aid in the nation’s macroeconomic stability and economic growth.</td>
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<td>National Action Plan on Renewable Energies for the period 2015–2020 (2016)</td>
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<td>Energy</td>
<td>Law No. 116/2016 on Energy Performance of Buildings</td>
<td>This law, which is partially in line with Directive 2010/31/EU on the energy performance of buildings, aims to enhance the energy performance of buildings by promoting both mitigation and adaptation to climate change, while also taking into account the site's local and climatic conditions, the comfort levels inside buildings, and the cost-effectiveness. With these deadlines for compliance with this obligation, it calls for a national plan to increase the number of &quot;near zero energy&quot; performance buildings: after December 31, 2018, all new buildings in use by public authorities; after December 31, 2020, all new buildings.</td>
<td>National Energy Strategy for the period 2003-2015 (DCM No. 647 dated 11.09.2003)</td>
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<td>Energy</td>
<td>Law No. 7/2017 on Promotion of the Use of Energy from Renewable Sources</td>
<td>The intent of this law is to: a) encourage increased use of renewable energy to ensure sustainable development and adhere to Albania’s obligations under the Energy Community Treaty; b) reduce importation of fossil fuels, greenhouse gas emissions, and environmental protection in accordance with Albania’s international obligations; c) encourage the growth of the renewable electricity market and its regional integration; d) increase the diversification of Albania’s energy sources.</td>
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<td>Environment</td>
<td>DCM No. 709, dated 1.12.2017 on the 2nd &amp; 3rd National Energy Efficiency Plan 2017-2020</td>
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<td>Environment</td>
<td>Law No. 162/2014 on Protection of Ambient Air Quality</td>
<td>The Law establishes requirements for ambient air quality monitoring, assessment, and planning while also promoting international cooperation with the goal of enhancing public health and ensuring a high level of environmental protection. The European Parliament and the Council’s Directive 2008/50/EC on ambient air quality and cleaner air for Europe is fully complied with by this law.</td>
<td>Strategy on Ambient Air Quality (DCM No. 594 dated 10.09.2014)</td>
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<td>Environment</td>
<td>DCM No. 352 dated 2904.2015 &quot;On air quality assessments and requirements concerning certain pollutants&quot;</td>
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<td>National Action Plan for Pollution Reduction in Coastal Areas of the Mediterranean Sea from Land-based Sources for the period 2005–2014</td>
<td>The Republic of Albania, a party to the Barcelona Convention, responds to an international call to develop a national action plan with the primary objective of protecting the coastal area from land-based sources of pollution by reducing or eliminating as many pollutant inputs as is feasible through coordinated actions at the local, regional, national, and international level.</td>
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<td>Environment</td>
<td>DCM No. 1075 dated 23.12.2015 &quot;On measures for the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations&quot;</td>
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<td>Environment</td>
<td>DCM No. 865 dated 10.12.2014 &quot;On reduction and stabilization of fluorinated greenhouse gas emissions&quot;</td>
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| Biodiversity, Forestry and Protected Areas | Law No. 9587/2006, amended No. 37/2013, No. 68/2014 on Biodiversity Protection | By regulating the sustainable use of its constituent parts and incorporating the primary components of biodiversity into strategies, plans, programs, and all levels of decision-making, this Law aims to preserve and protect biological diversity. | Document of Strategic Policies for Protection of Biodiversity for the period 2016–2020 (DCM No. 31 dated 20.01.2016) | The document acknowledges that climate change can have a significant impact on our environment and lead to the extinction of endangered species. Some of the greatest challenges the world is facing are changes in fisheries resources, loss of biological resources, sudden increases in alien species, and changes in vegetation patterns. Additionally, invasive alien species are worsened by climate change. Therefore, it is crucial to:  
- Carry out research on the choice and management of climate change indicators.  
- Evaluate the health and vitality of the forest.  
- Choose and keep track of forest biological taxa that are indicators of climate change.  
- Carry out long-term monitoring of changes in forest ecosystems; forecast future changes in the distribution and diversity of species that are vulnerable to climate change;  
- Improve systematic management of species that are vulnerable to climate change. |
<p>| Biodiversity, Forestry and Protected Areas | Law No. 81/2017. on Protected Areas | According to the principles of sustainable development, Law 81/2017 aims to designate, conserve, manage, and sustainably use protected areas, as well as biological and natural resources, to ensure that all of society benefits from their environmental, financial, social, and cultural advantages. The law also establishes the institutional framework for the conservation and sustainable management of these areas, outlining the roles and responsibilities of both public and private entities. The law and Council Directive 92/43/EEC of May 21, 1992, on the conservation of wild fauna and flora are somewhat similar. | National Biodiversity Strategy and Action Plan (DCM No. 332 dated 05.10.2000) | - |
| Biodiversity, Forestry and Protected Areas | Law No. 10253/2010, amended No. 43/2013 on Hunting | The law establishes the legal framework for the growth of hunting as a traditional, stress-relieving, and tourist activity. It also ensures that principles governing ecosystems and ecological balances are strictly followed, protects wild animal species, and upholds legal rights related to hunting, hunting-related products, and their trade. | - | - |</p>
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<td><strong>Biodiversity, Forestry and Protected Areas</strong></td>
<td>Law No. 61/2016 On the Announcement of the Hunting Moratorium in the Republic of Albania</td>
<td>In order to better the situation of wild fauna, the law bans all hunting activities for five years. It’s also against the law to take advantage of the public hunting areas. Plans for managing wild fauna are still in effect, with the exception of hunting. There are some exceptions, such as when hunting overpopulated species in designated areas or when hunting for scientific or research purposes.</td>
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<td>Law No. 5/2016 on the Moratorium in Forests</td>
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<td><strong>Water</strong></td>
<td>Law No. 111/2012 on Integrated Water Resources Management</td>
<td>This Law outlines the establishment of central and local institutional frameworks necessary to carry out national policies of management and administration. Its goals are the protection and improvement of the water environment and water resources, as well as their fair distribution, rational exploitation, and protection from pollution.</td>
<td>National Strategy of Water Resources Integrated Management 2018 – 2027 (Regulation No. 73 dated 7 February 2018)</td>
<td>The national strategy has five strategic goals, including the equitable distribution of profits through the use of inclusive and sustainable water management methods that provide good returns for all stakeholders engaged by the year 2027, the sustainable use of water resources, the achievement of good water quality in all water resources by that year, disaster risk reduction and management of droughts and floods, and the increase of solid scientific knowledge on water and climate concerns.</td>
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<td>National Strategy of Water Supply and Sewerage for the period 2011 - 2017</td>
<td>The Strategy aims at expanding and improving the quality of water supply and sewerage services, orienting the water utilities towards principles of full cost recovery.</td>
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<td>National Strategy on Irrigation and Drainage 2019-2031 (DCM no. 345 May 22, 2019)</td>
<td>The Strategy aims at optimizing all the investments in irrigation, drainage, and flood protection, with the aim of expanding and making irrigation systems sustainable, meeting drainage needs and protecting the population and property from floods. The strategy addresses the major challenges for irrigation, drainage, dams &amp; reservoirs, and flood protection. This includes ensuring sustainable and productive management of irrigation and drainage systems, improving efficient water use and equitable distribution, in addition to reducing flood risk and dam destruction. The suggested vision for these four subsectors gives a projection of what they should be like in the next 10 to 20 years.</td>
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<td><strong>Climate</strong></td>
<td>DCM No. 1553 “On the establishment of the National Designated Authority under the Clean Development Mechanism, in the framework of the Kyoto Protocol”, 2008</td>
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<td>National Climate Change Strategy</td>
<td>The Strategy is the primary strategic document for Albania’s response to climate change. Its goal is to strengthen coordination between different sectors for climate adaptation measures, environmental protection, and sustainable development. It is intended to support the implementation of EU environmental and climate legislation. In Albania, the emphasis is on reducing climate change impacts and preparing for them. Due to the new climate targets set by the EU and the new climate targets in the revised NDC, the strategy needs to be updated.</td>
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<tr>
<td>Climate</td>
<td>Law no. 75/2016 for the ratification of the Paris Agreement, within the framework of the United Nations Convention on Climate Change</td>
<td>The Law ratifies the Paris Agreement, within the Framework Convention of the United Nations, on climate change, made in Paris on 12 December 2015 (UNFCCC, 2015).</td>
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<td>Order of the Prime Minister No. 155 dated 25.04.2014 &quot;On establishment and functioning of the Inter-Ministerial Working Group on Climate Change&quot; (Order No. 155/2014)</td>
<td>This group, which has representatives from 12 ministries, is led by the deputy minister of the environment. Its duties include developing climate change policies, fostering institutional coordination among ministries, and representing Albania in UNFCCC processes. Additionally, it plays a role in making it easier to incorporate climate change into pertinent new and existing policies, programs, and activities.</td>
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<td>DCM No. 762 dated 16.09.2015 &quot;On approval of the Intended Nationally Determined Contribution for the United Nations Framework Convention on Climate Change&quot;</td>
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Source: Own processing
References

Albanian Regulation No 180/2016 on biofuels


DCM No. 1075 dated 23.12.2015 “On measures for the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations”.

DCM No. 1553/2028 “On the establishment of the National Designated Authority under the Clean Development Mechanism, in the framework of the Kyoto Protocol”.


DCM No. 352 dated 29.04.2015 “On air quality assessments and requirements concerning certain pollutants”.


DCM No. 594 dated 10.09.2014 on Strategy on Ambient Air Quality


DCM No. 881, dated 14.12.2016, for the approval of the general national plan of the territory


DCM No. 345 May 22, 2019, on National Strategy on Irrigation and Drainage 2019-2031.


Law No. 5/2016 on the Moratorium in Forests.

Law No. 7/2017 on Promotion of the Use of Energy from Renewable Sources

Law No. 24/2017 on Irrigation and Drainage Administration
Law No. 43/2015 on the Energy Sector
Law no. 75/2016 for the ratification of the Paris Agreement, within the framework of the United Nations Convention on Climate Change.
Law No. 81/2017 on Protected Areas
Law No. 107/2014, amended No. 73/2015, No. 28/2017 on Territorial Planning and Development
Law No. 124/2015 on Energy Efficiency
Law No. 155/2020 on Climate Change
Law No. 162/2014 on Protection of Ambient Air Quality
Law No. 10390/2011, amended Law No. 64/2013 on the Use of Fertilizers for Plants
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