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GAP ANALYSIS FOR NATURE  
PROTECTION LEGAL ACTS ON  
**WILD FAUNA  
CONSERVATION  
AND HUNTING**



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*On the Cover - Dalmatian Pelican (Pelecanus Crispus) in Karavasta Lagoon,  
Divjaka Karavasta National Park, Albania - Albert Cmeta/Grid Cartels*



# **GAP ANALYSIS FOR NATURE PROTECTION LEGAL ACTS ON WILD FAUNA CONSERVATION AND HUNTING**

September, 2017

## LIST OF ABBREVIATIONS

CJEU	Court of Justice of the European Union
FCS	Favourable conservation status
AA	Appropriate Assessment
CJEU	Court of Justice of the EU - European Court of Justice
EU	European Union
FCS	Favourable Conservation Status
PA	Protected Area
SACs	Special Areas of Conservation
SCIs	Sites of Community Importance
SPAs	Special Protection Areas
TFEU	Treaty on the Functioning of the European Union

**TABLE OF CONTENTS**

- 1. OBJECTIVES AND SCOPE OF THE REPORT ..... 6**
  - 1.1 Objectives and scope.....7
  - 1.2 Methodology ..... 8
  
- 2. BRIEF OVERVIEW OF KEY LEGAL REQUIREMENTS FROM AN EU PERSPECTIVE .....12**
  - 2.1 Key requirements from the Birds and Habitats Directives .....13
  - 2.2 Key requirements from CITES Regulations .....14
  
- 3. ANALYSIS OF THE RELEVANT NATIONAL LEGISLATION .....16**
  - 3.1 Analysis of transposition of key EU requirements into the Albanian legislation – issues for the review procedure ..... 17
  - 3.2 Legislative examples from other countries .....19
    - 3.2.1 UK legislation ..... 19*
    - 3.2.2. Dutch legislation ..... 21*
  
- ANNEXES..... 23**
  - Annex I. Assessment wild fauna protection law and hunting law against key EU obligations..... 25
  - Annex II. Biodiversity of wild fauna and flora in Albania..... 87
  - Annex III. Report of the National Legal Expert ..... 105



# 1. Objectives and scope of the report

The objective of this report is to provide an analysis of the current Albanian laws regarding the species protection objective, in relation to its conformity with EU legislation in this field, namely the Nature Directives and EU Regulations

## 1.1 Objectives and scope

Albania has made progress towards meeting the political criteria for membership and steady progress in the five key priorities for the opening of accession negotiations<sup>1</sup>. One of the recommendations highlights the need to ensure compliance with EU nature legislation.

The objective of this report is to provide an analysis of the current Albanian laws regarding the species protection objective, in relation to its conformity with EU legislation in this field, namely the Nature Directives<sup>2</sup> and EU Regulations<sup>3</sup> (see below):

- Law No. 10 006, dated 23/10/2008, On the protection of wild fauna
- Law No. 41/2013 On some amendments and addenda to the law NO. 10 006, DATED 23/10/2008 “On the protection of wild fauna”, as amended
- Law No. 10 253, dated 11/03/2010 On hunting
- Law No. 43/2013 On some amendments to the law NO. 10253, dated 11/03/2010 “On hunting”

After completion of the compliance assessment, recommendations are made toward the process of reviewing these national laws in order to determine whether there is a need to amend or draft new legal acts of the legislation that regulate the protection of species and hunting. To provide further input to this process, the report identifies examples of relevant legal acts.

During the assessment, the scope has been broadened to include additional pieces of national legislation that are also relevant for the transposition of the EU obligations in relation to wild fauna protection and hunting:

Laws:

- Law No. 81/2017, date 4.5.2017, on Protected areas, *repealing* Law nr. 8906, date 6.6.2002, “On protected areas”, as amended by law nr. 9868, date 4.2.2008 and Law nr.9868, dated 4.2.2008, “On some supplements and changes in law No, 8906, dated 6.6.2002, “On protected areas”;
- Law nr. 9587, date 20.7.2006, “On protection of biodiversity”, as amended by Law nr. 37/2013, date 14.2.2013 and Law nr. 68/2014, date 3.7.2014;
- Law 68/2014 of 3.7.2014 “On some amendments and changes to the law No. nr. 9587, date 20.7.2006, “On protection of biodiversity”, as amended;

By laws:

- DCM No.897 dated 21.12.2011“On approval of the rules for the announcement of special conservation areas”
- DCM No. 546 dated 7.7.2010 “On the approval of the list of wild fauna species, subject to hunting”.
- DCM No. 866 date 10.12.2014, “On announcing the lists of types of natural habitats, plants, animals, and birds of interest for the European Union”.

1. European Parliament Resolution on 2016 Commission Report on Albania.

2. The main pieces of legislation that provide a common framework for nature protection within the EU are the Birds Directive 2009/147/EC and the Habitats Directive 92/43/EC

3. CITES Regulations.

## 1.2 Methodology

The project requires the national relevant legislation for the protection of species to be assessed against the key obligations and standards on hunting and species protection established under the applicable EU legislation. The main provisions relevant for the protection of species have been selected from the following directives and regulations, as well as non-binding documents:

Key EU legislation identified for assessment (to assess coverage in Albanian legislation):

- Birds Directive (2009/147/EC)<sup>4</sup>
- Habitats Directive (92/43/EEC)<sup>5</sup>
- *In order to help the assessment, the following non-binding and guidance documents related to the Birds and Habitats Directives have been considered*<sup>6</sup>:
  - *Guidance Document on Hunting and the Birds Directive*<sup>7</sup>.
  - *European Charter on Hunting and Biodiversity*<sup>8</sup>

Additional EU legislation relating to wildlife protection:

- EU Wildlife Trade Regulations<sup>9</sup> – including:
  - *Basic Regulation (Council Regulation (EC) No 338/97)*<sup>10</sup>– deals with the protection of species of wild fauna and flora by regulating trade therein. It lays down the provisions for import, export and re-export as well as internal EU trade in specimens of species listed in its four Annexes. It provides for procedures and documents required for such trade (import and export permits, re-export certificates, import notifications and internal trade certificates) and it regulates the movement of live specimens.
  - *Implementing Regulation (Commission Regulation (EC) No 865/2006)*<sup>11</sup> – it lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 and addresses practical aspects of its implementation. It also implements the bulk of currently applicable recommendations of the Conference of the Parties on the interpretation and implementation of CITES provisions.

The aim of the the assessment is to identify where the national legislation displays inconsistencies or gaps with the above-mentioned EU key legal requirements. As the assessment covers several legislative documents, the table of concordance has been structured on the basis of grouping the key definitions and obligations established by the EU legislative documents.

The structure is based on an intervention logic provided in the recent Evaluation study to support the Fitness Check of the Birds and Habitats Directives (March 2016) by the European Commission<sup>12</sup>.

4. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, Codified version of Directive 79/409/EEC – as amended.

5. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992)

6. The Sustainable Hunting Initiative was launched in 2001 to generate constructive dialogue between governmental and ngo's concerned with the conservation and sustainable use of our wild birds under the EU Birds Directive, 2009/147/EC. Its objective was to improve understanding of the legal and technical aspects of the Directive's provisions on hunting as well as developing a programme of scientific, conservation and awareness raising measures to promote sustainable hunting under the Directive (<http://www.face.eu/about-us/eu-laws/birds-directive>). This was captured in Guidance Document on Hunting and the Birds Directive. In addition, a Sustainable Hunting Agreement was signed in 2004 (FACE/Birdlife International and EC) (Available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/charter\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/charter_en.htm).) In addition to the European Charter on Hunting and Biodiversity, there is the Recommendation No. 128 (2007) of the Standing Committee on the European Charter on Hunting and Biodiversity

7. [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide_en.htm)

8. The Charter provides a non-binding set of guidelines for hunters, hunting tour operators, regulators and managers that address common principles and good practices for sustainable hunting (including hunting tourism) in Europe (1.4 Charter).

9. Website DG Environment: [http://ec.europa.eu/environment/cites/legislation\\_en.htm#chapter2](http://ec.europa.eu/environment/cites/legislation_en.htm#chapter2).

10. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.

11. Commission regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

12. EC (2016), Evaluation Study to support the Fitness check of the Birds and Habitats Directives. Available at Website EC:

[http://ec.europa.eu/environment/nature/legislation/fitness\\_check/docs/study\\_evaluation\\_support\\_fitness\\_check\\_nature\\_directives.pdf](http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/study_evaluation_support_fitness_check_nature_directives.pdf).



This intervention logic distinguishes between general, specific and operational objectives<sup>13</sup>. Further, the following elements have been added to the intervention logic:

- relevant definitions (Birds and Habitats Directive as well as CITES Regulations and non-binding documents as the EU Charter on hunting and biodiversity)
- provisions from the CITES regulation relevant for hunting- which have a limited application in the context of wild fauna protection and hunting.

The objective of the Nature Directives is to contribute to ensuring biodiversity through the conservation of natural habitats and wild fauna and flora in the EU. More specifically, the overall objective of the Habitats Directive is to maintain or restore habitats and species of EU conservation concern to Favourable Conservation Status, (FCS), while the Birds Directive aims to achieve good conservation status for all wild bird species naturally occurring in the EU territory of the Member States. Both Directives are similarly designed and structured, requiring not only the conservation of species but also their habitats, through a combination of site and species protection measures, supported by monitoring and research measures. One of the key ways to achieve the objectives has been the establishment of Natura 2000 - a network of areas of high nature value across the EU<sup>14</sup>.

		Birds Directive	Habitats Directive	CITES Regulations
Part 1	Definitions			
Part 2	General objectives	To maintain the population of all species naturally occurring birds in the wild European territory ...at the level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level. (Article 2)	<ul style="list-style-type: none"> <li>• To contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.</li> <li>• To maintain or restore, at favorable con-servation status, natural habitats and species of wild fauna and flora of Community interest. (Article 2)</li> </ul>	To protect species of wild fauna and flora and to guarantee their conservation by regulating trade therein.
Part 3	Specific objectives	Establishment and management of Natura 2000 (Article 3 Birds Directive and Articles 3 and 6 Habitats Directive).		[outside scope]

13. Ibid., p. 47.

14. EC (2016), Evaluation Study to support the Fitness check of the Birds and Habitats Directives, p. 33.

Part 4	Operational objectives / measures	<ul style="list-style-type: none"> <li>Member States shall subject threatened and migratory species to special conservation measures concerning their habitats (Article 4(1) and (2)).</li> <li>Member States classify SPAs of the most suitable territories in number and size for the conservation of threatened species (Article 4(1)).</li> <li>Member States encourage research into relevant subjects (Article 10).</li> </ul>	<ul style="list-style-type: none"> <li>Member States identify SCIs based on scientific criteria and propose them to the Commission within three years of notification of the Directive (Article 4(1)).</li> <li>The Commission publishes the list of SCIs within six years of notification of the Directive (Article 4(2-3)).</li> <li>Member States designate SACs within six years of adoption of the list of SCIs (Article 4(4)).</li> <li>Member States undertake surveillance of habitats and species of Community interest (Article 11).</li> </ul>	
		<ul style="list-style-type: none"> <li>Member States establish necessary conservation measures for SACs, including, if appropriate, management plans (Article 6(1) Habitats Directive).</li> </ul>		
Part 3	Specific objectives	<p>Ensure species protection (Articles 5 and 7 of the Birds Directive and Articles 12-14 of the Habitats Directive).</p>		

Part 4	Operational objectives / measures	<ul style="list-style-type: none"> <li>• Member States establish a general system of protection for all wild birds that prohibits certain actions related to their killing, disturbance, destruction of nests, etc. (Article 5).</li> <li>• Member States prohibit the sale of wild birds, except those species listed in Annex III/A, and, subject to consultation with the Commission, those listed in Annex III/B (Article 6).</li> <li>• Member States ensure hunting of certain bird species does not jeopardise conservation efforts in their distribution area and that additional conditions are met (Articles 7 and 8).</li> <li>• Member States ensure derogations to prohibitions are granted if no satisfactory alternative and provided that specific conditions are respected (Article 9).</li> <li>• Member States encourage research into relevant subjects (Article 10).</li> <li>• Member States ensure that introductions of non-native species do not prejudice local flora and fauna (Article 11).</li> </ul>	<ul style="list-style-type: none"> <li>• Member States undertake surveillance of habitats and species of Community interest (Article 11).</li> <li>• Member States establish strict systems of species protection that prohibit their killing, sale or deliberate disturbance and destruction of breeding sites (Article 12).</li> <li>• Member States establish strict protection systems for plant species that prohibit their destruction, picking, keeping, etc. (Article 13).</li> <li>• Member States ensure hunting is compatible with a Favourable Conservation Status of species (Articles 14 and 15).</li> <li>• Member States ensure derogations to prohibitions are granted if no satisfactory alternative and according to the listed conditions (Article 16).</li> <li>• Member States undertake research to support the objectives of the Directive (Article 18).</li> <li>• Member States ensure that introductions of non-native species do not prejudice native habitats and species. They also consider the desirability of reintroducing native species (Article 22 a) b)).</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation of Hunting trophies</li> </ul>
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Annexes to HD

Annexes to BD

Source: Intervention logic scheme Fitness check of the Birds and Habitats Directive<sup>15</sup>.

15. EC (2016), Evaluation Study to support the Fitness check of the Birds and Habitats Directives, p. 37.



## 2. Brief overview of key legal requirements from an EU perspective

The Directives are built around two pillars: the Natura 2000 Network of protected sites and the strict system of species protection. Natura 2000 is an EU wide network of sites of EU interest from their conservation point of view, established under the Birds and Habitats Directives

### 2.1 Key requirements from the Birds and Habitats Directives

The core of the obligations relevant to the protection of wild fauna and hunting are covered by the Birds and Habitat Directives. The combination of the Habitats Directive and Birds Directive form the cornerstone of Europe's nature conservation policy. The Directives are built around two pillars: the Natura 2000 Network of protected sites and the strict system of species protection<sup>16</sup>. Natura 2000 is an EU wide network of sites of EU interest from their conservation point of view, established under the Birds and Habitats Directives. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats.<sup>17</sup>

#### The Birds and Habitats Directives<sup>18</sup>

The **Birds Directive** provides a legal framework for the protection of all wild birds in the EU, including their eggs, nests and habitats.

- **Designation of protected areas:** the most important areas for the birds on Annex I of the Birds Directive and for regularly occurring migratory birds should be designated as Special Protection Areas (SPAs). These form part of the Natura 2000 network, regulated by the Habitats Directive.
- **Habitats for wild birds:** EU Member States need to ensure that a sufficient area and diversity of habitats is available for all wild bird species, including those that live on farmland and in urban environments.
- **Species protection:** all naturally occurring wild bird species, their eggs, nests and habitats are strictly protected under the Birds Directive from killing, capturing and taking.
- **Hunting:** the Birds Directive provides certain rules regulating the hunting of birds in the EU, restricting the hunting seasons and methods, as well as the species that can be hunted (listed in Annex II). Where there are no other satisfactory solutions Member States may derogate from the prohibitions under for specific reasons.

The **Habitats Directive** protects habitats and other species of animals and plants.

**Designation of protected areas:** the most important areas for the habitat types (e.g. specific types of wetlands, meadows, marine habitats) on Annex I and the species on Annex II of the Habitats Directive should be designated as Special Areas of Conservation.

- **Natura 2000 network:** the Special Protection Areas under the Birds Directive and the protected areas under the Habitats Directives together form the Natura 2000 network, which should be an ecologically coherent network.

16. <http://data.europa.eu/euodp/en/data/dataset/c2ea5f12-b724-4b63-8682-c5131e00c901>

17. Website Birdlife, available at: <http://www.birdlife.org/europe-and-central-asia/birds-and-habitats-directives> and Website DG Environment, available at: [http://ec.europa.eu/environment/nature/natura2000/index\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/index_en.htm)

18. <http://www.birdlife.org/europe-and-central-asia/birds-and-habitats-directives>

the Special Areas of Conservation under the Habitats Directive from degradation and damaging activities through a hierarchical system of impact assessment, checking for alternatives and where necessary compensatory measures.

- **Species protection:** all animal and plant species on Annex IV, such as the wolf, are protected from killing, capturing and taking.
- **Hunting** is regulated under the Habitats Directive including the sustainable exploitation of species, compatible with their being maintained at FCS and the prohibition of all indiscriminate means of capturing or killing wild fauna and derogations can only be granted if there is no satisfactory alternative and they are not detrimental to the maintenance of the populations of the species at a Favourable Conservation Status. Derogations are only allowed for specific reasons.

*Source: Birdlife*

In the EU, there are two bodies of legislation that directly pertain to the conservation of wild species and their habitats and are of direct relevance for hunting in Europe. These are the Birds Directive and the Habitats Directive – both of which recognises the role of sustainable hunting, while specifying limitations with regard to which species can be hunted.<sup>19</sup>

Hunting pressure was one of the original motivations for the establishment of the Bird Directive, which is reflected in the fact that the Birds Directive has specific articles on hunting (articles 7, 8, Annex II and IV).<sup>20</sup> Hunting of birds is one of the most significant cultural activities recognised under the Directives. The Habitats Directive also allows sustainable use of certain species, listed in its Annex V, as long as this is compatible with them being maintained at favourable conservation status.<sup>21</sup>

It has been challenging to ensure species protection and sustainable use, especially in relation to hunting of wild birds: whereas the Birds Directive fully recognises the legitimacy of hunting as a recreational-cultural activity, it also requires this activity to be in line with the principle of wise use. Improved legal enforcement, jurisprudence that has helped clarify legal concepts, together with better stakeholder engagement through a sustainable hunting initiative, have led to a significantly improved situation, even if illegal activities still persist. Problems continue with some other protected species that come into conflict with humans, most notably large carnivores, for which a stakeholder dialogue platform has been created to find practical solutions under the Habitats Directive for co-existence between humans and these species.<sup>22</sup>

### The Birds Directive and hunting:

- protects all wild bird species (Art. 1 and 5)
- limits hunting to species listed in Annex II (Art. 7)
- requires that the activity does not jeopardise conservation efforts for Annex II birds species (Art. 7).
- It also requires that the activity complies with the principles of 'wise use' and ecologically balanced control (Art. 7)
- prohibits hunting during the period of return migration to breeding grounds and during the breeding season (Art. 7)
- prohibits large-scale or non-selective means and methods, listed in Annex IV (Art. 8)
- requires the fulfilment of very strict conditions to derogate from these rules (Art. 9)

19. European Charter in Hunting and Biodiversity, p. 11.

Available at: [http://www2.nina.no/lcie\\_new/pdf/634991504714143702\\_Hunting\\_Charter\[1\].pdf](http://www2.nina.no/lcie_new/pdf/634991504714143702_Hunting_Charter[1].pdf)

20. SWD(2016) 472 final, Commission Staff Working Document, Fitness Check on the EU nature Legislation (Evaluation Study to support the Fitness Check of the ( Birds and Habitats Directives) (March 2016), p. 60-61.

Available at: [http://ec.europa.eu/environment/nature/legislation/fitness\\_check/docs/nature\\_fitness\\_check.pdf](http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/nature_fitness_check.pdf)

21. Ibid, p. 14.

22. Ibid., p. 88.

### The Habitats Directive and hunting:

- lists strictly protected species (Annex IV)
- does not include a specific provision on hunting
- prohibits any exploitation or disturbance of the “strictly protected” species listed in Annex IV (Art. 13)
- provides for managed exploitation (which includes sustainable hunting) of species listed in Annex V as long as the exploitation is compatible with maintenance in a favourable conservation status (Art. 14)
- prohibits large-scale or non-selective means and methods listed in Annex VI if species protected under the Directive are captured or killed (Art. 15)
- requires the fulfilment of very strict conditions to derogate from these rules (Art. 16)
- requires that in Natura 2000 sites (which include sites designated either under the Birds or the Habitats Directive) there is no deterioration of the natural habitats and the habitats of the species for which the sites have been designated and that any significant disturbance of these species is avoided (Art 6).

Source: Sustainable hunting initiative – Natura 2000<sup>23</sup>

## 2.2 Key requirements from CITES Regulations

This section will briefly discuss the key elements from the CITES Regulations relevant to the protection of wild fauna and hunting. With its focus on trade, the relevance for hunting and wild fauna protection is limited. The EU Wildlife Trade Regulations (the basic Council Regulation (EC) No. 338/97 and the implementing Commission Regulation (EEC) No. 865/2006) directly transpose the provisions of CITES in the EU. These regulations, being directly applicable in the Member States, are in many ways stricter than CITES<sup>24</sup> - for example through an Annex A that prohibits commercial trade in species not otherwise listed by CITES (e.g. several large carnivores that are important for hunters and all birds of prey). The EU also adds an Annex D, of species for which import levels are monitored.<sup>25</sup>

The CITES Regulation is relevant for the regulation of hunting trophies<sup>26</sup> – which is covered by the Law on hunting – and therefore subject to assessment.

## EU Wildlife Trade Regulations and hunting trophies

- Hunting trophies that are introduced into the European Union for non-commercial purposes can be considered “personal or household effects” under the EU Wildlife Trade Regulations. As a result, their trade may be subject to less strict controls and permit requirement.
- Generally, for the import of a hunting trophy from an Annex B-listed specimen for non-commercial purposes into the EU, only an export permit needs to be issued. However, stricter controls apply to the first import of hunting trophies from certain Annex B-listed species/populations due to concerns as to the sustainability of trade in these hunting trophies or for which there are indications of significant illegal trade.

Source: EC<sup>27</sup>

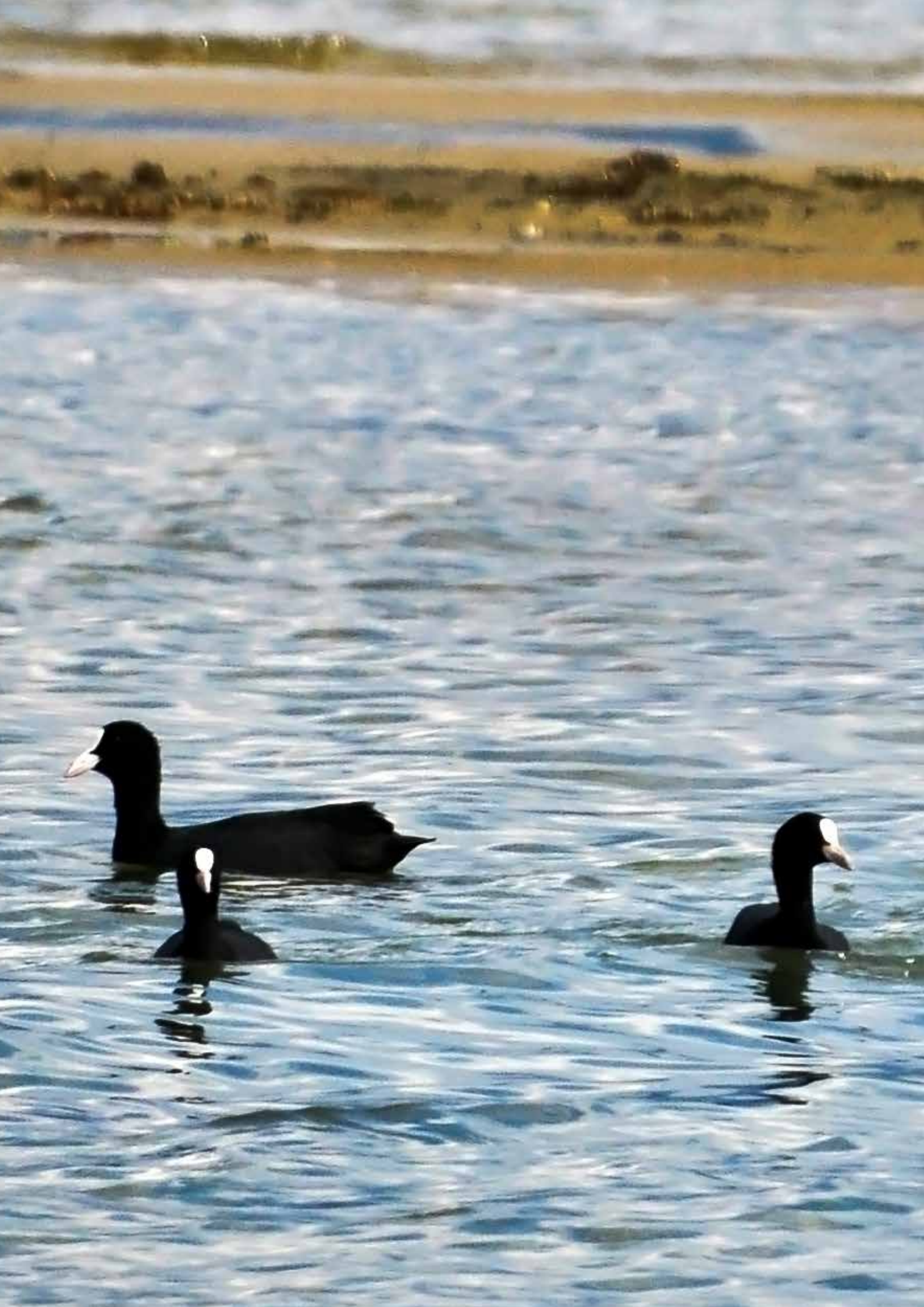
23. <http://ec.europa.eu/environment/nature/info/pubs/docs/factsheets/hunting.pdf>

24. <http://www.face.eu/international-agreements/cites>

25. European Charter in Hunting and Biodiversity, p. 14.

26. According to Art. 58 of the Law on hunting wild fauna and hunting products shall be subject to the customs legislation in force and the Instruction of the Minister for this purpose, at import and export.

27. Website EC: [http://ec.europa.eu/environment/cites/faq\\_en.htm](http://ec.europa.eu/environment/cites/faq_en.htm)





## 3. Analysis of the relevant national legislation

Overall, the key obligations on wild life protection and hunting have been effectively transposed. However certain gaps have been identified and the applicable legal framework remains unclear regarding specific legal measures and concepts due to the fragmentation of rules, different use of terms (deviating from the Nature Directives) or the repetition and overlap of relevant provisions. It is therefore not always clear what is the applicable legislation while certain aspects of the EU legislation are not covered.

### 3.1 Analysis of transposition of key EU requirements into the Albanian legislation – issues for the review procedure

Overall, the key obligations on wild life protection and hunting have been effectively transposed. However certain gaps have been identified and the applicable legal framework remains unclear regarding specific legal measures and concepts due to the fragmentation of rules, different use of terms (deviating from the Nature Directives) or the repetition and overlap of relevant provisions. It is therefore not always clear what is the applicable legislation while certain aspects of the EU legislation are not covered.

- The Albanian legislation does not refer to relevant legislation or applicable annexes. Despite such links are considered ‘to be assumed’ under the Albanian legislation, the lack thereof in several cases can result in lack of clarity as these references often establish the application/ scope for the provisions. Most cases concern the lack of references to the relevant annex. For example, ‘*priority natural habitat types*’ are defined in Art. 3(25) of the 2017 LPA. Annex I to the HD is transposed by Annex to MCD No 866 (2014), however no reference to Annex I MCD No 866 is included. Even though in case under the Albanian legal system such reference can be assumed and would not lead to a conformity issue, it weakens transposition as the link between the obligation and the habitats or species to which it applies is not established.
- The exact relation between SACs and SPAs is not indisputable from the legal text. Starting point would be Art. 6 of the 2017 LPA form where it follows that (ii) ‘areas of interest to the European Community (SACs), which include special areas for conservation of habitats and birds (SCI and SPAs)’ [*note incorrect use of abbreviations*]. The abbreviation ‘SPA’ is only used in art. 6 LPA - whereas the full term ‘Special Protection Area’ is not at all used or defined in the 2017 LPA. The definition is provided in the amendment to the LPBD, where Art. 2/47 defines Special protection areas (SPAs) as: ‘an area where wild birds classified as rare and vulnerable and as regularly occurring migratory species are strictly protected’. In relation, different terms are used while it is not always clear they refer to different concepts or the same. In relation to SPAs, Art. 30 clarifies that the ecological network consists of ‘Special Importance Areas according to the Habitats Directive and the Protection Areas, according to the Birds Directive’. These specific terms are not defined and only used in Art. 30 LPA, while it remains ambiguous clear whether the legislator aims to refer to SACs and SPAs. Such issues can render transposition of certain provisions ambiguous.
- Ambiguity is further identified in relation to the reference to the Special Areas of Conservation (SACs) - defined in both Art. 3(32) and 28(1) of the 2017 LPA. Art. 28 (2) refers to the term ‘special conservation areas’. Other than the explanation provided by Art. 28(2) itself, no

definition of this term is provided (only further elaboration on its management by Art. 32). Art. 32 also provides an ambiguous use of terminology: Art. 32(1), referring to ‘the special areas that have to be proclaimed as protected’ is considered by Albanian experts to apply to SPAs; whereas Art. 32(2), providing that: For ‘special conservation areas’ the Minister shall ...’ is considered to apply to SACs. Overall, where in practice SAC and SPA can overlap, the legislation should be unambiguous in providing the obligations for each regime. This is not always the case in the LPA.

A short summary of the assessment is provided below (and shall be updated after further discussion and review):

Part. 1 Definitions	<ul style="list-style-type: none"> <li>The majority of the definitions from the HD are effectively transposed. A general issue in relation to the transposition of the HD definitions relates to the lack of the national provision to reference to the Annexes (as transposed in national legislation).</li> <li>Not all definitions taken from the CITES Regulation are identified. The definitions of ‘species’ and ‘hunting trophies’ are effectively transposed. Other selected definitions are expected to be covered by the Albanian legislation transposing CITES.</li> <li>Relevant definitions that were selected from the non-binding EU Charter are effectively transposed – with the exception of the term ‘game’.</li> </ul>
Part 2 General objectives	<ul style="list-style-type: none"> <li>The general objectives (found in Articles 1 and 2 BD and 2 HD) have generally been transposed. As follows from the Commission Guidelines of the HD, Article 2 does not in itself create obligations but it is relevant when considering the interpretation of other provisions of the legislation.</li> <li>In relation to the objectives laid down in Art 2 BD it is noted that Art. 13(1) of the LPWF establishes the requirement of ensuring a ‘favourable status of ecological, scientific and cultural conservation’ – which is a concept that is not further defined.</li> </ul>
Part 3 – Site protection	<ul style="list-style-type: none"> <li>An issue of conformity is identified in relation to the requirement to establish SPAs. Art. 4/3 LPA (amendment) aims at ensuring that the SAC designed to ensure the protection of wild birds before the adoption of the Habitats Directive and therefore of the Natura 2000 network, are also included in the Natura 2000 Network. It can however not be derived from this article that it also applies to SPAs. It is noted that the term in the LPBD is in line with the EU legislation but the provision does not ensure that the SPAs are part of Natura 2000.</li> <li>No transposing legislation is identified that requires the improving and developing of features of a landscape to ensure the coherence of the Natura 2000 network in line with Art 10 HD.</li> </ul>
Part 3 – Species protection	<ul style="list-style-type: none"> <li>Overall the obligations listed in this part have been transposed.</li> <li>The ‘principles of wise use’ has not been identified in the national legislation (Art. 7 BD). Also the term of sustainable hunting – as defined in the LH – is not used in this context.</li> </ul>
Part 4 – Site protection	<ul style="list-style-type: none"> <li>Transposition of provisions on land use planning (Art. 10 (4) HD) is not complete as it does not refer to the need to ensure the coherence of the Natura 2000 network through land-use planning and development policies.</li> </ul>
Part 4 – Species protection	<ul style="list-style-type: none"> <li>No major conformity issues identified.</li> </ul>

Transposition as such is based on relatively concise directives. However – as partly indicated in the guidance column (part of the assessment table) – the Directives have built up a very comprehensive set of guidance documents and case law that further guide implementation. The fact that the key definitions and key obligations are reflected in the law might be considered the minimum level of

transposition as further guidance could be included in the legislation. Another important issue is that some of the provisions (for example Articles 3(3) and 10 HD) are ‘not goal oriented but effort oriented’ leaving considerable amount of discretion to the transposing state<sup>28</sup>.

In terms of recommendations for the process of review of these laws including the consideration of drafting amendments or new legal acts the issue of fragmentation and partial overlap, lack of reference and ambiguous use of definitions could be taken as main drive for restructuring of the legislation. The requirements set by the Birds and Habitats Directive are covered by the following national legislation;

- Law on the biodiversity protection (and amendments)
- Law on the protected areas (2017)
- Law on the protection of wild fauna
- Law on hunting

The laws on biodiversity protection, protected areas and protection of wild fauna combine the key element that are regulated by the Birds and Habitats Directive and could be merged into one law.

### 3.2 Legislative examples from other countries

The previous section on the identification of issues that are relevant for the review procedure suggests that the fragmentation and overlap of legislative requirements could result in restructuring of the legislation. The options include designing a legal structure similar to the one existing at EU level where there are two distinctive but coherent pieces of legislation, namely the Birds Directive and the Habitats Directive or a single framework law pulling together all the relevant provisions currently existing in different Albanian pieces of legislation.

This section looks at examples of legislation in other countries not in search of specific provisions but rather to look at the impact that those different options for the structuring of the legislation may bring about. The possible approaches include separate or combined transposition of the Birds and Habitats Directive – of which examples are included below. The main question is whether two pieces of legislation covering the protection of different habitats and species would be more efficient and effective than a common and unique legal basis.

The broad scope of the Birds Directive (all bird species) confronts with the more specific approach of the Habitats Directive aiming to ensure the protection of the species of EU importance listed on the basis of their status as endangered, vulnerable or rare. The Habitats Directive applies to non-bird species of flora and fauna and their habitats (Article 2(1)), aiming ‘to contribute towards ensuring biodiversity through the conservation of natural habitats and of species of wild fauna and flora in the European territory of the Member States to which the Treaty applies<sup>29</sup>. However, certain claim that the different approach between the Birds Directive and the Habitats Directive is difficult to understand, and therefore implement. The evaluation study however concluded that both pieces of legislation are coherent and the provisions are sufficiently interrelated.

28. Verschuuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature’s Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 291.

29. Art. 2(1) of the Habitats Directive.

### 3.2.1 UK legislation

Legislation in the UK is an example of separate transposition of the Birds and Habitats Directive. Traditionally the UK has regulated the protection of species first and, on that basis, it has adopted additional legislation to complement the species protection measures with site protection measures. The legislation implementing the Birds Directive in the UK is different to the one ensuring the transposition and implementation of the Habitats Directive.

The provisions of the **Birds Directive** are transposed into national law by means of Part I of the Wildlife and Countryside Act 1981<sup>30</sup> (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) and equivalent devolved legislation. A wide range of other statutory and non-statutory activities also support the implementation of the Birds Directive in the UK. This includes national bird monitoring schemes, bird conservation research, and the UK Biodiversity Action Plan which involves action for a number of bird species and the habitats which support them<sup>31</sup>.

Wildlife and Countryside Act 1981 <sup>29</sup>	
Part 1 – Wild life	<ol style="list-style-type: none"> <li>1. Protection of wild birds, their nest and eggs</li> <li>2. Exceptions</li> <li>3. Areas of special protection</li> <li>4. Exceptions</li> <li>5. Prohibition of certain methods of killing or taking wild birds</li> <li>6. Sale etc. of live or dead wild birds, eggs etc.</li> <li>7. Registration etc. of certain captive birds</li> <li>8. Protection of captive birds</li> <li>9. Protection of certain wild animals</li> <li>10. Exceptions</li> <li>10A. Protection of wild hares etc.</li> <li>10B Exceptions</li> <li>11. Prohibition of certain methods of killing or taking wild animals</li> </ol>
	<ol style="list-style-type: none"> <li>1. Protection of other animals</li> </ol>
	Protection of plants
	[Miscellaneous and supplemental; e.g. introduction of new species and power to grant licences]
Part 2 - Nature conservation, countryside and national parks	
[...]	

The Wildlife and Countryside Act 1981 is supplemented, inter alia, by provision in the Countryside and Rights of Way (CRoW) Act 2000 and the Natural Environment and Rural Communities Act 2006 (in England and Wales) [and others]<sup>33</sup>.

30. The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

31. <http://jncc.defra.gov.uk/page-1373> and <http://www.environmentlaw.org.uk/rte.asp?id=211>

32. <http://www.legislation.gov.uk/ukpga/1981/69>

33. <http://jncc.defra.gov.uk/page-1376-theme=textonly>

The **Habitats Directive** is transposed by the 'Conservation of Habitats and Species Regulation 2010'.<sup>34</sup> The Conservation of Habitats and Species Regulations 2010 consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law.<sup>35</sup>

Conservation of Habitats and Species Regulation 2010	
Part 1	Articles on e.g. extent, interpretation, nature conservation bodies and competent authorities.
Part 2	European sites <ol style="list-style-type: none"> <li>2. Register of European sites</li> <li>3. Management agreements</li> <li>4. Control of potentially damaging operations</li> <li>5. Special nature conservation orders</li> <li>6. Byelaws</li> <li>7. Powers of compulsory acquisition</li> </ol> European marine sites <ol style="list-style-type: none"> <li>8. Nature conservation policy in planning contexts</li> </ol>
Part 3	Protection of animals Protection of plants Interpretation of Part 3
Part 4	Surveillance and monitoring Introduction of new species
Part 5	Grant of licences Relevant licensing body Offences
Part 6	[ Several chapters, e.g. off shore marine sites, planning permission and land use plans]
Part 7	Wild life inspectors Regulation of powers [e.g. entry, search] Offences
Part 8	Land use plans
Annexes:	Special nature conservation orders European protected species of animals Excluded populations of certain species Animals which may not be captured or killed in certain ways European protected species and plants

### 3.2.2. Dutch legislation

Legislation in the Netherlands is an example of combined transposition of the Birds and Habitats Directive. Nature areas, wild animals and plants in the Netherlands are protected by the Nature Conservation Act (*Wet natuurbescherming*), which took effect on 1 January 2017.

The new Act replaces 3 other laws:

- the Nature Conservancy Act 1998,
- the Flora and Fauna Act and
- the Forestry Act.<sup>36</sup>

34. <http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

35. <http://jncc.defra.gov.uk/page-1379>

36. <https://www.government.nl/topics/nature-and-biodiversity/contents/new-law-protects-nature-in-the-netherlands>

The aims are to simplify the law by consolidating everything into one piece of legislation, and to closely follow European regulations. The implementation of the Nature Conservation Act is largely in the hands of the provinces<sup>37</sup>. This should make enforcement of the law easier.

The Act, in its preamble sets out that it is transposing both the Habitats and the Birds Directive, in combination with other biological diversity related rules. The definition section refers to the following EU legislative documents and international conventions:

- Benelux agreement on hunting and the protection of birds (Trb. 1970, 155)
- Habitats Directive (92/43/EEC)
- Bern Convention
- Bonn Convention
- Birds Directive (2009/147/EC)

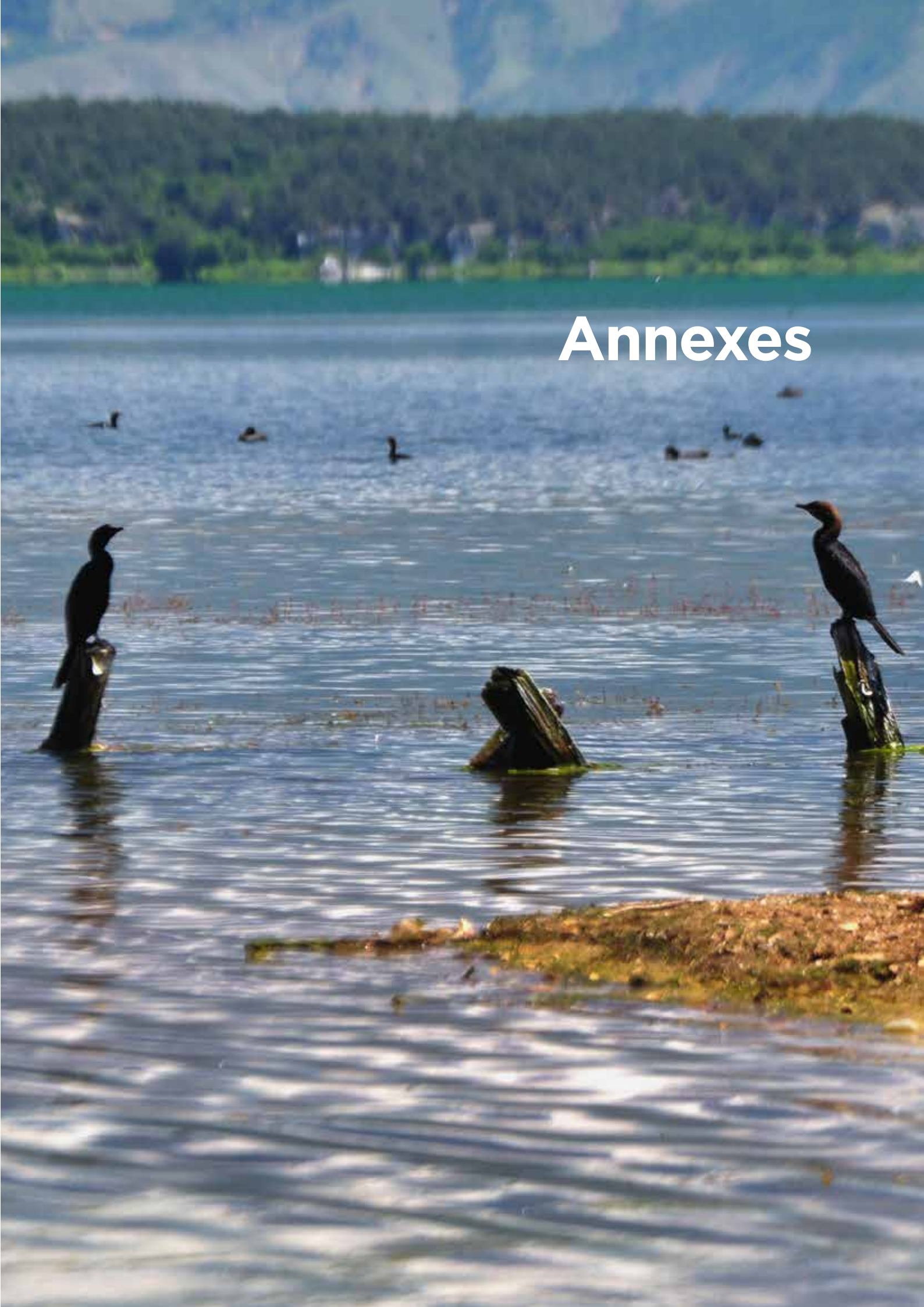
The Act sets rules on the protection of the wild flora and fauna; Natura 200 sites and forests. This law has also implications on hunting.

Nature Conservation Act <sup>38</sup>	
Chapter 1 - General provisions	1.1 Definitions, scope and competences 1.2 Nature policy and monitoring 1.3 Protection measures - general
Chapter 2- Natura 2000 area	9. 2.1 Areas and measures of conservation 10. 2.2 Conservation measures and appropriate measures 11. 2.3 Assessment of plans, projects and other actions 12. [...] 13. 2.4 Special national nature reserves
Chapter 3 - Species	3.1 Protection regime species of Birds Directive 3.2 Protection regime species of Habitats Directive 3.3 Protection regime other species 3.4 Damage control nuisance and fauna management 3.5 Hunting 3.5 Use of methods for capturing and killing animals 3.6 Other provisions 3.7 Trade and possession of animals and plants
Chapter 4 [Timber]	[...]
Chapter 5 - Exceptions, decisions and obligations	
Chapter 6 -Financial provisions	
Chapter 7 - Enforcement	
[others]	

37. <http://www.mondaq.com/x/562702/Environmental+Law/rvation+Framework+Becomes+Reality+Environment+And+Planning+Bill+Takes+Shape+And+Discussion+Continues+On+Open+Government+Bill>

38. <http://wetten.overheid.nl/BWBR0037552/2017-03-01>

# Annexes



# Annex 1: Legal assessment Albanian legislation on wild fauna protection and hunting

Technical specifications: Conformity of Albanian 'Law on protection of the wild fauna' and 'Law on hunting' with the relevant EU Directives and Regulations.

Key EU legislation identified for assessment (to assess coverage in Albanian legislation):

- Birds Directive (2009/147/EC)<sup>39</sup>
- Habitats Directive (92/43/EEC)
- *In relation to Birds and Habitats directive non-binding agreements and guidance documents include*<sup>40</sup>:
  - *Guidance Document on Hunting and the Birds Directive*<sup>41</sup>.
  - *European Charter on Hunting and Biodiversity*<sup>42</sup>
- EU Wildlife Trade Regulations<sup>43</sup> – including:
  - *Basic Regulation (Council Regulation (EC) No 338/97)*<sup>44</sup>- deals with the protection of species of wild fauna and flora by regulating trade therein. It lays down the provisions for import, export and re-export as well as internal EU trade in specimens of species listed in its four Annexes. It provides for procedures and documents required for such trade (import and export permits, re-export certificates, import notifications and internal trade certificates) and it regulates the movement of live specimens.
  - *Implementing Regulation (Commission Regulation (EC) No 865/2006)*<sup>45</sup> – it lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 and addresses practical aspects of its implementation. It also implements the bulk of currently applicable recommendations of the Conference of the Parties on the interpretation and implementation of CITES provisions.

## Legislation Albania (and abbreviations used in assessment table):

### Laws:

Law No. 10 006, dated 23/10/2008, On the protection of wild fauna (LPWF)

Law No. 41/2013 On some amendments and addenda to the law NO. 10 006, DATED 23/10/2008

“On the protection of wild fauna as amended”, as amended

Law No. 10 253, dated 11/03/2010 On hunting (LH)

Law No. 43/2013 On some amendments to the law NO. 10253, dated 11/03/2010 “On hunting”

Law No 81/2017 on Protected Areas

Law nr. 9587, date 20.7.2006, “On protection of biodiversity”, as amended by Law nr. 37/2013, date 14.2.2013

39. Codified version of Directive 79/409/EEC – as amended.

40. The Sustainable Hunting Initiative was launched in 2001 to generate constructive dialogue between governmental and ngo's concerned with the conservation and sustainable use of our wild birds under the EU Birds Directive, 2009/147/EC. Its objective was to improve understanding of the legal and technical aspects of the Directive's provisions on hunting as well as developing a programme of scientific, conservation and awareness raising measures to promote sustainable hunting under the Directive (<http://www.face.eu/about-us/eu-laws/birds-directive>). This was captured in Guidance Document on Hunting and the Birds Directive. In addition, a Sustainable Hunting Agreement was signed in 2004 (FACE/Birdlife International and EC) (Available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/charter\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/charter_en.htm).) In addition to the European Charter on Hunting and Biodiversity, there is the Recommendation No. 128 (2007) of the Standing Committee on the European Charter on Hunting and Biodiversity

41. [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide_en.htm)

42. The Charter provides a non-binding set of guidelines for hunters, hunting tour operators, regulators and managers that address common principles and good practices for sustainable hunting (including hunting tourism) in Europe (1.4 Charter).

43. Website DG Environment: [http://ec.europa.eu/environment/cites/legislation\\_en.htm#chapter2](http://ec.europa.eu/environment/cites/legislation_en.htm#chapter2)

44. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.

45. Commission regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.



and Law nr. 68/2014, date 3.7.2014. (LPBD)<sup>46</sup>

Law 68/2014 of 3.7.2014 “On some amendments and changes to the law No. nr. 9587, date 20.7.2006, “On protection of biodiversity”, as amended;

#### By laws:

DCM No.897 dated 21.12.2011“On approval of the rules for the announcement of special conservation areas”.

DCM No. 546 dated 7.7.2010 “On the approval of the list of wild fauna species, subject to hunting”

DCM No. 866 date 10.12.2014, “On announcing the lists of types of natural habitats, plants, animals, and birds of interest for the European Union”.

#### Documents used for guidance / Guidance references (used in Guidance column):

Guidance on HD: (Commission Guidelines (HD): Guidance document (2007), available at: [http://ec.europa.eu/environment/nature/conservation/species/guidance/pdf/guidance\\_en.pdf](http://ec.europa.eu/environment/nature/conservation/species/guidance/pdf/guidance_en.pdf).

Guidance on hunting: Guide to sustainable hunting under the Birds Directive. Council Directive 79/409/EEC on the conservation of wild birds, EC 2008. Available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting\\_guide\\_en.pdf](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf).

#### Abbreviations:

CJEU	Court of Justice of the European Union
PA	Protected Area
SAC	Special Areas of Conservation
SCI	Sites of Community Importance
SPAs	Special Protection Areas
2017 LPA	Law No 81/2017 on Protected Areas

#### Assessment table - Legend:

Birds Directive
Habitats Directive
CITES Regulation
Additional measures in relation to hunting (INCL. European Charter)

**NOTE:** The articles from the BD and HD marked in **RED** are (of specific) relevant to hunting legislation  
Outline of assessment:

Part 1: Key definitions

Part 2: General objectives

Part 3: Specific objectives

A: Site protection (Establishment and management of Natura 2000)

B: Species protection

C: Wildlife protection and trade

Part 4: Operational objectives and measures

A: Site protection (Establishment and management of Natura 2000)

B: Species protection

C: Wildlife protection and trade

46. <http://www.ecolex.org/details/legislation/law-no-9587-on-biodiversity-protection-lex-faoc067304/>

## PART 1: KEY DEFINITIONS

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	CHAPTER: Definitions					
I HD	For the purpose of this Directive:					
I(a) HD	<b>conservation</b> means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);		Art. 3(18) 2017 LPA	18. «Conservation» is the entirety of all measures taken to maintain or restore natural habitats and populations of wild flora and fauna species at a favorable status.	Y	<b>The definition of conservation is similar as to the definition in the 2002 Law on PA (Art. 3(20)) while slightly amended to fully cover the HD requirements.</b>
I(b) HD	<b>natural habitats</b> means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;		Art. 3(8) 2017 LPA	8. «Natural habitats» are terrestrial or aquatic surfaces, distinct from geographical, abiotic and biotic features, whether or not they are entirely natural or semi-natural.	Y	<b>The definition of conservation is similar as to the definition in the 2002 Law on PA (Art. 3(21)), while slightly amended to fully cover the HD requirements</b>
I(c) HD	<b>natural habitat types of Community interest</b> means those which, within the territory referred to in Article 2: (i) are in danger of disappearance in their natural range; or (ii) have a small natural range following their regression or by reason of their intrinsically restricted area; Or (iii) present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions: <b>Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic.</b>  Such habitat types are listed or may be listed in Annex I;		Art. 3(24) 2017 LPA	24. «Natural habitat types, of interest to the European Community» are those habitats that are located in the territory of the Republic of Albania and fulfil one of the following conditions: a) are at risk of extinction in their natural extension; b) have a small natural extension, as a result of their regression or their limited surface; c) represent exceptional examples of typical characteristics of bio-geographic, alpine and Mediterranean regions.	Y	Annex I to the HD is transposed by Annex to MCD No 866, however Art. 3(24) of the 2017 LPA does not include a reference to Annex I MCD No 866.  It is noted that LPA only transposes reference to the alpine, and Mediterranean biogeographical regions.  <b>The 2017 LPA contains the same definition the 2002 LPA (Art. 3(22)).</b>
I(d) HD	<b>priority natural habitat types</b> means natural habitat types in danger of disappearance, which are present on the territory referred to in Article 2 and for the conservation [of which the Community has particular responsibility in view of the proportion of their natural range] which falls within the territory referred to in Article 2; these priority natural habitat types are indicated by an asterisk (*) in Annex I;		Art. 3(25) 2017 LPA	25. «Priority types of natural habitats» are types of natural habitats of interest to the European Community, at risk of extinction, which are located in the territory of the Republic of Albania for the conservation of which the Republic of Albania has responsibility for referring to specific acts / agreements / protocols.	Y	(lack of critical reference)  Annex I to the HD is transposed by Annex to MCD No 866 (2014) – in which these priority natural habitat types are indicated by an asterisk (*) However Art. 3(23) LPA does not include a reference to Annex I MCD No 866.  In general, this is not considered a conformity issue as reference can be assumed in the Albanian legal system.

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
1(e) HD	<p><b>conservation status of a natural habitat</b> means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.</p> <p>The conservation status of a natural habitat will be taken as 'favourable' when:</p> <ul style="list-style-type: none"> <li>— its natural range and areas it covers within that range are stable or increasing, and</li> <li>— the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and</li> <li>— the conservation status of its typical species is favourable as defined in (i);</li> </ul>		<p>Art 2(28) LPBD</p> <p>Art. 3(23) 2017 LPA</p>	<p>28. "Status of preservation of an ecosystem, habitat or landscape" is the set of influences that operate in an ecosystem, habitat or landscape that may affect the distribution, structure, natural functions and the long-term survival of the typical species.</p> <p>23. "Favourable status of conservation of an ecosystem, habitat or landscape" Means that:</p> <ul style="list-style-type: none"> <li>a) the natural extension and the surfaces within this stretch are stable or growing;</li> <li>b) special structures and functions, which are necessary for long-term maintenance, exist and can continue to exist for the near future;</li> <li>c) their typical species have a favorable conservation status.</li> </ul>	Y	<p>The definition of <b>conservation status of a natural habitat</b> [or in the Albanian legislation: <b>Conservation status of an ecosystem, habitat or landscape</b>] is defined by Art. 2(28) LBP</p> <p>Art. 3(23) 2017 LPA further transposes the criteria under which the conservation status of an ecosystem, habitat, or landscape will be taken as 'favourable.</p> <p>According to Art. 1(e) HD, third indent, the conservation status of its typical species is favourable as defined in Art. 1(i) HD, which defines the '<b>conservation status of a species</b>'. Although no reference is made, the conservation status of a species is transposed via Arts Art. 2(29) and 2(31) LPBD.</p>
1(f) HD	<p><b>habitat of a species</b> means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;</p>		Art. 3(9) 2017 LPA	9. «Habitat of a species « is an environment determined by specific, biotic and abiotic factors, where the species live at every stage of their biological cycle.	Y	
1(g) HD	<p><b>species of Community interest</b> means species which, within the territory referred to in Article 2, are:</p> <ul style="list-style-type: none"> <li>(i) endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or</li> <li>(ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or</li> <li>(iii) rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or</li> <li>(iv) endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.</li> </ul> <p>Such species are listed or may be listed in Annex II and/or Annex IV or V;</p>		Art. 3(10) 2017 LPA	10. «Species of interest for the European Community» are species within the territory of the Republic of Albania that fulfil one of the following conditions:	N	<p>Transposition is incomplete (minor issue)</p> <p>Under (i) no reference is made to the western Palearctic region and under (iii) it is not specified that this concerns 'species are located within restricted geographical areas or are thinly scattered over a more extensive range'.<sup>44</sup></p> <p>Annex II to the HD is transposed by Annex 2 to the MCD No 866 and Annex IV to the HD is transposed by Annex 3 to the MCD No 866. However Art. 3(25) LPA does not include a reference to annexes 2 and 3 to the MCD No 866. This is not considered a conformity issue as reference can be assumed in the Albanian legal system.</p>

44. Albania is part of the Western Palearctic region – see for example: <https://www.birdguides.com/sites/countries.asp>

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
1(h) HD	<b>priority species</b> means species referred to in (g) (i) for the conservation of which [the Community] has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority species are indicated by an asterisk (*) in Annex II;		Art. 3(11) 2017 LPA	11. «Priority species» are the types of interest for the European community, endangered, for the conservation of which the Republic of Albania, as far as their natural extension is concerned, is particularly responsible.	N	<p>Incorrect transposition (and lack of critical reference)</p> <p>Annex II to the HD is transposed by Annex 2 to the MCD No 866. However Art. 3(26) LPA does not provide a reference to these priority species is listed in Annex 2 MCD No 866.</p> <p>Moreover, Art. 1(h) HD refers to species referred to in (g) and (i). Reference to art. 1(g) HD is covered by Art. 3(11) adding 'of interest to the European Community'. No reference is made to Art. 1(i) HD, defining 'conservation status of a species'.</p> <p>Lack of references as such are not considered a conformity issue as reference can be assumed in the Albanian legal system.</p> <p>The national legislation refers exclusively to the 'endangered' species considered of Community Interest (which are defined as endangered, vulnerable, rare and endemic). The limitation to 'endangered' might have an limiting impact on the scope of the legislation. This is assessed as incorrect transposition.</p>

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
1(i) HD	<p><b>conservation status of a species</b> means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;</p> <p>The <b>conservation status</b> will be taken as 'favourable' when:</p> <ul style="list-style-type: none"> <li>— population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and</li> <li>— the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and</li> <li>— there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;</li> </ul>	<p>Guidance on HD: The maintenance or restoration of "favourable conservation status" (FCS) is the overall objective for all habitat types and species of Community interest. Such species are listed in Annexes II, IV and V to the Directive. In simple terms, FCS could be described as a situation where a habitat type or species is doing sufficiently well in terms of quality and quantity and has good prospects of continuing to do so in future. [...] Overall, the obligation of a Member State is more than just avoiding extinction. All measures taken under the Directive must aim to reach or maintain a favourable conservation status.</p>	<p>Art. 2(29) LPBD</p> <p>Art. 2(31) LPBD</p>	<p>(2)29. "Protection status of a type/specie" is the set of influences that operate in the types of interest that may affect the distribution and long-term influx of their populations.</p> <p>31. «Favorable conservation status of a type» is when:</p> <ul style="list-style-type: none"> <li>a) The population dynamics data for a type of interested show that it remains for a long-term a component, valid and capable of its natural habitats;</li> <li>b) The natural extension of species is not reduced nor is likely to reduce in the near future;</li> <li>c) there is and probably will continue to be an adequate habitat, from the size, to keep the populations for a long time.</li> </ul>	Y	
1(j) HD	<p><b>site</b> means a geographically defined area whose extent is clearly delineated;</p>		<p>Art. 3(27) 2017 LPA</p>	<p>27. «Area» is a geographically defined area, the extent of which is described in detail in its act of proclamation as such.</p>	Y	

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
I(k) HD	<p><b>site of Community importance</b> means a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type in Annex I or of a species in Annex II and may also contribute significantly to the coherence of Natura 2000 referred to in Article 3, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned.</p> <p>For animal species ranging over wide areas, sites of Community importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction;</p>		<p>Art. 3(31) 2017 LPA</p> <p>Art. 28 2017 LPA</p> <p>Art. 29(3) 2017 LPA</p> <p>Art. 2(45) LPBD</p> <p>Art 2(44) LPBD</p>	<p>31. "Site of interest to the European community" is a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type or type for the conservation of biological diversity within the biogeographic region or regions concerned.</p> <p>(Art. 28)1. "Special areas of conservation" are proclaimed areas where the types of natural habitats of interest to the European community and the habitats of species of interest to this community are located. These areas are part of the national ecological network and may also include protected areas within the protected area network as well as ecosystems, habitats and landscapes outside of it.</p> <p>2. The area, the biogeographic region or types that significantly affect the maintenance or restoration of a natural habitat type, of interest to the European Community or at a favourable conservation status, within the region or biogeographic regions concerned, are proclaimed as "special conservation areas", aiming at establishing the necessary protective measures for maintaining or restoring it to a favourable conservation status of natural habitats or populations of the species for which the area is designated. These areas may be part of the ecological network within the protected areas, or connected through bio-corridors with the-protected areas.</p> <p>3. For animal species, which are found in wide areas, the areas match with the sites within which takes place the natural distribution of these species and represent the physical and biological factors, essential for their life and their reproduction.</p> <p>"45. Site of Community Importance" means a site which, in the bio geographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type or of a species and may also contribute significantly to the coherence of Natura 2000, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned;</p> <p>44. Natura 2000" means an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats;</p>		<p>(Lack of crucial reference)</p> <p>Art. 3(31) defines 'sites of interest to the European Community'.</p> <p>Art. 6 of the 2017 LPA sets out the types of protected areas – which includes 'areas of interest to the European Community (SACs) (Art. 6(b)(ii) 2017 LPA). This is further elaborated under Section V on the Pas of international interest. Art. 28 regulates the 'Special areas of conservation of the ecological network of areas of interest to the European community'.</p> <p>The last paragraph of Art. I(k) HD is transposed by Art. 29 of the 2017 LPA, setting out the criteria for evaluating and proclaiming areas of interest to the European Community.</p> <p>The HD refers to 'maintenance or restoration at a favourable conservation status of a 'natural habitat type in Annex I or of a species in Annex II'. It also refers to the fact that the site contributes to the coherence of the Natura 2000 network. The 2017 LPA does not directly refer to these Annexes (transposed by Annexes 1 and 2 to MCD No 866) nor to the coherence of the Natura 2000 network.</p> <p>However, the LPBD contains a similar provision defining 'sites of Community importance', which does include reference to the Natura 2000 Network.</p> <p>Lack of references as such are not considered a conformity issue as reference can be assumed in the Albanian legal system.</p>

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
1(l) HD	<b>special area of conservation</b> means a site of [Community importance] designated [by the Member States] through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species for which the site is designated;		Art. 3(32) 2017 LPA	32. «Special areas of conservation» are important areas for the European Community, designated as such by the Republic of Albania by a statutory act, specifying the necessary conservation measures, aiming at the maintenance or restoration, at a favourable conservation status, of the natural habitats or the populations of the species for which the site is designated.	Y	It is noted that Art. 2(46) on definitions of the LPBD lists the terms 'Special areas of Conservation (SACs) with direct reference to the 2002 LPA. Art. 2 foresees in adding to the LPBD paragraph 46 to Article 2, defining ' <b>Special areas of conservation (SACs)</b> ' as: 'has the same meaning as in the law no. 8906, dated 6.6.2002 "On Protected Areas" as amended'.  A general note relates to the reference to the 2002 LPA which requires updating. The national expert suggests the use of a general reference, e.g. 'has the same meaning as in the law 'On Protected Areas''.
1(m) HD	<b>specimen</b> means any animal or plant, whether alive or dead, of the species listed in Annex IV and Annex V, any part or derivative thereof, as well as any other goods which appear, from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals or plants of those species;				N	Not identified.
Art. 2(j) Reg. 338/97	'personal or household effects' shall mean dead specimens, parts and derivatives thereof, that are the belongings of a private individual and that form, or are intended to form, part of his normal goods and chattels;			Not identified		
Art. 2(l) Reg. 338/97	'population' shall mean a biologically or geographically distinct total number of individuals;			Not identified		
Art. 2(s) Reg. 338/97	'species' shall mean a species, subspecies or population thereof;		Art. 2(14) LPBD	14. «Type or species» is a taxonomic units, where are part plants, animals or lower microorganisms taxa or their populations.		

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 2(t) Reg. 338/97	<p>'specimen' shall mean any animal or plant, whether alive or dead, of the species listed in Annexes A to D, any part or derivative thereof, whether or not contained in other goods, as well as any other goods which appear from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be or to contain parts or derivatives of animals or plants of those species, unless such parts or derivatives are specifically exempted from the provisions of this Regulation or from the provisions relating to the Annex in which the species concerned is listed by means of an indication to that effect in the Annexes concerned.</p> <p>A specimen will be considered to be a specimen of a species listed in Annexes A to D if it is, or is part of or derived from, an animal or plant at least one of whose 'parents' is of a species so listed. In cases where the 'parents' of such an animal or plant are of species listed in different Annexes, or of species only one of which is listed, the provisions of the more restrictive Annex shall apply. However, in the case of specimens of hybrid plants, if one of the 'parents' is of a species listed in Annex A, the provisions of the more restrictive Annex shall apply only if that species is annotated to that effect in the Annex;</p>			Not identified		
Reg. 865/2006	<p>'hunting trophy' means a whole animal, or a readily recognisable part or derivative of an animal, specified on any accompanying CITES permit or certificate that fulfils the following conditions:</p> <p>(i) is raw, processed or manufactured;</p> <p>(ii) was legally obtained by the hunter through hunting for the hunter's personal use;</p> <p>(iii) is being imported, exported or re-exported by or on behalf of the hunter, as part of the transfer from its country of origin, ultimately to the hunter's State of usual residence;</p>		Art. 1(9) LH	1(9): «Hunting trophies» means part of processed hunting objects, obtained through hunting, which are used for scientific, decorative, cultural or research purposes.	N	Incomplete transposition



Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	Non-binding					
EU Charter	<b>Game:</b> Game species include all wild avian and terrestrial mammal species for which hunting is legally permitted in countries that have signed the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979).		Art. 2(13) LH  Art. 2(14) LH	13. «Semi-free game species» means keeping the individuals of wild fauna species under man-made conditions, where they are fed mainly with natural forage, but may not move freely outside the enclosed area of the hunting area. 14. «Game species under captive conditions» means keeping the individuals of wild fauna species in enclosed territories where they have no possibility to be fed with natural forage and get out of such territories.	N/A	Not transposed.  Although articles 2(13 and 14) refer to the term 'game', this is not transposing as such the key element that they are 'wild avian and terrestrial mammal species' for which 'hunting is legally permitted'.  Albania is a party to the Bern Convention (1999).
EU Charter	<b>Wildlife Management:</b> The application of science-based and local knowledge in the stewardship of wild (including game) animal populations and their habitats in a manner beneficial to the environment and society.		Art. 2(3) LH	3. «Wildlife management» means the application of science-based and local knowledge in the stewardship of wild animal populations and their habitats in a manner beneficial to the environment and society.	N/A	
EU Charter	<b>Hunting:</b> The pursuit and/or take of wild game species by all methods permitted by law within signatory countries. Motivations for this activity include consumption (use of meat, hides, furs and/or trophies), recreation, and/or management of game populations.		Art. 2(1) LH	2(1): «Hunting» means the specialised activity of using the wild fauna, involving the pursuit, capture, killing of animals and birds, subject to hunting pursuant to the methods defined by law.	N/A	
EU Charter	<b>Sustainable hunting:</b> The use of wild game species and their habitats in a way and at a rate that does not lead to the long-term decline of biodiversity or hinder its restoration. Such use maintains the potential of biodiversity to meet the needs and aspirations of present and future generations, as well as maintaining hunting itself as an accepted social, economic and cultural activity. When hunting is conducted in such a sustainable manner, it can positively contribute to the conservation of wild populations and their habitats and also benefit society.	Based on the definition of "Sustainable Use" in Article 2 of the Convention on Biological Diversity (CBD).	Art. 2(2) LH  Art. 2(24)LPBD	2(2): «Sustainable hunting» means the use of hunting only in continuous compliance with preservation of biodiversity, integrity of ecosystem and ecological balance. «Sustainable use» is the use of the components of the biodiversity in a manner and rate that does not lead to the long term reduction of the biodiversity, by maintaining its potential to fulfil the needs and aspirations of the present and future generations.	N/A	Art. 2(24) LPBD is a literal transposition of the term 'sustainable use' as provided by Art. 2 of the Convention on Biological Diversity (CBD).
EU Charter	<b>Biological diversity</b> <sup>45</sup> : The variability among living organisms from all sources including <b>inter alia</b> terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (Article 2 of the CBD).		Art. 2(1) LPBD	2(1): Biological diversity is the variability among living organisms from all sources including inter alia terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part. This term includes diversity within species, between species and of ecosystems.	N/A	Literal transposition
EU Charter	<b>Ecosystem</b> <sup>46</sup> : A dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.		Art. 2(5) LPBD  Art. 3(6) 2017 LPA	2(5): "Ecosystem" is a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.  6. «Ecosystem» is a dynamic complex composed of committees of plants, animals and microorganisms, as well as the non-living environment, which interact among them as a functional unit.	Y	It is noted that the use of the term 'committees' is not clear in Art. 3(6) of the 2017 LPA

45. Derived from Article 2 of the CBD

46. Derived from Article 2 of the CBD

## PART 2: GENERAL OBJECTIVES

Guidance from the 2016 Evaluation study to support the fitness check of the Birds and Habitats Directive) (p.38): General objectives: 'The overall aim of the Directives is to maintain biodiversity and to halt and reverse loss of species and habitats by addressing their threats. The general objective of the Birds Directive, as defined in Article 2, is to maintain the population of all species of naturally occurring birds in the wild in the EU at a level according to the ecological, scientific and cultural requirements, while taking account of economic and recreational requirements. The Habitats Directive develops this concept further and opens the scope to apply it to non-bird species of flora and fauna and their habitats (Article 2(1)), aiming 'to contribute towards ensuring biodiversity through the conservation of natural habitats and of species of wild fauna and flora in the European territory of the Member States to which the Treaty applies'. In order to achieve these aims, the Habitats Directive requires Member States to adopt measures to maintain or restore natural habitats and species of Community interest to Favourable Conservation Status, taking into account economic, social and cultural requirements, as well as regional and local characteristics. The Directives do not aim to ensure biodiversity on their own, but, rather, to contribute to conservation, together with other instruments'<sup>47</sup>.

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 1 BD	<b>Scope</b>					
Art. 1 BD	[This Directive] relates to the conservation of all species of naturally occurring birds in the wild state [in the European territory of the Member States to which the Treaty applies]. It covers the protection, management and control of these species and lays down rules for their exploitation.  It shall apply to birds, their eggs, nests and habitats.	Guidance to sustainable hunting <sup>48</sup> : The Commission has sought to list the wild bird species coming within the Directive's scope. This is not a legal listing but is intended for guidance in application of the Directive. <sup>49</sup>  Clarification CJEU (Case C-247/85 <b>Commission v Belgium</b> ): 'the general system of protection which the directive seeks to establish concerns all birds species, including those with chromatic aberrations, even if such species are rare [52]. The wording of the provision ... also covers birds which are only passing through. [21] The protective effect of the directive also covers species of naturally occurring birds in the wild state in the European territory of another Member State which are not naturally or usually to be found in the territory of the Benelux countries but which are transported there, kept there or marketed there, whether alive or dead.[22]	Art. 1(1) LPWF  Art. 3(1) LPWF  Art. 2(1) LPWF  Art. 2(2) LPWF	Art. 1(1): The purpose of this Law is to protect, manage and control the wild fauna aiming to conserve the species, populations, their habitats, migration routes and to fulfil their demand for food, shelter and breeding.  Art. 3(1): This Law shall apply to all species and subspecies of wild fauna, including eggs, nests, new-borns and habitats where they live in the wild, permanently or temporarily, in natural habitats, terrestrial and aquatic, within the territory of the Republic of Albania.  Art. 2(1): «Wild fauna» means all species and subspecies of vertebrates and invertebrates and their populations that live in the wild in their natural habitat, established temporarily or permanently on a given territory.  Art. 2(2): «Natural habitats» means terrestrial, aquatic or mixed areas, distinguished by geographic or abiotic features, that serve as environments of specimens, populations, species or their taxa.	Y	The key element mentioned in Article 1 of the BD is <b>the conservation of all species...</b> – Article 1(1) LPWF refers to the 'protection, management and control with the aim to conserve [...]'. Although conservation 'covers protection, management and control' the use of the term 'conservation would be preferable. The HD defines 'conservation' as a series of measures required maintaining or restoring the natural habitats and the populations of species of wild fauna and flora at a favourable status (Art. 1(a) HD).  The LPWF further defines the scope as 'the law shall apply to all species of wild fauna [...] - which covers 'all species of naturally occurring birds in the wild state' – further defined in Article 2(1) LPWF.  The LPWF uses the term conservation ('to conserve') in the context of the conservation of 'species, populations, their habitats, migration routes'. In addition, the LPWF uses the same terms as used in the second sentence of Article 1 BD to clarify the coverage of conservation, – namely that 'it covers the protection, management and control'.  It addition, it is noted that the title of the LPWF uses the term 'protection' - being only one element of the term conservation, and the title of the legislation consequently does not cover its full scope.  Article 1 BD covers 'all species of birds'; whereas the Albanian legislation applies to the broader 'all species and subspecies of wild fauna' (see Art. 3(1) LPWF). The reason for this broader scope (including coverage of 'all species of naturally occurring birds in the wild state') is that the LPWF transposes elements from both the BD and the HD.  There are two decrees that further specify the protected bird species: the DCM nr. 897, date 21.12.2011 on the Approval of Rules on the Designation of Special Protected Areas; and the DCM nr. 866, date 10.12.2014 on the Approval of Lists on the type of natural habitats of plants, animals and birds with interest for the European Union (i.e. Community).  The 2017 LPA lists the types of protected areas (Art. 6). Pas of international interest include (b)(i) the 'areas of interest to the European Community (SACs), which include special areas for conservation of habitats and birds (SCIs and SPAs)'.

47. Milieu, IEEP and ICF, Evaluation Study to support the Fitness Check of the Birds and Habitats Directives, March 2016, p.39. Available at: [http://ec.europa.eu/environment/nature/legislation/fitness\\_check/docs/study\\_evaluation\\_support\\_fitness\\_check\\_nature\\_directives.pdf](http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/study_evaluation_support_fitness_check_nature_directives.pdf)

48. Guide to sustainable hunting under the Birds Directive. Council Directive 79/409/EEC on the conservation of wild birds, EC 2008, p. 8. Available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting\\_guide\\_en.pdf](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf).

49. The updated version of the list of bird species (August 2015) is available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/eu\\_species/index\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/eu_species/index_en.htm)

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 2 HD	<b>Overall objectives</b>					
2(f) HD	To contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna (and flora)	Commission Guidelines (HD) : The aim of the Directive is laid down in Article 2. This provision does not in itself create obligations (for the MS) but it is relevant when considering the interpretation of other provisions of the Directive	Art. 1(f) LPWF  Art. 3(f) LPWF  Art. 1 LPBD  Art. 1 2017 LPA  Art. 2 2017 LPA	Art. 1(f): The purpose of this Law is to protect, manage and control the wild fauna aiming to conserve the species, populations, their habitats, migration routes and to fulfil their demand for food, shelter and breeding.  Art. 3(f): This Law shall apply to all species and subspecies of wild fauna, including eggs, nests, new-borns and habitats where they live in the wild, permanently or temporarily, in natural habitats, terrestrial and aquatic, within the territory of the Republic of Albania.  This law aims: 1. To ensure the protection and the preservation of biological diversity. 2. To regulate the sustainable use of the biological diversity components, through the integration of the key elements of biodiversity in strategies, plans, programs and in decision making at all levels. 3. To ensure the establishment of a network to enhance the conservation of the natural habitats and of wild fauna and flora in the Albanian territory; 4. To design measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest; 5. To ensure a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics.  1. This Law has as its object the promulgation, preservation, administration, management, sustainable use of protected environmental areas and their natural and biological resources, based on the principle of sustainable development, to ensure the fulfilment of environmental, economic, social and cultural functions, in the interest of the whole society, as well as defining the responsibilities of public institutions and private natural /legal persons for their sustainable conservation and administration, through: [...] b) safeguarding, conservation, rehabilitation and renewal of ecosystems of natural habitats, species, reserves and natural landscapes within the protected environmental areas;  Article 2 Purpose The purpose of this law is to provide special protection to the protected environmental areas and to the important components of biodiversity and nature in them, through: a) the proclamation of protected environmental areas of particular importance to their natural, economic or social values, as part of the natural and cultural heritage of the environment; b) the development and protection of protected environmental areas, national assets of particular importance to the rare and irreplaceable values of natural equilibrium, biodiversity, as an obligation in the interest of present and future generations; c) facilitating the conditions for sustainable development and promoting and evaluating ecosystem services (environmental); c) Information and education of the public on the condition and usefulness of the protected environmental areas.	Y	The LPWF establishes the objective of the conservation of natural habitats and of wild fauna. However, the HD uses conservation of natural habitats as a tool in order to 'contribute towards ensuring biodiversity'. This overarching objective is not sufficiently reflected in the LPWF.  However, the 2017 LPA does reflect this overall objective. Art. 2 of the 2017 LPA sets out that the purpose of the law is to provide protection to 'important components of biodiversity' through distinct types of measures. These measures, including proclamation of PAs or facilitating conditions for sustainable development of ecosystem services can be considered 'conservation'. This is in line with the definition of conservation provided in Art. 3(18) of the 2017 LPA, namely 'the entirety of all measures taken to maintain or restore natural habitats and populations of wild flora and fauna species at a favourable status'.  <b>Although these are specific types of conservation measures the use of the (broader) term would have been appropriate in this context – especially as the term conservation relates to the favourable status of habitats and species.</b>

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
2(2) HD	To maintain or restore, at favourable conservation status, natural habitats and species of wild fauna [and flora] [of Community interest].	The HD aims at maintaining and restoring natural habitats and species of wild fauna and flora of Union interest to a favourable conservation status.  Verschuuren <sup>50</sup> : The Habitats Directive sets a result obligation for Member States to ensure a favourable conservation status for all species of Community interest and for typical species in natural habitats of Community interest (Art 2(2))	Art. 1 (4)LPBD  Art. 3(18) 2017 LPA  Art. 28 2017 LPA  Art. 30 2017 LPA	This law aims: [...] 4. To design measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest;  Conservation: the entirety of all measures taken to maintain or restore natural habitats and populations of wild flora and fauna species at a favourable status.  1. "Special areas of conservation" are proclaimed areas where the types of natural habitats of interest to the European community and the habitats of species of interest to this community are located. These areas are part of the national ecological network and may also include protected areas within the protected area network as well as ecosystems, habitats and landscapes outside of it. 2. The area, the biogeographic region or types that significantly affect the maintenance or restoration of a natural habitat type, of interest to the European Community or at a favourable conservation status, within the region or biogeographic regions concerned, are proclaimed as "special conservation areas", aiming at establishing the necessary protective measures for maintaining or restoring it to a favourable conservation status of natural habitats or populations of the species for which the area is designated. These areas may be part of the ecological network within the protected areas, or connected through bio-corridors with the-protected areas. 3. In the network of areas of interest to the European community are included special areas of conservation for: a) habitats and / or species; b) birds.  Article 30 Objectives and elements of the ecological network of important areas to the European community 1. The ecological network of areas of importance to the European Community (SCIs) consists of the network of protection areas and aims at maintaining or restoring at a favourable conservation status for ecosystems, habitats and landscapes. This network consists of the Special Importance Areas, according to the Habitats Directive and the Protection Areas, according to the Birds Directive.	Y	The term 'favourable conservation status' is defined in Art. 3(23) of the 2017 LPA. In addition the term "Favourable status of conservation of an ecosystem, habitat or landscape" is defined by Art. 3(23) 2017 LPA.  The term 'sites of Community importance' are defined in Art. 2(45) LPBD. In addition, the term 'site of interest to the European Community' is defined by Art. 3(31) 2017 LPA.  Art. 28 of the 2017 LPA regulated Special areas of conservation of the ecological network of areas of interest to the European community'. In this context of Community interest, the purpose of maintaining or restoring at FSC natural habitats and species is also reflected. This is also explicitly reflected in Art. 30 of the 2017 LPA.
2(3)HD	Measures shall take account of economic, social and cultural requirements and regional and local characteristics.		Art. 1 LPBD  Art. 1 2017 LPA	This law aims: [...] 5. To ensure a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics  1. This Law has as its object the promulgation, preservation, administration, management, sustainable use of protected environmental areas and their natural and biological resources, based on the principle of sustainable development, to ensure the fulfilment of environmental, economic, social and cultural functions, in the interest of the whole society, as well as defining the responsibilities of public institutions and private natural/ legal persons for their sustainable conservation and administration, through: [...]	Y	

50. Verschuuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 299.

Art.	EU Obligation	Guidance	Nat. provision (Art. And legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 2 BD	Objectives					
Art. 2 BD	Take measures to maintain the population of all species of naturally occurring birds in the wild at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.	<p>Guidance on hunting (p. 8); Commission/Belgium, case 247/85, ECR 1987: <b>'Although Article 2 does not constitute an autonomous derogation from the general system of protection, it none the less shows that the Directive takes into consideration, on the one hand, the necessity for effective protection of birds and, on the other hand, the requirements of public health and safety, the economy, ecology, science, farming and recreation'</b>.</p> <p><b>Guide to sustainable hunting</b> (p. 20): 'Given that the overall objective of the Directive is the maintenance of bird population at a favourable conservation status this should be reflected in the principle of wise use.' 'Whereas the term 'favourable conservation status' is not mentioned explicitly in the Directive (was introduced in 1992 in the Habitats Directive) it is implicit from the requirements of Article 2 of the Directive'.</p>	<p>Art. 1(1) LPWF</p> <p>Art. 13(1) LPWF</p> <p>Art. 1(4) LPBD</p>	<p>1. The purpose of this Law is to protect, manage and control the wild fauna aiming to conserve the species, populations, their habitats, migration routes and to fulfil their demand for food, shelter and breeding.</p> <p>13(1). The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits:</p> <p>This law aims: [...]</p> <p>4. To design measures that maintain or restore, at favourable conservation status, the natural habitats and species of wild fauna of Albanian and European Community interest.</p>	Y	<p>The scope of the LPWF is broader as it does not focus on wild birds but rather on wild fauna (therefore including wild birds). This is further detailed in Art. 13 LPWF that falls under Chapter III on special measures for the conservation of birds.</p> <p><b>Note: No reference is made to the scientific and cultural requirements or to the economic and recreational requirements. This however could relate to translation issues – Art. 13(1) refers to a 'favourable status of ecological, scientific and cultural conservation' – which is not an existing term or concept.</b></p> <p>Art. 13(1) establishes the requirement of ensuring a 'favourable status of ecological, scientific and cultural conservation'. This is a concept that is not defined. The conservation status should be from an ecological point of view. However, economic and recreational requirements can be taken into account. In the current form, this is not correctly transposing Art 2 of the BD</p> <p>The term 'favourable conservation status' can be understood to apply to wild birds – as part of wild fauna referred to in Art. 1(4) LPBD. This is in line with the interpretation of the Article 2 of the HD.</p> <p>Reference to the phrase 'while taking account of economic and recreational requirements' can be read in the Art 13 LPBD regulating the identification of ecosystems, habitats and landscapes.</p> <p>Although no legal requirement is identified 'to adapt the population of these species to that level', DCM nr. 866, date 10.12.2014 on the Approval of Lists on the type of natural habitats of plants, animals and birds with interest for the European Union (i.e. Community) defines and indicate clearly on wild birds and the Annex V provides the Principles on which to be identified wild bird species subject of research for their protection and management.</p>
Reg 338/97	To protect species of wild fauna and flora and to guarantee their conservation by regulating trade therein [in accordance with the following Articles].		Art 51(1) LH	51(1). Natural and legal persons may trade killed game, parts thereof and trophies from hunting, legally acquired and provided they are included in the list of Annex III of the Birds Directive, approved by Instruction of the Minister and only when they are equipped with a certificate issued by the hunting area manager.	N	<p>This requirement as such is not covered by the legislation subject to this assessment.</p> <p>It is noted that the LH includes a provision where trade of wild bird is regulated.</p>

### **PART 3: SPECIFIC OBJECTIVES**

Guidance from the 2016 Evaluation study to support the fitness check of the Birds and Habitats Directive) (p. 39): Specific objectives: 'The strategic objectives of the Nature Directives lead to more specific objectives which together comprise a comprehensive protection framework, including both site and species protection aspects'.

#### **A: Site protection (Establishment and management of Natura 2000)**

Guidance from the 2016 Evaluation study to support the fitness check of the Birds and Habitats Directive) (p. 39): 'The site protection provisions of the Directives focus on the establishment, protection and management of a coherent network of sites (the Natura 2000 network) for selected species and habitats of particular European conservation concern. The establishment of the network is a requirement under Article 3 of the Habitats Directive, which states that 'a coherent European ecological network of special areas of conservation should be set up under the title Natura 2000'. Article 3 of the Habitats Directive also states that the Natura 2000 network shall include the SPAs classified by the Member States pursuant to the Birds Directive. The designation of SPAs stems from Article 3 of the Birds Directive, under which 'Member States shall take requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1' through, inter alia, the creation of protected areas. The Natura 2000 network therefore comprises SACs hosting habitats (according to Annex I of the Habitats Directive) or species (Annex II of the Habitats Directive) of Community interest, and SPAs designated under the Birds Directive. Designated SPAs, therefore, become part of the Natura 2000 network.'

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 3 HD	<b>CHAPTER : Conservation of natural habitats and habitats of species</b>					
3(I) HD	A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000 <sup>51</sup> . This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.	The Nature 2000 system is established (by Article 3 HD) as a key tool to achieve the aims set out in Article 2 of the HD.  Commission Guidelines (HD): Article 3 is part of the Directives "pillar" on the conservation of natural habitats and the habitats of species through the establishment of the Natura 2000 network (Articles 3 to 10).	Art. 3(20) 2017 LPA  Art. 28 2017 LPA  Art. 17/1 (2) amend to LPBD  Art. 2(44) amend LPBD	20. "Ecological network" is the system of protected environmental area and those of community interest, according to the categories proclaimed according to the procedures of this law and connected via bio-corridors.  1. "Special areas of conservation" are proclaimed areas where the types of natural habitats of interest to the European community and the habitats of species of interest to this community are located. These areas are part of the national ecological network and may also include protected areas within the protected area network as well as ecosystems, habitats and landscapes outside of it. 2. The area, the biogeographic region or types that significantly affect the maintenance or restoration of a natural habitat type, of interest to the European Community or at a favourable conservation status, within the region or biogeographic regions concerned, are proclaimed as "special conservation areas", aiming at establishing the necessary protective measures for maintaining or restoring it to a favourable conservation status of natural habitats or populations of the species for which the area is designated. These areas may be part of the ecological network within the protected areas, or connected through bio-corridors with the-protected areas. 3. In the network of areas of interest to the European community are included special areas of conservation for: a) habitats and / or species; b) birds.  Article 17/1 - Conservation of natural habitats and habitats of species 1. Without prejudice to Law nr.9868, dated 4.2.2008 "On some additions and changes in Law no.8906, dated 6.6.2002 "On Protected area", Special areas of conservation (SACs) comprising natural habitat sites referred in article 17/4, letter "a" and habitats of species referred in article 17/4, letter "b", as well as Special protection areas (SPAs) for Wild Birds referred in of article 17/4, letter "e" of this law must be designated to contribute to the creation of a coherent European ecological network. 2. In addition to the provisions of articles 4/3 and 7 of the Law nr.9868, dated 4.2.2008 "On some changes on law no.8906, dated 6.6.2002 "On protected area" and of articles 27, 28, 29, 30, 31 of law no.8906, dated 6.6.2002 "On protected area" a coherent ecological network of <b>special areas of conservation and special protection</b> areas shall be set up and denominated under the title Natura 2000. "44. <b>Natura 2000</b> " means an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats;		(lack of crucial reference)  Art. 28 of the 2017 LPA provides for 'Special areas of conservation of the ecological network of areas of interest to the European community'. The 2017 LPA provides a definition of ecological network – no direct reference is however made to Natura 2000. This reference can be found in the LPBD, where Art. 2(44) defines Natura 2000 as 'an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats'. <b>This could be improved by a possible inclusion in the text of Article 28(1) of the 2017 LPA of the words "and the Natura 2000", so that the second sentence of the first paragraph should read: "These areas are part of the national ecological network and the Natura 2000 network and may also include protected areas..."</b> The term SAC is defined in Art. 3(32) of the 2017 LPA as well as in Art. 28(1) of the 2017 LPA which results in overlap. It is noted that the LPBD makes a direct reference to the 2002 LPA in the context of the European network of areas (for which an update is required) The national expert suggests the use of a general reference, e.g. 'has the same meaning as in the law 'On Protected Areas''. The terms SAC and 'Natura 2000' are moreover used in in Art. 17/1 – amending the LPBD. – requiring the establishment of 'coherent ecological network of <b>special areas of conservation</b> (SACs) and <b>special protection areas</b> (SPAs) shall be set up and denominated under the title Natura 2000'. According to Art. 3(1) HD, these sites shall be "hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II". Annex I and II to the HD are transposed by Annex I and 2 to MCD No 866, however the national transposing legislation does not include a reference to these annexes. This is not considered a conformity issue as reference can be assumed in the Albanian legal system. The application of the SAC to these types however generally follows from the definition of SAC in Art. 28(1), that it applies to 'areas where the types of natural habitats of interest to the European community and the habitats of species of interest to this community are located'.  <b>Transposition could be improved by avoiding overlap of definitions (SAC) and to include a reference to the Annexes that list the specific natural habitats (Annex 1 to MCD No 866) and habitats and species (Annex 2 to to MCD No 866).</b>

51. <http://www.natura.al/page.php?lang=en&section=albaniatowardsn2000>

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.		Art. 2 (3) amend LPBD  Art. 8 / amend LPBD	3. After paragraph 42 will be added paragraph 43, 44, 45, 46 and 47 with these contents:  (47) Special protection areas (SPAs)" means an area where wild birds classified as rare and vulnerable and as regularly occurring migratory species are strictly protected;  <b>Article 8</b> After article 17, will be added article 17/1, 17/2, 17/3, 17/4 and 17/5 with this content:  <b>"Article 17/1 Conservation of natural habitats and habitats of species</b> 1. Without prejudice to Law nr.9868, dated 4.2.2008 "On some additions and changes in Law no.8906, dated 6.6.2002 "On Protected area", Special areas of conservation (SACs) comprising natural habitat sites referred in article 17/4, letter "a" and habitats of species referred in article 17/4, letter "b", as well as Special protection areas (SPAs) for Wild Birds referred in of article 17/4, letter "e" of this law must be designated to contribute to the creation of a coherent European ecological network.  2. In addition to the provisions of articles 4/3 and 7 of the Law nr.9868, dated 4.2.2008 "On some changes on law no.8906, dated 6.6.2002 "On protected area" and of articles 27, 28, 29, 30, 31 of law no.8906, dated 6.6.2002 "On protected area" a coherent ecological network of special areas of conservation and special protection areas shall be set up and denominated under the title Natura 2000.	Y	Directive 79/409/EEC on the conservation of wild birds required Member States 'to classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species'(Art. 4(1)).  Art. 2 (47) LPBD defines SPA. In addition, Article 8 (amendment to) LPBD requires under paragraph (1) that ' Special protection areas (SPAs) for Wild Birds referred in of article 17/4, letter "e" of this law must be designated to contribute to the creation of a coherent European ecological network'.  Under paragraph (2) it is provided that 'a coherent ecological network of special areas of conservation and special protection areas shall be set up and denominated under the title Natura 2000'.  Although no reference is made directly to Directive 79/409/EEC, it follows from the legislation that the SPAs established for birds should contribute to the European ecological network / Natura 2000.  A general note relates to the reference to the 2002 LPA, which requires updating.
3(2) HD	To contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1.  To that effect sites shall, in accordance with Article 4 be designated as special areas of conservation taking account of the objectives set out in paragraph 1.	Each MS has to designate an area in proportion to the representation within its territory of the natural habitat types and the habitat of species listed in ANNEX I (natural habitats of a Union interest) and ANNEX II (animal and plant species of a Union interest) to the Directive. <sup>52</sup>	Art. 17/1 (amend) LPBD	Article 17/1 - Conservation of natural habitats and habitats of species 1. Without prejudice to Law nr.9868, dated 4.2.2008 "On some additions and changes in Law no.8906, dated 6.6.2002 "On Protected area", Special areas of conservation (SACs) comprising natural habitat sites referred in article 17/4, letter "a" and habitats of species referred in article 17/4, letter "b", as well as Special protection areas (SPAs) for Wild Birds referred in of article 17/4, letter "e" of this law must be designated to contribute to the creation of a coherent European ecological network.	N	The legislation does not reflect the requirement that the contribution to the creation of Natura 2000 should be 'in proportion to the representation within its territory'. This is assessed as incomplete transposition.  Art. 17/1 refers to the designation of SACs and SPAs. Transposition could be improved by including a reference to procedure of designating SACs. – which is regulated in Art. 29 of the 2017 LPA.  A general note relates to the reference to the 2002 LPA, which requires updating.

52. Van Calster, G. and Reins, L. (2017), p. 186.



Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
3(3) HD	To improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna (and flora), as referred to in Article 10.	Verschuuren <sup>53</sup> : 'In addition to Article 6, Articles 3(3) and 10 of the Habitats Directive are particularly relevant for connectivity. Article 3(3) provides that '[w] here they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10' (emphasis added, JV). The latter provision states that 'Member States shall endeavour, where they consider it necessary in their land-use planning and development policies' (emphasis added, JV), to maintain and develop 'features of the landscape which are of major importance for wild fauna and flora' as a possible way to improve the ecological coherence of the Natura 2000 network. The legal wording of both Article 3(3) and Article 10 indicates that these provisions are not goal oriented but effort oriented and leave a considerable amount of discretion to the Member States.'	Art 2(28) LPBD	28. «Status of preservation of an ecosystem, habitat or landscape» is set of influences that operate in an ecosystem, habitat or landscape and typical species that may affect the distribution, structure, natural functions and the long-term survival of typical species.	N	Art. 10 HD refers to land use planning.  No transposing legislation is identified that requires the improving and developing of features of a landscape to ensure the coherence of the Natura 2000 network in line with Art 10 HD. Examples in practice include designation and implementation of animal corridors along the transport routes (terrestrial, aerial and in water bodies).  The term landscape is defined in Art. 2(21) LPBD as well as in Art. 3(16) of the 2017 LPA. Features of and affecting the landscape are listed in Art. 9 of the 2017 LPA- however apply to the protected areas themselves, not as such their coherence.  Through the definition of the 'Status of preservation of an ecosystem, habitat or landscape', the improvement of the ecological coherence can be linked to the development of critical features of landscape.
Art. 6 HD	<b>Conservation measures</b> <sup>54 / 55</sup>					

53. Verschuuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 290.

54. MANAGING NATURA 2000 SITES, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Available at: [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf)

55. Commission Guidelines: Article 6 is a key part of the chapter of Directive 92/43/EEC setting out the framework for site conservation and protection, and including proactive, preventive and procedural requirements. It is relevant to special protection areas under Directive 79/409/EEC as well as to sites based on Directive 92/43/EEC. The framework is a key means of achieving the principle of environmental integration and ultimately sustainable development.



Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
6(2) HD (and BD via ART. 7 HD)	To take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.	<p>Commission Guidelines (HD). Article 6: The article takes as a starting point the prevention principle: <b>'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration... as well as disturbances...'</b>. Member States are required to take preventive measures to avoid deterioration and disturbances connected with a predictable event. These measures apply only to the species and habitats for which the sites have been designated, and should also be implemented, if necessary, outside the sites.</p> <p>Guidance CJEU (Case C-399/14 <b>Grüne Liga Sachsen and others</b> [para 46]): Article 6(2) of the Habitats Directive must be interpreted as meaning that a plan or project not directly connected with or necessary to the management of a site, and authorised, following a study that did not meet the requirements of Article 6(3) of that directive, before the site in question was included in the list of SCIs must be the subject of a subsequent review, by the competent authorities, of its implications for that site if that review constitutes the only appropriate step for avoiding that the implementation of the plan or project referred to results in deterioration or disturbance that could be significant in view of the objectives of that directive.</p> <p>Verschuuren<sup>57</sup>: 'All of the MS have to designate the most important terrestrial and marine areas within their jurisdiction for certain listed species and habitat types. Once designated, a series of legal obligations, laid down in Article 6 of the Habitats Directive, apply. [...]  • Where a site is deteriorating or where there is a threat of deterioration, EU Member States have to take appropriate steps to protect these sites. This also applies to Natura 2000 sites designated under the Birds Directive.'</p>	<p>Art. 19(3) LPBD</p> <p>Art. 8 LPWF</p> <p>Art. 10 LPWF</p>	<p>3. The state bodies, the legal, public and private persons take action and avoid the unnecessary damage to their types and habitats within and outside the protected areas.</p> <p>8 - Protecting habitats, migration routes and breeding conditions  1. Natural and legal persons, exercising economic and social activities in the territory of the Republic of Albania, that result in adverse effects on habitats, migration routes and breeding conditions of wild fauna species, must respect the allowed standards and norms of environmental emissions.  2. The environmental permits of activities for construction, reconstruction and extension of settlements and economic activities, technological improvements in existing activities, shall include special requests and measures to mitigate the adverse effects on habitats, migration routes and breeding conditions of wild fauna species.  3. The use of lands, forests and water bodies shall be allowed when they do not result in the alteration of habitats and do not disrupt their basic functions.</p> <p>Article 10 - Protection against hazardous substances and waste  1. To avoid severe adverse effects on wild fauna and its genetic entirety, habitats, migration routes and breeding conditions, the use and administration of hazardous substances and waste and pesticides, by natural and legal persons, shall be conducted pursuant to the provisions of Law No. 8405, dated 17/09/1998 «On chemical substances and preparations», Law No. 9537, dated 18/05/2006 «On the administration of hazardous waste», Law No. 9362, dated 24/03/2005 «On plant protection service», as amended, and their implementing by-laws.  2. The environmental permits of the activities that produce, generate and administer hazardous substances and waste, shall define, under a special rubric, the specific conditions and requirements for the protection of wild fauna, its genetic entirety, habitats and breeding conditions.</p>	Y	<p>Chapter V of the LPBD regulates the protective measures for land, water and marine types (species). This transposes the general requirement – in relation to species – established by the HD. Although the chapter focuses on species, the obligation to take action against unnecessary damage covers species and habitats – inside and outside PAs.</p> <p>The phrase 'in so far as such disturbance could be significant in relation to the objectives of this Directive' is not transposed. This is not an issue as this results in stricter transposition.</p> <p>The 2017 LPA moreover distinct between three degrees of protection – the crucial element being the level of disturbance allowed (with the first degree of protection ensuring 'an undisturbed natural area', whereas the third degree allows socio/economic and tourist activities (Art. 3(35, 36 and 37) of the 2017 LPA).</p> <p>The protection degrees are a usual applied practice for the drafting of PA management Plans, including degree of protections through designation of zoning. However, the enforcement of such protection elements requires improvement.</p> <p>The LPWF provides concrete examples of measures – where appropriate steps are taken to avoid adverse effects.</p> <p>Art. 8 LPWF sets additional standards for projects where it regards possible effects to 'adverse effects on habitats, migration routes and breeding conditions of wild fauna species'. Similarly, additional standard apply to hazardous waste (Art.10 LPWF).</p>

57. Verschuuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 290

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
6(3) HD (and BD via ART. 7 HD)	<p>Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.</p> <p>In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.</p>	<p>Both the HD and the BD (via Article 7 HD) require an assessment of the impacts of all plans and programmes which are likely to have a significant effects on the site - even if they are not directly connected with the sites.</p> <p>Article 6(3) and 6(4) HD establish the procedure and substantial requirements that need to be considered when assessing whether a proposed project can be authorised within a Natura 2000 site.</p> <p>Guidance CJEU (Case C-182/10 <b>Solvay</b> [para 66]): Article 6(3) of the Habitats Directive establishes an evaluation procedure intended to ensure, by means of a preliminary examination, that a plan or project which is not directly connected with or necessary for the management of the site concerned but likely to have a significant effect on it is authorised only to the extent that it will not adversely affect the integrity of that site<sup>58</sup>.</p> <p>The application of Article 6(3) comprises two different stages. First, a screening stage relates to whether an appropriate assessment concerning the impact of a plan or project has to be drawn up. Second, an assessment stage relates to the drawing up of an appropriate assessment and the impact on the decision-making process.<sup>59</sup></p> <p>Commission Guidelines (HD), Article 6(3) and (4) define a step-wise procedure for considering plans and projects: (a) The first part of this procedure consists of an assessment stage and is governed by Article 6(3), first sentence; (b) The second part of the procedure, governed by Article 6(3), second sentence, relates to the decision of the competent national authorities; (c) The third part of the procedure (governed by Article 6(4)) comes into play if, despite a negative assessment, it is proposed not to reject a plan or project but to give it further consideration.</p> <p>Verschuren<sup>60</sup>: 'All of the MS have to designate the most important terrestrial and marine areas within their jurisdiction for certain listed species and habitat types. Once designated, a series of legal obligations, laid down in Article 6 of the Habitats Directive, apply: [...]</p> <ul style="list-style-type: none"> <li>• Projects that potentially have a significant effect on a Natura 2000 site may proceed only after an assessment has shown that the site's ecological integrity will not be adversely affected. In order to make sure that this test is passed, mitigation measures are increasingly designed into projects. In this way, developers aim to create an 'ecological surplus', which is anticipated to function as a buffer and enable the site to support the planned economic and social developments. This opens the opportunity for connectivity measures to be included in big infrastructure and other projects. The appropriate assessment has to show that the overall impact indeed is not negative.</li> </ul> <p>This also applies to Natura 2000 sites designated under the Birds Directive (through Art 7 of the Habitats Directive).'</p>	<p>Art. 15 LPBD</p> <p>Art. 68 2017 LPA</p> <p>Art. 9 LPWF</p>	<p>Activities or new uses of ecosystems, habitats and protected landscapes can be exercised only after being subjected to the procedures for the assessment of the environmental impact and after being equipped with environmental permits.</p> <p>1. The legal or natural person, whether public or private, who damages or threatens to damage, by his action or omission, an area or parts of a protected area, within the meaning of this law, is responsible for the damage and pays the costs of repairing the damage and rehabilitating the area and reinstating it to the previous condition.</p> <p>2. Performing the assessment of the damage caused to the protected environmental area is the duty of the administration of the protected area.</p> <p>Article 9 - Protection from adverse effects of climate changes</p> <p>1. The Ministry, depending on climate changes and their impacts on wild fauna, shall prepare the intervention and action plans to handle the situation.</p> <p>2. The Ministry, when confirming the negative effects on wild fauna, caused by climate changes, shall organise rescue, mitigating and compensation measures, provided for by the action plans.</p> <p>3. The Minister shall approve the intervention and action plans for handling adverse impacts due to climate changes, to biodiversity in general and wild fauna in particular.</p>	N	<p>Chapter IV of the LPBD regulates the 'Preservation of ecosystems, habitats and landscapes, placed outside of the protected areas network'. Art. 15 requires an assessment in case of activities of new use. The scope is limited as it sees on 'activities or new uses of ecosystems, habitats and protected landscapes', whereas the nature Directives refer to 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon'.</p> <p>In addition, Art. 68 of the 2017 LPA establishes a 'damages assessment'. The scope of this provision also much more limited as it regards 'who damages or threatens to damage'.</p> <p>Overall, it is noted that an EIA is not the same as the appropriate assessment. The main issue here is that the assessment needs to determine the 'implications for the site in view of the site's conservation objectives'.</p> <p>The second paragraph of Art. 4(3) is not reflected in the national legislation.</p> <p>Although not transposing the Directives requirements - Art. 9 LPWF provides an example of additional standards regarding possible effects of not 'directly related' action.</p> <p>The precautionary principle applies to the assessment referred to in Art. 6(3) HD<sup>61</sup>. The application of this principle is established in Art. 4(c) of the 2017 LPA.</p>

58. See Case C 127/02 Waddenvereniging and Vogelbeschermingsvereniging [2004] ECR I-7405, paragraph 34.

59. Van Calster, G. and Reins, L. (2017), p. 187.

60. Verschuur, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope? (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 290.

61. Verschuur, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope? (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 290.

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
6(4) HD (and BD via ART. 7 HD)	<p>If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, all compensatory measures necessary shall be taken to ensure that the overall coherence of Natura 2000 is protected.</p> <p>Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or to other imperative reasons of overriding public interest.</p>	<p>Article 6(4) provides for an exception (IROPI exception), despite of a negative outcome of the appropriate assessment, authorise a plan or project. This means that even where a plan or project has a significant effect on a site, it might be implemented for 'imperative reasons of overriding public interest (IROPI)'<sup>62</sup>.</p> <p>Commission guidelines (HD): This provision forms part of the procedure of the assessment and possible authorisation, by the competent national authorities, of plans and projects likely to affect the special area of conservation (SAC). The provisions of Article 6(4) apply when the results of the preliminary assessment under Article 6(3) are negative or uncertain. The sequential order of its steps has to be followed.</p> <p>Similar as Article 6(3), Article 6(4) is also considered to comprise two stages. Prior to invoking the IROPI exception, it will have to be assessed whether alternative solutions are available to implement the project without adverse impact on the integrity of the site. In case of a positive answer, this alternative solution should be used rather than invoking the IROPI exception. Only in case of a negative answer, the IROPI exception can be invoked<sup>63</sup>.</p> <p>Verschuren<sup>64</sup>: 'All of the MS have to designate the most important terrestrial and marine areas within their jurisdiction for certain listed species and habitat types. Once designated, a series of legal obligations, laid down in Article 6 of the Habitats Directive, apply: [...]</p> <ul style="list-style-type: none"> <li>The Habitats Directive has a derogation clause in case an assessment of a project deemed of high public interest and utility reveals that it will harm the integrity of a Natura 2000 site, and hence the authorities will not be able to authorize the project. In these circumstances, a project can still be approved under certain conditions, one of which is that all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected are taken. These compensatory measures may very well include measures aimed at creating or enhancing connectivity between Natura 2000 sites and/or other protected areas. This also applies to Natura 2000 sites designated under the Birds Directive'.</li> </ul>			N	No measures have been identified.

62. Van Calster, G. and Reins, L. (2017), p. 188. They continue to explain that in practice, 'this requires, firstly, that there are no alternative solutions for the plan or project, and secondly, that all compensation measures are taken to safeguard the overall coherence of the Natura 2000 Network'.

63. Van Calster, G. and Reins, L. (2017), p. 188.

64. Verschuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge, p. 290.

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 3.1 BD	To take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1 (in light of the requirements referred to in Article 2).	<p>Article 3.1 of the Directive provides that the measures are taken in light of the objectives listed in Article 2 of the Directive. Art. 3 obliges MS 'to preserve, maintain and re-establish' biotopes and habitats, especially by means of creation and ecological management of protected areas and biotopes.</p> <p>Guidance on hunting (p. 9): The Commission does not consider that socio-economic activities – of which hunting is an example - necessarily contravene these provisions. However, it is necessary that such activities within SPAs to be properly managed and monitored to avoid such significant disturbance.</p>	<p>Art. 13(l) LPWF</p> <p>Art. 14 LPWF</p>	<p>The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation [...]</p> <p>14. - Protected habitats of birds.</p> <p>1. Regarding wild birds in the territory of the Republic of Albania, measures to conserve, maintain and re-establish a sufficient diversity and habitat shall be implemented by: [...]</p> <p>2. The most adequate territories, as far as the presence, status and size of the populations of wild birds are concerned, particularly vulnerable ones, subject to special habitat conservation measures, shall be proclaimed as special protected areas. The list of wild bird species, particularly vulnerable ones, shall be approved by an Order of the Minister.</p> <p>3. In special protected areas, special conservation measures for species habitats, for which they are created, shall be implemented to ensure the survival and breeding in their dispersal area, taking into consideration that particular species call for special attention due to their status as threatened and endemic species.</p> <p>4. The special protected areas for birds shall be proclaimed pursuant to the provisions of Law No. 8906, dated 06/06/2002 «On protected areas», as amended.</p>	Y	<p>Reference to the requirements of Art. 2 of the BD follows from Art. 13 LPWF.</p> <p>This obligation is strengthened by Art. 28 of the 2017 LPA, regulating SAC of the ecological network of areas of interest to the European Community, which also covers birds (Art. 28(3)(b) 2017 LPA). It follows from Art. 6 (types of protected areas) of the 2017 LPA that SACs (can) include SPAs.</p> <p>Art. 14(4) of the LPWF states that 'The special protected areas for birds shall be proclaimed pursuant to the provisions of Law No. 8906, dated 06/06/2002 "On protected areas", as amended'. In addition to a general note that the reference to the 2002 LPA requires updating, it is noted that Art. 10 of the 2017 LPA regulated the 'Proclamation of protected areas'.</p> <p>For improvement of the legislation, reference to the SPA as a type of protected area could be discussed in the 2017 LPA (which at this stage only refers to the SPA in unclear wording in the context of Art. 6 on types of PAs). Other references include Article 26, Specialty Protected Area as habitat of waterfowl species «Ramsar» areas) and «Important Bird Areas» (IBA).</p>
Art. 3.2 BD	The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:		Article 14 LPWF -	<p>Protected habitats of birds.</p> <p>1. Regarding wild birds in the territory of the Republic of Albania, measures to conserve, maintain and re-establish a sufficient diversity and habitat shall be implemented by:</p>	Y	
	(a) creation of protected areas;		<p>Art. 14(l) (a) LPWF</p> <p>Art. 6(b) (ii) 2017 LPA</p> <p>Art. 28 2017 LPA</p>	<p>a) establishing protected areas, pursuant to the provisions of Law No. 8906, dated 06/06/2002 «On protected areas», as amended;</p> <p>Protected environmental areas according to the type of interest for which protection status has been granted are:</p> <p>(ii) areas of interest to the European Community (SACs), which include special areas for conservation of habitats and birds (SCIs and SPAs);</p> <p>3. In the network of areas of interest to the European community are included special areas of conservation for:</p> <p>a) habitats and / or species;</p> <p>b) birds.</p>	Amb.	<p>Ambiguous transposition</p> <p>A general note relates to the reference to the 2002 LPA, which requires updating.</p> <p>In general the relation between SAC and SPA does not follow clearly from the legislation. According to Art. 6 (b) (ii) of the 2017 LPA 'areas of interest to the European Community (SACs), which include special areas for conservation of habitats and birds (SCI and SPAs)'. The abbreviation SPA is only used in Art. 6 LPA – whereas the full term 'Special Protection Area' or the concept as such is not used or defined in the 2017 LPA. The definition can be found in the amendment to the LPBD (Art. 2/47 defines <b>Special protection areas (SPAs)</b> as: an area where wild birds classified as rare and vulnerable and as regularly occurring migratory species are strictly protected-. From the legal text is is ambiguous whether the creation of a PA (as required by the Directive) also foresees for the establishment of a SPA under the 2017 LPA. Art. 30(l) then uses the term 'Protection Areas' in relation to the Birds Directive.</p>

Art.	EU Obligation	Guidance	Nat. provision (Art. and legal ref.)	Complete text of national provision	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	(b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;		Art. 14(1) (b) LPWF	b) providing and managing habitats, within and outside the protected areas, based on ecological needs;	Y	
	(c) re-establishment of destroyed biotopes;		Art. 14(1) (c) LPWF	c) establishing biotopes and re-establishing destroyed biotopes.	Y	
	(d) creation of biotopes.		Art. 14(1) (d) LPWF	c) establishing biotopes and re-establishing destroyed biotopes.	Y	

Guidance from the 2016 Evaluation study to support the fitness check of the Birds and Habitats Directive) (p. 40):

‘The Nature Directives require the establishment of a system of strict species protection, whereby activities negatively affecting the conservation status of the species under protection are prohibited. Systems should also ensure that hunting does not jeopardise conservation efforts, and that it complies with the principles of wise use and ecologically balanced control of the species concerned. The Nature Directives also specifically require Member States to consider the reintroduction of native species, in order to ensure their effective re-establishment at a Favourable Conservation Status’.





Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
12(1) (a) HD	(a) all forms of deliberate capture or killing of specimens of these species in the wild;	Commission guidelines (HD). Article 12(1)(a) prohibits all forms of deliberate capture or killing <sup>61</sup> of specimens of these species in the wild. <b>The term “deliberate” has to be interpreted as going beyond “direct intention”.</b> In accordance with Article 12(3), this prohibition applies to all stages of life of the animals. <b>Good information and guidance by the competent authorities seem an appropriate way of implementing these provisions.</b>	Art. 23 (3)(a) LPBD  Art. 19 LPWF  Art. 13 LPWF  Art 46 LH b and c	23(3) The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping: (a) All the forms of the deliberate capture or killing of these species;  19- Prohibited actions Upon entry into force of this Law, in the Territory of the Republic of Albania the following shall be prohibited: 1. Possessing, keeping in captivity and trading wild fauna specimens captured directly from the wild. 3. Capturing or killing wild fauna specimens, when they are under difficult conditions, due to climate conditions, such as frosts, floods, fires and other natural disasters.  Special measures for the conservation of birds. 13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: a) their intentional killing or capturing by any means;  b) hunting of wild animals and birds not included in the list of game animals; c) hunting outside the open hunting areas;	Y	Reference to 'in the wild' can be taken from the scope of the legislation.

65. Similar to Art. 5 BD.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
12(l) (b) HD	(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;	Commission guidelines (HD): Article 12(l) (b) prohibits the deliberate disturbance of Annex IV species especially during periods of breeding, rearing, hibernation and migration, where the species are more vulnerable. Under Article 12(3), moreover, this prohibition applies to all stages of life of the animal species concerned. <b>Disturbance need not directly affect the physical integrity of a species but can nevertheless have a direct negative effect.</b>	Art. 23 (3)(a) LPBD  Art. 6  Art. 19 LPWF  Art. 13 LPWF  Art 46 LH c) f) g)	3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping; [...] b) The deliberate disturbance of these species, especially during the propagation period, growth, wintering and migration;  6 – Protection requirements For the protection of wild fauna the following requirements shall be taken into consideration: [...] 12. Prohibiting and eliminating cruel behaviour on wild fauna species, and torture against them.  19- Prohibited actions Upon entry into force of this Law, in the Territory of the Republic of Albania the following shall be prohibited: 2. Cruel behaviour and torture against wild fauna specimens. 4. Destroying habitats and breeding conditions  Special measures for the conservation of birds. 13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: c) intentional disturbance of birds, particularly during the periods of breeding and rearing  c) hunting during the prohibited period and beyond the permitted hunting season; f) killing game during reproduction and offspring rearing; g) hunting during breeding or offspring rearing also for migratory species, during their return to breeding territories;	Y	

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
12(1)(c) HD	(c) deliberate destruction or taking of eggs from the wild;	Commission Guidelines (HD): Article 12(1)(d) is a stand-alone provision. Contrary to the other prohibitions of Article 12, it does not concern directly the species but protects important parts of their habitats, as it prohibits deterioration or destruction of breeding sites or resting places. <b>The word "deliberate" covers not only situations where a certain result is directly intended but also situations where the person committing an offence knows the consequences of his action but accepts them, even if not directly intended.</b>	Art. 23 (3)(a) LPBD  Art. 13(1)(c) LPWF  Art 46 LH ë)	3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping; [...] c) The deliberate destruction or taking their eggs; Article 13  Special measures for the conservation of birds. 13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: c) taking and keeping eggs from the wild even when these eggs are empty;  ë) destruction of nests, damage, collection, taking of eggs and new-borns, killing or taking out of their nest and destruction of animals in them;	Y	
12(1)(d) HD	(d) deterioration or destruction of breeding sites or resting places.	Commission Guidelines (HD): The provision in Article 12(1)(d) should therefore be understood as aiming to safeguard the ecological functionality of breeding sites and resting places. Thus, Article 12(1)(d) ensures that such sites and places are not damaged or destroyed by human activities so that they can continue to provide all that is required for a specific animal to rest or to breed successfully.	Art. 23 (3)(a) LPBD  Art. 13 LPWF  Art 46 LH g)	3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping; [...] d) The damage or the destruction of the proliferation areas or of the residence places;  Special measures for the conservation of birds. 13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: b) intentional damage, dislocation and disruption of nests and their eggs;  g) hunting during breeding or offspring rearing also for migratory species, during their return to breeding territories;	Y	

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
12(2)	For these species: to prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild [ <b>except for those taken legally before this Directive is implemented.</b> ]		Art. 23(2) (d) LPBD  Art. 19 LPWF  Art. 13 LPWF	2. The especially protected types of plants are subjected to a strict regime of protection, stopping: [...] d) The maintenance, transport, sale, exchange or the offer for sale or the exchange of these species, taken in the wild state.  19- Prohibited actions Upon entry into force of this Law, in the Territory of the Republic of Albania the following shall be prohibited: 5. Moving and transporting wild fauna specimens in ways, means and forms that are detrimental to their life and health. 13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: dh) keeping, transporting, selling or offering for sale of live or dead birds.	Y	
12(3) HD	The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.		Art. 23(1) LPBD	1. It is prohibited the use of the animals and of the especially protected plants, except when otherwise provided by law. These prohibitions are applied to all the stages of the animal life and for all the stages of the biological cycle of the plants.	Y	
12(4) HD	To establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). To take further action – in light of the information gathered, to take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.	Commission Guidelines (HD): Article 12(4) could be of relevance in defining the requirements of both a "strict protection system" and an "appropriate surveillance system".	Art. 9 LPBD  Art. 26 LPBD  Art. 35 LPWF  Art. 17/2 (3) (amend)LPBD	1. For the biodiversity preservation and for sustainable use of its components set up the inventory and monitoring network of the biodiversity, as the main source of information to support decision making at all levels.  6. The ministry, through its inventory and monitoring network of the biological diversity, coordinates the work on research, inventory and monitoring of the implementation of the conservation status of the recorded types.  35 - Monitoring Wild fauna monitoring, as an essential part of bio-monitoring, including monitoring of qualitative and quantitative indicators, habitats and breeding conditions, shall be a permanent and mandatory process. The Ministry must establish a system to monitor the incidental capture and killing of species referred in article 17/4, letter "c" and further research or conservation measures taken as required avoiding significant negative impact on species concerned.		(lack of crucial reference)  Transposed via Art. 17/2 (3) (amend)LPBD.  In addition there are several general requirements for monitoring.  Art. 9 LPBD sets a general requirement on monitoring.  In relation to the protection system set up under art. 23 LPBD, from Art. 26(6) the existence of a monitoring system of the biological diversity can be understood.  Art. 35 LPWF requires the establishment of wild fauna monitoring.  Annex IV to the Directive is transposed by Annex 3 DCM 866. In the transposing legislation, however no reference is made to this annex. Similar as in relation to Art. 12(1) HD it is noted that in general the lack of reference is not considered a conformity issue as reference is assumed in the Albanian legal system. However in this case the lack of reference to the Annexes is considered an issue as the protection regime and the required monitoring apply to the species listed in Annex IV(a). Consequently, a link between the monitoring system and the species to which it applies should be established.
Art. 13 HD	<b>System of strict protection</b>					

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
13(1)	To take the requisite measures to establish a system of strict protection for the plant species listed in Annex IV (b), prohibiting: (a) the deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild; (b) the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented.		Art. 23(2) LPBD	2. The especially protected types of plants are subjected to a strict regime of protection, stopping: a) The intentional collection, cutting, weeding out or the destruction of these plants in their natural area, in the wild state; b) The maintenance, transport, sale, exchange or the offer for sale or exchange of these types, taken in the wild state.		(Lack of crucial reference)  It is noted that Art. 23 LPBD combines the transposition of art. 12 - sees on the protection of animal species – and art 13 on the protection of plants.  However, transposition is considered an issue because the protection regime is not linked to the plants listed in Annex IV(b).
13(2)	The prohibitions referred to in paragraph 1 (a) and (b) shall apply to all stages of the biological cycle of the plants to which this Article applies.		Art. 23(1) LPBD	1. It is prohibited the use of the animals and of the especially protected plants, except when otherwise provided by law. These prohibitions are applied to all the stages of the animal life and for all the stages of the biological cycle of the plants.	Y	
Art. 14 HD	<b>Taking specimens of species of wild fauna and flora and their exploitation</b>					
14(1)	To take measures (if deemed necessary in light of surveillance provided in Article 11) to ensure that the taking in the wild of specimens of species of wild fauna and flora listed in Annex V as well as their exploitation is compatible with their being maintained at a favourable conservation status.		Art. 6 (9) LPWF  Art. 14 LPWF  Art. 20 LPBD	Article 6- Protection requirements  For the protection of wild fauna the following requirements shall be taken into consideration: 9. Limiting the exploitation of wild species for collection purposes or any other purposes.  14 - Protected habitats of birds 1. Regarding wild birds in the territory of the Republic of Albania, measures to conserve, maintain and re-establish a sufficient diversity and habitat shall be implemented by: a) establishing protected areas, pursuant to the provisions of Law No. 8906, dated 06/06/2002 "On protected areas", as amended; b) providing and managing habitats, within and outside the protected areas, based on ecological needs; c) establishing biotopes and re-establishing destroyed biotopes.  20 - The status of the protected types  1. Catching, taking, keeping and the use of individuals of the species and protected animals and plants are prohibited, unless otherwise specified in this law.	N	The transposing legislation does not refer to the FCS objective .  The objective of FCS is included in the definition of conservation (established in Art. 3(18) of the 2017 LPA (meaning " the entirety of all measures taken to maintain or restore natural habitats and populations of wild flora and fauna species at a favourable status). Although Art. 14 LPWF refers to "measures to conserve" this only applies to birds.  Annex V to the Directive is transposed by Annex 4 DCM 866. In the transposing legislation, however no reference is made to this annex – which is required to link the legal regime to the animal and plant species listed in Annex V.  It is noted that Annex 2 of the Order of the Minister of the Environment No. 1280, date 20.11.2013, "On announcing the Red List of the Wild Flora and Fauna" provides the list of endangered wild fauna species.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
14(2)	Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11.		Art. 60 2017 LPA	1. The monitoring of the activity of protected environmental areas is performed by the regional administration of the protected areas and by the entities engaged by it in the monitoring.	N	<p>Incomplete transposition</p> <p>According to Art. 11 of the HD, Member States shall undertake surveillance of the conservation status of the natural habitats and species referred to in Art. 2 with particular regard to priority natural habitats and priority species.</p> <p>Chapter IX of the 2017 LPA regulates 'public participation, information, monitoring and scientific research and study'. Art. 60 deals with 'Monitoring the activity in the protected areas'.</p> <p>Transposition is however incomplete as the national legislation does not focus on 'priority natural habitats and priority species' (via the reference to Art. 11).</p>
14(2)	Such measures may also include in particular: — regulations regarding access to certain property,		Art. 10 (5)(d) 2017 LPA  Art. 20 LPBD  Art.2(12) LH	<p>5. Protected environmental area are proclaimed in order to protect and preserve the biologic diversity, the landscape, the natural and cultural heritage, which are legally managed, according to one of the categories defined in this law, territories that include: [...] d) rural, tourist and sport centers, of an important traditional, ecological, aesthetic, cultural, archaeological, spiritual, educational, recreational, and visitors' access possibilities, as well as for scientific research.</p> <p>1. Catching, taking, keeping and the use of individuals of the species and protected animals and plants are prohibited, unless otherwise specified in this law.</p> <p>3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favorable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: a) Adjustments related to the access to certain properties;</p> <p>12. «Hunting area permitted capacity» means: a) the maximum number of hunters that may hunt during one day in a hunting area, in compliance with the rules of technical safety; b) the number of individuals of wild fauna species that may be hunted in a day, in a hunting area.</p>	Y	<p>Where it regards the monitoring of PA in general, Art. 10 on the proclamation of PAs mentions that rules can be established regarding access.</p> <p>Art. 20 of the LPBD provides the option to regulate access for monitoring purposes.</p> <p>Access can moreover be regulated through the option to apply degrees of protection (first, second and third degree) defined by Art. 3(35, 36 and 37) where the level of disturbance relates to access.</p> <p>In addition, there are specific access requirements in the areas of hunting (which according to Art. 51 of the 2017 LPA are established outside PAs).</p> <p>The LH defines the term 'hunting area permitted capacity' – which indicates the option to limit the 'number of individuals of wild fauna species that may be hunted in a day, in a hunting area. However - this term is not further referred to in the legislation.</p> <p>From a practical perspective, it is noted that monitoring methods used for "measuring" these capacities are insufficient and unable to provide reasonable monitoring results. However, scientific monitoring implemented in recent years suggest that the overall capacities of habitats and species monitored are in danger, which resulted in a proposal for a moratorium on hunting.</p> <p>Based on the sustainability approach, monitoring methods used for scientific purposes should be guiding on any decisions – including those on habitat quality and performance in terms of management actions.</p>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	— temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,		Art. 20 LPBD  Art. 17 LH	<p>1. Catching, taking, keeping and the use of individuals of the species and protected animals and plants are prohibited, unless otherwise specified in this law.</p> <p>3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favorable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...]</p> <p>b) Temporary or local prohibition of the issuance of the species in the nature and the use of certain populations;</p> <p>17 - Reintroduction areas and captive breeding</p> <p>1. In order to increase the types of game populations, reintroduction areas and captive breeding shall be established.</p> <p>6. After reintroduction, the status of reintroduction areas shall be removed and these areas may be declared as open to hunting, pursuant to the procedures on declaring hunting areas, as laid down in this Law.</p>	Y	<p>Art. 20 of the LPBD on the 'status of the protected types' prohibits the taking of the protected species and plants.</p> <p>Art. 20 (3b) of the LPBD provides the option to regulate temporary prohibitions for monitoring purposes.</p> <p>In relation to hunting, the option of temporary prohibition is used for re-introduction of 'game' populations. It is noted that as per Art. 51 of the 2017 LPA this applies outside PAs.</p>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	— regulation of the periods and/or methods of taking specimens,		Art. 20 (3) LPBD	3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] c) The adjustment of the periods and / or methods of obtaining the types;	Y	Art. 20 (3c) of the LPBD provides the option to adjust the periods and methods for monitoring purposes.  In specific relation to hunting (outside PAs), it is noted that from the definition of the term ' hunting' is can already be derived that hunting is subject to methods established by law.  Prohibitions of certain hunting methods is established by ART. 45 LH. Art. 46 LH provides for regulation of periods in which hunting is not allowed.
			Art. 2(1) LH	1. «Hunting» means the specialised activity of using the wild fauna, involving the pursuit, capture, killing of animals and birds, subject to hunting pursuant to the methods defined by law		
			Art. 45 LH	Article 45 Prohibited hunting methods, techniques and means 1. No person may kill or capture a game animal using poison, using means, arrangements or methods for the large-scale or non-selective capture or killing such as: a) poison; b) means that cause massive killing; c) explosives, traps, pits, snares, birdlime, hooks, nets, poisoned baits, or stupefying agents; ç) live birds used as decoys which are blind or mutilated; d) horses, carts, motor vehicles, motorboats navigating at a speed over 5 kilometres per hour or aircraft for pursuit; dh) artificial light sources or dazzling mirrors; e) electronic equipment to improve vision in low light; ë) voice imitation software; f) electrical devices capable of killing or stunning; g) gas or smoke obliging animals to come out of their hiding places; gj) nets for capturing birds. h) semi-automatic or automatic weapons. 2. The hunter may use dogs to track a wounded animal but may not allow the dogs to harass or attack the animal.		
			Art. 46 ç LH	46 - Actions prohibited in hunting ç) hunting during the prohibited period and beyond the permitted hunting season f) killing game during reproduction and offspring rearing; g) hunting during breeding or offspring rearing also for migratory species, during their return to breeding territories; i) hunting during the night, starting from the sunset until sunrise;		



Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	— application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,		Art. 20 LPBD  ART. 36 LH	3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] d) The implementation of the hunting and fishing rules, which take into account the preservation of these populations;  36 - Testing of hunters 1. The persons aiming to exercise hunting shall be subject to testing, according to the programme approved by the Minister. 2. The testing programmes shall be prepared by the Ministry, in cooperation with the hunters association and biology university units, and shall include theoretical and practical knowledge on hunting activity and legislation, on the management and use of game species, knowledge on the biology of fauna species, the hunting manners, methods and means, knowledge on hunting weapons and their use, on hunting dogs, as well as on diseases of game animals	Y	Art. 20 (3d) of the LPBD provides the option for measures on application for monitoring purposes  In specific relation to hunting, it can be derived from the educational requirements set in Art. 36 LH that hunters are obliged to take to adhere to and are knowledgeable of 'rules which take account of the conservation'
	— establishment of a system of licences for taking specimens or of quotas,		Art. 20 LPBD  Art. 8 LH  Art. 2(12) LH	3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] d) Establishing a licensing system for the use of types or harvesting quota;  8- Permitted hunting areas 1. Hunting shall be carried out only in areas permitted for hunting  12. «Hunting area permitted capacity» means: a) the maximum number of hunters that may hunt during one day in a hunting area, in compliance with the rules of technical safety; b) the number of individuals of wild fauna species that may be hunted in a day, in a hunting area.	Y	Art. 20 (3d) of the LPBD provides the option for establishing licences systems for monitoring purposes.  In specific relation to hunting, such measures are not identified. The LH only includes general reference to permitting.  The LH defines the term 'hunting area permitted capacity' – which indicates the option to limit the 'number of individuals of wild fauna species that may be hunted in a day, in a hunting area. However - this term is not further referred to in the legislation.
	— regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens,		Art. 20 (3) LPBD	3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] f) Regulating the purchase, sale, offer for sale, keeping for sale or transport for sale of types;	Y	Art. 20 (3f) of the LPBD provides the option for regulation of purchase, sale, offer for sale, keeping for sale or transport for sale of types establishing licences systems for monitoring purposes.  In specific relation to hunting, such measures are not identified

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	— breeding in captivity of animal species as well as artificial propagation of plant species, under strictly controlled conditions, with a view to reducing the taking of specimens of the wild,		Art. 20 (3) LPBD  Art. 17 LH	<p>3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] e) Control of proliferation in a non- free state of animal species, as well as the artificial proliferation of the plants under a strict control, for reducing the receipt of the types from the wild state;</p> <p>17 - Reintroduction areas and captive breeding 1. In order to increase the types of game populations, reintroduction areas and captive breeding shall be established. 2. DFSs shall, pursuant to the objectives of the Ministry on hunting, within one year from entry into force of this Law, submit to the Ministry their proposals on declaring reintroduction areas in the territories under their administration. 3. Reintroduction areas shall be declared the forestry and pasture territories not smaller than 1000 hectares, where the population of one or more types of game result to be significantly reduced due to over-hunting or due to other causes. 4. Establishment of reintroduction areas shall be subject to the following requirements: a) the area must have traditionally been a habitat of the game to be reintroduced; b) its surface must be biologically sufficient for the normal living of species; c) the area must fulfil the conditions for food and reproduction; c) breeding and reintroduction shall be made with domestic traditional species; d) visibly mark the area boundaries on the area and on the maps.</p>	Y	<p>Art. 20 (3f) of the LPBD provides the option artificial propagation.</p> <p>In specific relation to hunting, regulation of breeding in captivity is provided in Art. 17 LH.</p>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	— assessment of the effect of the measures adopted.		Art. 22 LH	3. The types of this group may be subject to the management measures and to the use in natural status according to the law, which will be done in accordance with the favourable conservation status. Based on the data received from the inventory and monitoring network of the biological diversity in such measures could include: [...] h) Evaluating the effect of measures taken 22- The national hunting development programme 1. The national hunting development programme shall reflect the goals and objectives for sustainable development of hunting, the methods and means for accomplishing them. It shall be developed by the Ministry for a period of 10 years and shall be approved by Decision of the Council of Ministers, upon the proposal of the Minister.	Y	Art. 20 (3h) of the LPBD provides the option for evaluation of the effect of the adopted measures.  No measures have been identified in specific relation to hunting. The assessment of the effect of measures adopted' can be assumed to be covered by the national programme.
			Art. 56LH	56- Control on hunting Control on hunting, as part of the control for the protection of wild fauna, shall mean the State activity that ensures the implementation of the provisions of this Law and of the relevant Conventions where the Republic of Albania is a party to.		
Art. 5 BD	To take (without prejudice to Articles 7 and 9) the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:		Art. 13 LPWF	13- 'Conservation and adoption'. 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: [...]	Y	Overall the conservation measures in Art. 13 LPWF reflect the requirements laid down in Article 5 BD.  The Directive provides that the measures are <b>without prejudice</b> to Articles 7 and 9 – therewith referring to the options for hunting (Article 7) and derogations (Article 9). Derogations that mentioned in Art. 13(2) are partly reflecting Article 9 BD. Within the LPWF no mention is however included to hunting as derogation to this provision.  In addition to the prohibitions listed in Art. 5 BD, the LPWF add the prohibition of dh) keeping, transporting, selling or offering for sale of live or dead birds.  In addition, the 2017 LPA lists the types of protected areas (Art.6) – covering 'special areas for conservation of habitats and birds (SCIs and SPAs)'. However - the specific prohibitions listed in Ar. 5 BD are not established in the LPA.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	(a) deliberate killing or capture by any method;	Guidance on hunting (p. 11): The basic prohibition on hunting is found in Article 5 (a) of the Directive, which requires Member States to prohibit in particular the <b>“deliberate killing or capture by any method”</b> . [However, the Directive provides for exceptions to the general prohibitions set out in Article 5.]		a) their intentional killing or capturing by any means;	Y	As noted (row above) there is no clear derogation for hunting in relation to this obligation.
	(b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;			b) intentional damage, dislocation and disruption of nests and their eggs;	Y	
	(c) taking their eggs in the wild and keeping these eggs even if empty;			c) taking and keeping eggs from the wild even when these eggs are empty;	Y	
	(d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;			c) intentional disturbance of birds, particularly during the periods of breeding and rearing;	Y	Even stricter as the condition of affecting the objectives of the BD are not mentioned.
	(e) keeping birds of species the hunting and capture of which is prohibited.			d) keeping in captivity and hunting species prohibited by a normative act;	Y	<b>In case of full transposition of prohibited list of bird species.</b>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 7.1 BD	Owing to their population level, geographical distribution and reproductive rate, the species listed in Annex II may be hunted under national legislation.	<p>Hunting of the species that are listed in ANNEX II is subject to the national legislation. Criteria mentioned by Article 7 are the population level, the geographical distribution and reproduction rate. MS are not allowed to extend the list provided by ANNEX II<sup>6</sup>.</p> <p>Guidance on hunting (p. 11): The Article 7 hunting exception to the Article 5 prohibitions is subject to several conditions set out in Article 7.</p> <p>(p. 16): Article 7 provides an explicit basis for hunting under the Directive. By reference to Annex II it lists the species that may be hunted throughout the EU (Annex II part A) and those that may be hunted within specified MS (Annex II part B). It also sets out the principles to be respected with regard to hunting, including with regard to the fixing of hunting seasons.</p> <p>(p. 17-18): Hunting is carried out under national legislation. The listing of a species in Annex II does not oblige a MS to allow for it to be hunted. It is merely an option of which the MS may or may not avail themselves.</p>	<p>Art. 3(1) LH</p> <p>Art. 51 2017 LPA</p>	<p>1. Hunting may be exercised on individuals types of wild fauna, designated as game animals by Decision of the Council of Ministers, upon the proposal of the Minister. In elaborating the list, the Ministry shall cooperate with the relevant scientific research institutions and the Agency of Environment and Forestry. [...]</p> <p>3. The following games shall not be subject to hunting and shall not be permitted to be hunted:</p> <p>a) species of wild fauna, protected by international conventions where the Republic of Albania is a party to;</p> <p>b) species of wild fauna that are rare, endangered, threatened with extinction, and included in the list of protected species;</p> <p>c) all species of migratory wild birds, which upon assessing their populations, result to be very rare. Assessment of migratory species shall be part of the inventory.</p> <p>Hunting is prohibited in all the categories of protected environmental areas.</p>	Y	<p>The species listed in Annex II to the BD may be hunted under national legislation - except with the PAs</p> <p>DCM No. 546 dated 7.7.2010 "On the approval of the list of wild fauna species, subject to hunting" [outside Pas] lists that species that may be hunted [<b>depending of coverage of wild birds</b>]</p> <p>Exceptions to hunting are listed in Art. 3(3) LH.</p> <p>It is noted that the Bern Convention defines 'game' species as 'to include all wild avian and terrestrial mammal species for which hunting is legally permitted in countries that have signed the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)'.</p> <p><b>The term games in para. 3 is likely to mean 'wild fauna' (as game is species for which hunting is legally allowed).</b></p> <p>Hunting is further limited by the 2017 LPA, providing that hunting is prohibited on protected environmental areas – which means that no hunting areas can be located any of the categories of PAs-</p>
	To ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.	<p>Guidance on hunting (p. 18): This implies that the practice of hunting must not represent a significant threat to efforts for the conservation of both huntable as well as non-huntable species.</p>	Art. 51 2017 LPA	<p>Hunting is prohibited in all the categories of protected environmental areas.</p>	Y	<p>Hunting is further limited by the 2017 LPA, providing that hunting is prohibited on protected environmental areas – which means that no hunting areas can be located any of the categories of PAs</p> <p>In addition, the LH includes several restrictions for hunting.</p>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 7.2 BD	The species referred to in Annex II, Part A may be hunted in the geographical sea and land area where this Directive applies.		Art. 51 2017 LPA  Art. 11 LH	Hunting is prohibited in all the categories of protected environmental areas.  Article 11 Areas where hunting is prohibited 1. Hunting shall be prohibited in: a) all the areas no included in one of the hunting areas; è) coastal wetland areas, serving as habitats to migratory birds; h) areas declared as important bird areas;	Y	Hunting areas are located outside the protected environmental areas.  DCM No. 546 dated 7.7.2010 "On the approval of the list of wild fauna species, subject to hunting" lists that species that may be hunted [ wild bird are included]  Note that the designation of hunting areas is regulated via Art. 14 LH.
Art. 7.3 BD	The species referred to in Annex II, Part B may be hunted only in respect of which they are indicated.					DCM No. 546 dated 7.7.2010 "On the approval of the list of wild fauna species, subject to hunting" lists that species that may be hunted.
Art. 7.4 BD	To ensure that the practice of hunting, including falc only if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.	Guidance on hunting (p. 19): In the context of hunting wise use clearly implies sustainable consumptive use with an emphasis on maintaining populations of species at a favourable conservation status.  (p. 25): "Ecologically balanced control" implies that the measures taken should be ecologically sound and in proportion to the problem to be solved taking into account the conservation status of the species involved.	Art. 51 2017 LPA	Hunting is prohibited in all the categories of protected environmental areas	N	The requirements laid down in Art. 7.4 BD on 'ecologically balanced control of the species of birds' relate to the definition of sustainable hunting – provided in Art. 2(2) LH. However, the LH does not use the term of sustainable hunting in this context. No reference to the 'principles of wise use' has been identified.  Based on Art. 51 hunting areas cannot be located in protected environmental areas.
	It shall be ensured that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction.	Guidance on hunting (p. 19): Commission/Italy, Case C-157/89, ECR 1991: 'the second and third sentences of Article 7(4) of the Directive are designed to secure a <b>complete system of protection</b> in the periods during which the survival of wild birds is particularly under threat. Consequently, protection against hunting activities cannot be confined to the majority of birds of a given species, as determined by average reproductive cycles and migratory movements."	Art. 46 (f) and (g) LH	46 – Actions prohibited in hunting Upon entry into force of this Law, the following shall be prohibited in the Republic of Albania: f) killing game during reproduction and offspring rearing; g) hunting during breeding or offspring rearing also for migratory species, during their return to breeding territories;	Y	DCM No. 546 dated 7.7.2010 "On the approval of the list of wild fauna species, subject to hunting" lists that species that may be hunted.

66. Case C-262/85 Commission v Italy [para 12].

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in Accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	It shall be ensured that, in the case of migratory species the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.	As above.	Art. 3(1) and (2) LH  Art. 46 LH	3 - Types of game 1. Hunting may be exercised on individuals types of wild fauna, designated as game animals by Decision of the Council of Ministers, upon the proposal of the Minister. In elaborating the list, the Ministry shall cooperate with the relevant scientific research institutions and the Agency of Environment and Forestry. 2. Individuals of wild fauna species, local or migratory, living freely under natural conditions or captive-bred in enclosed areas, semi-free or under captive conditions shall be subject to hunting  Article 46 (LH) Actions prohibited in hunting Upon entry into force of this Law, the following shall be prohibited in the Republic of Albania: f) killing game during reproduction and offspring rearing;	Y	Art. 46 (see above) applies.

## C: WILD LIFE PROTECTION AND TRADE

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)		Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Reg. 338/97	To prohibit commercial trade in the most endangered species threatened with extinction; By establishing a licensing system to be applied to trade in other species - which although not currently endangered - might become so without regulation of trade. Permits and certificates for imports and exports are to be issued by the competent authorities.					

## PART 4: OPERATIONAL OBJECTIVES AND MEASURES

Guidance from the 2016 Evaluation study to support the fitness check of the Birds and Habitats Directive) (p. 40): ‘The operational objectives further develop and ensure achievement of the specific objectives. They define the measures to be taken by Member States to implement the Directives’.

### A: SITE PROTECTION (ESTABLISHMENT AND MANAGEMENT OF NATURA 2000)

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 3.3 HD	<b>As above: To encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network</b>			Assessed above		
HD	<b>List of areas</b>					
4(1) HD	To propose (on the basis of criteria set out in Annex III (Stage 1) and relevant scientific information) a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host.		Art. 30 2017 LPA	<p>Article 30 Objectives and elements of the ecological network of important areas to the European community</p> <p>1. The ecological network of areas of importance to the European Community (SCIs) consists of the network of protection areas and aims at maintaining or restoring at a favourable conservation status for ecosystems, habitats and landscapes. This network consists of the Special Importance Areas, according to the Habitats Directive and the Protection Areas, according to the Birds Directive.</p> <p>2. The ecological network is composed of:</p> <p>a) the central area of European importance for the conservation of biological diversity, including natural and semi-natural ecosystems, habitats and landscapes;</p> <p>b) corridors for the improvement of the connection of central areas, supporting the movement of species;</p> <p>c) buffer areas to support and protect the ecological network from external influences and where within is promoted the sustainable and ecological development.</p>	Y	<p>Member States are required to identify SCIs based on scientific criteria and pro-pose them to the Commission within three years of notification of the Directive.</p> <p>Annex III to the HD sets criteria for selecting sites eligible for identification as Sites of Community Importance (SCI) and designation as special areas of conservation.</p> <p>Annex III (A) is effectively transposed by Art. 29 of the 2017 LPA, regulating the ‘criteria for evaluating and proclaiming areas of interest to the European Community).</p> <p>Article 30 of the 2017 LPA regulates the ‘Objectives and elements of the ecological network of important areas to the European community’.</p> <p>According to Art. 30(1) the ecological network of areas of importance to the European Community (SCIs) consists of the network of protection areas and aims at maintaining or restoring at a favourable conservation status for ecosystems, habitats and landscapes.</p>
	For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction.		Art. 29 (3) 2017 LPA	3. For animal species, which are found in wide areas, the areas match with the sites within which takes place the natural distribution of these species and represent the physical and biological factors, essential for their life and their reproduction	Y	



Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.		Art. 29(4) 2017 LPA	4. For aquatic species, which are found on wide areas, the areas are proposed only in cases when they are clearly identifiable and represent the physical and biological factors necessary for their life and reproduction.	Y	
	Where appropriate, adaptation of the list in the light of the results of the surveillance referred to in Article 11 shall be proposed.			Not identified.		
	This list shall be sent to the Commission.		Art. 29(5) 2017 LPA	5. The list and the relevant data for each area are sent to the European Commission. The data include the map of the area, name, location, extension and other data, as a result of the application of the criteria mentioned in point 2 of this article.	Y	
4(4) HD	To designate that site (SCIs) as a <b>special area of conservation</b> as soon as possible and within six years at most. To establish priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed.		Art. 28(1) 2017 LPA	1. «Special areas of conservation» are proclaimed areas where the types of natural habitats of interest to the European community and the habitats of species of interest to this community are located. These areas are part of the national ecological network and may also include protected areas within the protected area network as well as ecosystems, habitats and landscapes outside of it. 2. The area, the biogeographic region or types that significantly affect the maintenance or restoration of a natural habitat type, of interest to the European Community or at a favourable conservation status, within the region or biogeographic regions concerned, are proclaimed as «special conservation areas», aiming at establishing the necessary protective measures for maintaining or restoring it to a favorable conservation status of natural habitats or populations of the species for which the area is designated. These areas may be part of the ecological network within the protected areas, or connected through bio-corridors with the-protected areas. 3. In the network of areas of interest to the European community are included special areas of conservation for: a) habitats and / or species; b) birds.		(lack of crucial reference)  Art. 28 of the 2017 LPA regulates 'Special areas of conservation of the ecological network of areas of interest to the European community'.  Annex I and Annex II to the HD are transposed by Annexes 1 and 2 of the DCM 866. This is considered to be an issue as there is no link established between the legal regime and the habitats and species to which it applies.
Art. 6(1) HD	<b>As above: To establish necessary conservation measures for SCAs – including, if appropriate, management plans.</b>			Assessed above		
Art. 6(2) HD	<b>As above: To ensure that there is no deterioration of habitats and disturbance to species in Natura 2000 sites</b>			Assessed above		
Art. 6(3) HD	<b>As above: To ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment.</b>			Assessed above		
Art. 6(4) HD	<b>As above: To ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons, of overriding public interest and if compensatory measures are taken.</b>			Assessed above		

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
8(1) HD	To ensure (in parallel with proposals for sites eligible for designation as SAC, hosting priority natural habitat types and/or priority species) the ability to estimate cost (relating to the Community co-financing) that is considered necessary to meet the obligations pursuant to Article 6 (1).			Not identified		It follows from Art. 57 on 'Funding sources and administration' of the 2017 LPA that 'the management of the protected environmental areas is funded by the State Budget and other legitimate sources'.
8(2) HD	<b>In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures</b>			This obligation is only relevant if Albania will use EU co-funding (check LIFE)		
8(3) HD	<b>The Commission, in agreement with the Member States concerned, shall assess the financing, including co-financing, required for the operation of the measures referred to in paragraph 2, taking into account, amongst other things, the concentration on the Member State's territory of priority natural habitat types and/or priority species and the relative burdens which the required measures entail.</b>			This obligation is only relevant if Albania will use EU co-funding (check LIFE)		

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
10 HD	<p>To endeavour, their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, where considered necessary, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.</p> <p>Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.</p>	<p>Verschuuren<sup>67</sup>: 'In addition to Article 6, Articles 3(3) and 10 of the Habitats Directive are particularly relevant for connectivity. Article 3(3) provides that '[w]here they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10' (emphasis added, JV). The latter provision states that 'Member States shall endeavour, where they consider it necessary in their land-use planning and development policies' (emphasis added, JV), to maintain and develop 'features of the landscape which are of major importance for wild fauna and flora' as a possible way to improve the ecological coherence of the Natura 2000 network. The legal wording of both Article 3(3) and Article 10 indicates that these provisions are not goal oriented but effort oriented and leave a considerable amount of discretion to the Member States.'</p>	<p>Art. 12 LPBD</p> <p>Art. 5 (4) 2017 LPA</p> <p>Art. 3(2) 2017 LPA</p> <p>Art. 3(4) 2017 LPA</p> <p>Art. 28 (2) 2017 LPA</p> <p>Art. 30(2) 2017 LPA</p>	<p>12-preservation</p> <p>1. Ecosystems, habitats and landscapes are preserved even when are located outside the representative network of the protected areas, public or private property. [...]</p> <p>1. The entirety of the protected environmental areas constitutes the national system of protected territories, proclaimed by special legislation. [...]</p> <p>4. Planning, coordination and leading the establishment of the national system of protected environmental zones is specified in the Specific Plan of the entirety of areas, which includes: a) the objectives of the entirety of the protected environmental areas; b) the contribution of each protected environmental area to the achievement of the objectives of the entirety and those of the ecological network;</p> <p>20. "Ecological network" is the system of protected environmental area and those of community interest, according to the categories proclaimed according to the procedures of this law and connected via bio-corridors.</p> <p>4. "Bio-Corridor" (ecological corridor) is the landscape segment that connects the bio-centers and enables the migration of organisms and their communities, as well as the exchange of genetic data between them.</p> <p>Article 28 Special areas of conservation of the ecological network of areas of interest to the European community [...]</p> <p>2. The area, the biogeographic region or types that significantly affect the maintenance or restoration of a natural habitat type, of interest to the European Community or at a favorable conservation status, within the region or biogeographic regions concerned, are proclaimed as "special conservation areas", aiming at establishing the necessary protective measures for maintaining or restoring it to a favourable conservation status of natural habitats or populations of the species for which the area is designated. These areas may be part of the ecological network within the protected areas, or connected through bio-corridors with the-protected areas.</p> <p>Article 30 Objectives and elements of the ecological network of important areas to the European community [...]</p> <p>2. The ecological network is composed of: a) the central area of European importance for the conservation of biological diversity, including natural and semi-natural ecosystems, habitats and landscapes; b) corridors for the improvement of the connection of central areas, supporting the movement of species; c) buffer areas to support and protect the ecological network from external influences and where within is promoted the sustainable and ecological development.</p>	N	<p>Incomplete transposition</p> <p>Art. 5 of the 2017 LPA regulates 'the national system of protected areas'. – covering the need to consider the entirety of the ecological network.</p> <p>The legislation does not mention the use of land-use planning to develop coherence of the ecological network (Natura 2000). The definition of 'ecological network' (with no explicit reference to Natura 2000) refers to the use of 'bio corridors' - which can be used to improve coherence. Reference to the use of bio-corridors is made in Art. 28 and 30 in relation to the ecological network.</p> <p>Chapter IV of the LPBD regulates the preservation of ecosystems, habitats and landscapes, placed outside of the protected areas network.</p> <p>In very general wording Art. 1 (c) of the 2017 LPA, establishing the scope of the LPA, provides that 'Sustainable use of protected environmental areas by integrating its elements into the strategies, plans, programs and decision-making of all levels, whereas Art. 4 (b) of the 2017 LPA establishes the principle of integration (of integration of environmental protection policies into those of economic development, as the development of the environment is closely related to the economic development of the country). Art. 31 regulates the 'development, planning, coordination and management of the network' by means of a 'network management plan'. These obligations or requirements contribute to the requirement established in Art. 10 HD.</p>

67. Verschuuren, J. (2015). Connectivity: is Natura 2000 only an ecological network on paper? In C-H. Born, A. Cliquet, H. Schoukens, D. Misonne, & G. Van Hoorick (Eds.), *The Habitats Directive in its EU Environmental Law Context. European Nature's Best Hope?* (pp. 285-302). [16] (Routledge Research in EU Law). Abingdon: Routledge.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 11 HD	To undertake surveillance of the conservation status of the natural habitats and species (referred to in Article 2) with particular regard to priority natural habitat types and priority species.	<b>Commission Guidelines (HD): Article 11 obliges the establishment of an appropriate surveillance system to monitor the conservation status of a species of Community interest (as listed in Annex II, IV and V).</b> [...] The scope of Article 11 is not restricted to Natura 2000 sites, but requires monitoring of the conservation status of habitats and species of Community interest, as defined in Article 1 of the Directive, throughout the territories of all MS.	Art. 60 2017 LPA  Art. 9 LPBD  Art. 17/2 amend LPBD  Art. 35 LPWF	Article 60 Monitoring the activity in the protected areas 1. The monitoring of the activity of protected environmental areas is performed by the regional administration of the protected areas and by the entities engaged by it in the monitoring.  1. For the biodiversity preservation and for sustainable use of its components set up the inventory and monitoring network of the biodiversity, as the main source of information to support decision making at all levels.  1. The Ministry supervises the conservation status of natural habitats and species, referred in article 17/4, letter "c" taking special attention to priority natural habitats and priority species and promotes researches as well as scientific work in order to achieve the objectives  35 - Monitoring Wild fauna monitoring, as an essential part of bio-monitoring, including monitoring of qualitative and quantitative indicators, habitats and breeding conditions, shall be a permanent and mandatory process.	Y	

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
4(1) BD	The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.	<p>Guidance on hunting<sup>68</sup>: 'The Commission does not consider that socio-economic activities – of which hunting is an example - necessarily contravene these provisions. However, it is necessary that such activities within SPAs to be properly managed and monitored to avoid such significant disturbance'.</p> <p>Case C-166/97 Commission v France [para 21]; Article 4(1) and (2) of the Wild Birds Directive requires the MS to provide SPAs with a legal protection regime that is capable, in particular, of ensuring both the survival and reproduction of the bird species listed in Annex I to the directive and the breeding, moulting and wintering of migratory species not listed in Annex I which are, nevertheless, regular visitors.</p> <p>Case C-355/90 <b>Commission v Spain – Santona Marshes</b> [ para 26]; Although MS do have a certain margin of discretion with regard to the choice of special protection areas, the classification of those areas is nevertheless subject to certain ornithological criteria determined by the directive, such as the presence of birds listed in Annex I, on the one hand, and the designation of a habitat as a wetland area, on the other.</p> <p>Case C- 44/95 R v Secretary of State for the Environment [ para 27]; Article 4(1) or (2) of the Birds Directive is to be interpreted as meaning that a MS is not authorized to take account of the economic requirements mentioned in Article 2 thereof when designating an SPA and defining its boundaries.</p>	Art. 14 LPWF	<p>14 - Protected habitats of birds</p> <p>1. Regarding wild birds in the territory of the Republic of Albania, measures to conserve, maintain and re-establish a sufficient diversity and habitat shall be implemented by:</p> <p>a) establishing protected areas, pursuant to the provisions of Law No. 8906, dated 06/06/2002 «On protected areas», as amended;</p> <p>b) providing and managing habitats, within and outside the protected areas, based on ecological needs;</p> <p>c) establishing biotopes and re-establishing destroyed biotopes.</p> <p>2. The most adequate territories, as far as the presence, status and size of the populations of wild birds are concerned, particularly vulnerable ones, subject to special habitat conservation measures, shall be proclaimed as special protected areas. The list of wild bird species, particularly vulnerable ones, shall be approved by an Order of the Minister.</p> <p>3. In special protected areas, special conservation measures for species habitats, for which they are created, shall be implemented to ensure the survival and breeding in their dispersal area, taking into consideration that particular species call for special attention due to their status as threatened and endemic species.</p> <p>4. The special protected areas for birds shall be proclaimed pursuant to the provisions of Law No. 8906, dated 06/06/2002 «On protected areas», as amended.</p>		<p>(lack of crucial reference)</p> <p>Article 4 of the Directive is crucial to the protection regime for birds – namely the protection of species habitats in so-called 'Special Protection Areas' (SPAs).</p> <p>Chapter III of the LPWF provides for special measures for the conservation of wild birds.</p> <p><b>Annex I to the BD is transposed by DCM no. 879 date 21.12.2011 on the approval of the rules for the announcement of special conservation areas.</b></p> <p>No link to the special conservation measures and the species mentioned in Annex I follows from the legislation, which is assessed as incomplete transposition.</p> <p>A general note relates to the reference to the 2002 LPA, which requires updating.</p>
	In this connection, account shall be taken of:  (a) species in danger of extinction;		Art. 6 LPWF	<p>Protection requirements</p> <p>For the protection of wild fauna the following requirements shall be taken into consideration:</p> <p>1. Ensuring comprehensive protection of wild fauna and particular protection for its species, pursuant to the specific status of the species and habitat where it lives, by granting a special protection status to species threatened with extinction and endangered species.</p>	Y	
	(b) species vulnerable to specific changes in their habitat;		Art. 2 amend LPBD	"47. <b>Special protection areas (SPAs)</b> " means an area where wild birds classified as rare and vulnerable and as regularly occurring migratory species are strictly protected;		
	(c) species considered rare because of small populations or restricted local distribution;		Art. 2 amend LPBD	As above		
	(d) other species requiring particular attention for reasons of the specific nature of their habitat.			Not identified		

68. Guidance document on hunting under Council Directive 79/409/EEC on the conservation of wild birds ' The Birds Directive'. Available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting\\_guide\\_en.pdf](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf)

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref)	Complete text of the national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	To take into account trends and variations in population levels as a background for evaluations.			Not identified		
	To classify the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area [where this Directive applies].			As above (Art. 4(1)) BD		
4(2) BD	To take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area [where this Directive applies], as regards their breeding, moulting and wintering areas and staging posts along their migration routes.		ART. 5 LPWF  Art. 6 LPWF  Art. 8 LPWF  Art. 13 LPWF	5 - Aims of the protection Wild fauna protection aims to: [...] b) protect the habitats, migration routes and their breeding conditions;  6 - Protection requirements For the protection of wild fauna the following requirements shall be taken into consideration: [...] 3. Conserving and rehabilitating, where possible, the natural habitats, migration routes and creating breeding conditions for the wild fauna species.  8 - Protecting habitats, migration routes and breeding conditions [...]  13 - Conservation and adoption 1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: [...]		(Lack of crucial reference)  Several general measures (art. 5, 6 and 8 LPWF) regarding the protection of migration routes apply.  Art. 13 LPWF regulates the conservation of wild migratory birds.  The legislation does not specify that these measures apply to 'regularly occurring migratory species not listed in Annex I'.
	To pay particular attention to the protection of wetlands and particularly to wetlands of international importance.			Not identified (in relation to migratory species)		
4(4) BD	To take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article in respect of the protection areas referred to in paragraphs 1 and 2.  To strive to avoid pollution or deterioration of habitats outside these protection areas.	<b>ARTICLE 7 Habitats Directive:</b>  Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.		Assessed above		
10 (1) BD	To encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article I. Particular attention shall be paid to research and work on the subjects listed in Annex V.		Art. 17/2 (Amend) LPBD	1. The Ministry supervises the conservation status of natural habitats and species, referred in article 17/4, letter "c" taking special attention to priority natural habitats and priority species and promotes researches as well as scientific work in order to achieve the objectives.		In general - Art. 39 of the LPBD establishes research programmes - 'that support the study, collection of genetic resources, protection of biodiversity and the sustainable use of its components'.

## PART B: ENSURE SPECIES PROTECTION

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 11 HD	<b>As above: To undertake surveillance of habitats and species of [Community interest]</b>			Assessed above		
Art. 12 HD	<b>As above: To establish strict systems of species protection that prohibit their killing, sale or deliberate disturbance and destruction of breeding sites</b>			Assessed above		
Art. 13 HD	<b>As above: to establish strict protection regimes for plant species that prohibit their destruction, picking, keeping etc.</b>			Assessed above		
Art. 14 HD	As above: to ensure hunting is compatible with a Favourable Conservation Status of Species			Assessed above		
15 HD	Capture or killing of species					
Art. 15 HD	<p>In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV (a) to prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:</p> <p>(a) use of the means of capture and killing listed in Annex VI (a);                      (b) any form of capture and killing from the modes of transport referred to in Annex VI (b).</p>	Member States ensure hunting is compatible with a Favourable Conservation Status of species (Articles 14 and 15).	<p>Art. 45 LH</p> <p>Art 46d LH</p>	<p>Prohibited hunting methods, techniques and means</p> <p>1. No person may kill or capture a game animal using poison, using means, arrangements or methods for the large-scale or non-selective capture or killing such as:                      [...]</p> <p>Actions prohibited in hunting                      Upon entry into force of this Law, the following shall be prohibited in the Republic of Albania:                      [...]                      d. exercise of hunting using means, methods and techniques prohibited by this Law and by-laws issued for its implementation.</p>	Y	<p>Art. 15 prohibits the use of non-selective measures for animals listed in Annex V(a) – which lists animal species of community interest whose taking in the wild and exploitation may be subject to management measures.</p> <p>Art. 45 LH is broader as it includes a general prohibition on the use of non-selective measures.</p> <p><b>This should moreover be read in relation to Art. 51 of the 2017 LPA, according to which hunting is prohibited in all categories of protected environment areas.</b></p>
16 HD	Derogation					

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
16(1) HD	Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, it is allowed to derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):	Commission Guidelines (HD): The system of strict protection under Article 12 may be bypassed through derogations under Article 16 of the Directive. <b>Article 16 must be fully and formally transposed with unquestionable binding force. The criteria to be met before granting a derogation must be reproduced in specific national provisions. National transposition measures should guarantee the full application of Article 16, without modifying its terms, without selectively applying its provisions and without adding supplementary conditions or derogations not provided for by the Directive. Mere administrative practices are not sufficient.</b>	Art 25 LBPB  Art 21 LPBD	Usage or new uses of the animals and of the especially protected plants, which appear in cases specified in Article 21 of this Law, will be provided with the environmental permit if: a) There is no other satisfactory alternative; b) Are consistent with a favorable conservation status of types; c) Do not conflict with the international obligations of the Republic of Albania; d) Do not conflict with the objectives of the action plan of types, for the types with an unfavorable conservation status.  Utilizations or new uses of the individuals of the animals' species and of the protected plants to be exercised when not violate the conservation status of the threatened species, when are approved by the Minister and when are equipped with environmental permits. These uses or utilizations are permitted for:		<b>Application of this article is limited by Art. 51 of the hunting law that prohibits hunting in all PAs.</b>
16(1)(a) HD	(a) in the interest of protecting wild fauna and flora and conserving natural habitats;		Art 21 LPBD	b) ex-situ conservation for selective measures or reintroduction purposes; d) To protect the biological diversity;		
16(1)(b) HD	(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;			Not identified		



Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
16(1)(c) HD	(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;		Art 21 LB d)	Utilizations or new uses of the individuals of the animals' species and of the protected plants to be exercised when not violate the conservation status of the threatened species, when are approved by the Minister and when are equipped with environmental permits. These uses or utilizations are permitted for;; d) Health, safety and tourist purposes; f) Sanitary or phytosanitary measures.		
16(1)(d) HD	(d) for the purpose of research and education, of repopulating and re- introducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;		Art 21 LPBD	a) Scientific or educational purposes		
16(1)(e) HD	(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.			Not identified		
18 HD	<b>Research</b>					

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
18(1) HD	To encourage the necessary research and scientific work having regard to the objectives set out in Article 2 and the obligation referred to in Article 11.		Art. 39 LPBD	39 - Research programs  The responsible state bodies support the scientific-research institutions, public and private, to design research programs that support the study, collection of genetic resources, protection of biodiversity and the sustainable use of its components	Y	Member States are required to undertake research to support the objectives of the HD.  Chapter IX of the LPBD regulates 'research activities relating to biodiversity'.  Chapter IX of the 2017 LPA regulates 'Public participation, information, monitoring and scientific research/study'.  The HD links the provision on research to the Arts. 2 and 11, regarding the objectives of the Directive and the surveillance on the conservation status (with a focus on priority natural habitats and species). Although the provisions on research of the LPBD refers to 'protection of biodiversity' and to 'conservation'.
			Art. 26 LPBD	26 – Management 6. The ministry, through its inventory and monitoring network of the biological diversity, coordinates the work on research, inventory and monitoring of the implementation of the conservation status of the recorded types.		
			Art. 61 2017 LPA	Article 61 National research programs in the protected areas 1. The ministry supports and promotes national research programs near the protected environmental areas when these are in accordance with the requirements of this law and the legislation on state aid and cultural heritage. 2. Upon the proposal of the Minister, the Council of Ministers approves the decision on the criteria for performing, approval and monitoring of research-scientific activities in the protected environmental areas.		<b>These provisions could be further strengthened by specifying in more detail the focus of the research.</b>

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
18(2) HD	Particular attention shall be paid to scientific work necessary for the implementation of Articles 4 and 10, and transboundary cooperative research shall be encouraged.		ART. 41(1)(c) LPBD  Art. 40 LPBD	2. Priority is given to the research activities, which affect the conservation measures and the sustainable use, as well as the inventory and monitoring network of the biodiversity.  40 -Assessment  The Ministry, in cooperation with the Ministry of Agriculture, Food and Consumer Protection, within 4 years from the entry into force of this Law, conducts the research activities for the evaluation of the biological diversity. The assessment will serve to review the strategy and the biodiversity action plan and will support the development of the inventory and monitoring network of the biological diversity.		Lack of crucial reference) Overall, Art. 4 HD establishes the obligation to identify SCIs based on scientific criteria (and pro-pose them to the Commission within three years of notification of the Directive (Article 4(1)). The Commission publishes the list of SCIs within six years of notification of the Directive (Article 4(2-3)). In addition, SACs are designated within six years of adoption of the list of SCIs (Article 4(4)). Art. 10 relates to the consideration of land-use planning and development polices.  The transposing legislation does not provide a link between the research and these areas of specific attention.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/ revision)
22 HD	<b>Supplementary provisions</b>					
22	To study the desirability of re-introducing species in Annex IV that are native to their territory where this might contribute to their conservation, provided that an investigation, , has established that such re-introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned;		Art. 36 LPBD	36 - Foreign types and invasive foreign types reintroduction  1. The types reintroduction in order to return to their populations, the opportunity to live, including efforts for proliferation, can be done only with the environmental permit or with the approval of the Minister of Agriculture, Food and Consumer Protection. 2. The reintroduction is allowed in the protected areas, ecosystems, habitats and especially protected landscapes, with the condition to not affect negatively into the biodiversity and to the host environment. 3. The reintroduction is realized according to the internationally recognized rules and to the action plan of the types or other management instruments	N	Art. 36 LPBD regulates the actual re-introduction of species – not its study.
	To ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction.		Art. 9 2017 LPA	Article 9 Objectives of proclaiming territories as protected areas Territories are proclaimed as environmental protected areas in order to meet the general objectives as follows: [...] f) to stop the growth and distribution of non-native animals and plants when they bring about changes in the biodiversity of the area;	Y	Art. 36 of the LPBD (above) regulates the 'reintroduction'. Art. 9 of the 2017 LPA discussed the 'distribution of non-native animals and plants'.

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
	To promote education and general information on the need to protect species of wild fauna and flora and to conserve their habitats and natural habitats.		ART. 48 LPBD	48 -Education and training  The Ministry, in cooperation with the Ministry of Education and Science, coordinates integration of biodiversity conservation principles into the school programs, to educate and prepare the pupils and students	Y	Informing and educating the public on the condition and usefulness of the protected environmental areas is one of the purposes of the 2017 LPA (Art. 2).  For the diverse types of protected areas, the objective of education is often mentioned.  Art. 62 of the 2017 LPA lays down a general obligation to ensure education regarding the protected environmental areas.
			Art. 2 2017 LPA	Article 2 Purpose The purpose of this law is to provide special protection to the protected environmental areas and to the important components of biodiversity and nature in them, through: [...] c) Information and education of the public on the condition and usefulness of the protected environmental areas.		
			Art. 62 2017 LPA	Education process within the protected areas 1. AdZM, in cooperation with the civil society, with the schools in the vicinity of the protected area and with the municipalities, organizes training and awareness raising campaigns with the local communities, pupils and the subjects that exercise activities in the protected environmental areas. 2. AdZM themselves and / or in cooperation with the civil society, inform and sensitize the public through awareness raising campaigns on the rights and obligations for the protected environmental areas.		

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/ revision)
Art. 5 BD	As above: To establish a general system of protection for all wild birds that prohibits certain actions related to their killing, disturbance, destruction of nests, etc.			Assessed above		
Art. 6(1) BD	To prohibit (without prejudice to paragraphs 2 and 3) for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.	Guidance on hunting (p. 11): Article 6(1) contains the basic prohibition on trading in birds that are protected under Article 1. [However - the Directive provides for exceptions to the general prohibitions set out in Article 6.]	Art. 13 (1)(dh) LPWF	1. The conservation and adoption of wild migratory birds populations in the territory of the Republic of Albania is assisted by ensuring a favourable status of ecological, scientific and cultural conservation, which prohibits: dh) keeping, transporting, selling or offering for sale of live or dead birds.	N	Incomplete transposition (minor)  The prohibition in Art. 6 BD applies to 'all the bird species referred to in Art. 1', which cover 'all species of naturally occurring birds in the wild state in the European territory [...]'. This is covered by the phrase 'wild migratory birds populations in the territory of the Republic of Albania'  Reference to the sale of 'and of any readily recognisable parts or derivatives of such birds' is not included in the transposing legislation.
Art. 6(2) BD	The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III, Part A, provided that the birds have been legally killed or captured or otherwise legally acquired.			Not identified		
Art. 6(3) BD	Optional: To allow within their territory ( for the species listed in Annex III, Part B) the activities referred to in paragraph 1, making provision for certain restrictions, provided that the birds have been legally killed or captured or otherwise legally acquired.			Not identified		
Art. 7 BD	As above: To ensure hunting of certain bird species does not jeopardise conservation efforts in their distribution area and that additional conditions are met.			Assessed above		

Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/revision)
Art. 8. BD	To prohibit - in respect of the hunting, capture or killing of birds under this Directive - the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV, point (a).	<p>The use of arrangements and methods for hunting listed in ANNEX IV (point a) shall be prohibited.</p> <p>Guidance on hunting (p. 12): Further qualifications [to the exception of hunting in Article 7] are set out in Article 8, which requires Member States to prohibit <b>'the use of all means, arrangements or methods used for the largescale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV (a)'</b>. Hunting from the modes of transport and under the conditions mentioned in Annex IV(b) is also required to be prohibited.</p> <p>Article 9 allows – on specific grounds – for derogation from Article 8.</p>	ART. 45 LH	<p>Art. 45 LH</p> <p>Prohibited hunting methods, techniques and means</p> <p>1. No person may kill or capture a game animal using poison, using means, arrangements or methods for the large-scale or non-selective capture or killing such as:</p> <p>a) poison;</p> <p>b) means that cause massive killing;</p> <p>c) explosives, traps, pits, snares, birdlime, hooks, nets, poisoned baits, or stupefying agents;</p> <p>c) live birds used as decoys which are blind or mutilated; [...]</p> <p>dh) artificial light sources or dazzling mirrors;</p> <p>e) electronic equipment to improve vision in low light;</p> <p>è) voice imitation software;</p> <p>f) electrical devices capable of killing or stunning;</p> <p>g) gas or smoke obliging animals to come out of their hiding places;</p> <p>g) nets for capturing birds.</p> <p>h) semi-automatic or automatic weapons.</p> <p>2. The hunter may use dogs to track a wounded animal but may not allow the dogs to harass or attack the animal.</p>	Y	<p>Art. 45 LH – transposing Annex IV to the BD - applies to 'game animal' – covering wild birds for which hunting is allowed.</p> <p>In addition, it is noted that the geographical scope for hunting is limited by the introduction of Art. 51 of the 2017 LPA – which does not allow for hunting in any of the protected environmental areas.</p>
	To prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV, point (b).		Art. 45 LH	d) horses, carts, motor vehicles, motorboats navigating at a speed over 5 kilometres per hour or aircraft for pursuit;	Y	Annex IV point (b) is transposed by Art. 45 (d) LH.





Art.	EU Obligation	Guidance	Nat. provision (art. and legal ref.)	Complete text of national legislation	Fully in accord (Y/N)	Comments in relation to implementation (and amendments/ revision)
	(b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;		Art. 13 LPWF	Art. 13 2. Derogation from the above provisions is justified only when there are no other satisfactory solutions, when it pertains to a limited and strictly controlled number and when it is used: [...] b) for research and education purposes or for re-population and re-introduction of species;	Y	
	(c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.			Not identified.		
Art. 9(2) BD	The derogations referred to in paragraph 1 must specify: (a) the species which are subject to the derogations; (b) the means, arrangements or methods authorised for capture or killing; (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted; (d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom; (e) the controls which will be carried out.		Art. 13(3) LPWF	3. The criteria and rules for putting into practice the requirements of point 2 of this Article shall be approved by an Instruction of the Minister.		It is noted that there is a draft instruction ready for approval by the Council of Ministers.  The Minister of Environment has enacted the Instruction No. 1, date 11.2.2016, "On the approval of the methods of registration and inventory of the species of wild fauna subject to hunting...".
Art. 10 BD	To encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.		Art. 6(11) LPWF	6- Protection requirements 11. Organising scientific research for the protection of wild fauna species.	Y	Annex 5 to the BD is transposed via Annex 5 DCM 866. No reference is made to this annex in the transposing legislation – however Art. 6 of the LPWF refers to 'wild fauna species' -
Art. 11 BD	To see that any introduction of species of bird which do not occur naturally in the wild state in the national or regional territory does not prejudice the local flora and fauna.					

## PART C: WILDLIFE PROTECTION AND TRADE

Art.	EU Obligation	Guidance	Law No. 10 006 of 23/10/2008 on the protection of wild fauna (LPWF) and amendments	Law No. 10 253 of 11/03/2010 on hunting (LH) and amendments	Comments in relation to implementation (and amendments/revision)
<b>Art. 57 (1) Reg 865/2006</b>	1. The derogation from Article 4 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens used for commercial gain, sold, displayed for commercial purposes, kept for sale, offered for sale or transported for sale.				
	That derogation shall only apply to specimens, including hunting trophies, if they meet one of the following conditions: (a) they are contained in the personal luggage of travellers coming from a third country; (b) they are contained in the personal property of a natural person transferring his normal place of residence from a third country to the Community; (c) they are hunting trophies taken by a traveller and imported at a later date.				
Art. 57 (2) Reg 865/2006	2. The derogation from Article 4 of Regulation (EC) No 338/97 for personal or household effects, provided for in Article 7(3) of that Regulation, shall not apply to specimens of species listed in Annex A thereto where they are introduced into the Community for the first time by a person normally residing in, or taking up residence in, the Community.				
Art. 57 (3) Reg 865/2006	3. The first introduction into the Community of personal or household effects, including hunting trophies, by a person normally residing in the Community and involving specimens of species listed in Annex B to Regulation (EC) No 338/97 shall not require the presentation to customs of an import permit, provided that the original of a (re-) export document and a copy thereof are presented.  Customs shall forward the original in accordance with Article 45 of this Regulation and return the stamped copy to the holder.				
<b>Art. 57 (3a) Reg 865/2006</b>	By way of derogation from paragraph 3, the first introduction into the Union of hunting trophies of specimens of species or populations listed in Annex B to Regulation (EC) No 338/97 and in Annex XIII to this Regulation shall be subject to Article 4 of Regulation (EC) No 338/97.				

## ANNEXES TO HABITATS DIRECTIVE

	Annex	Guidance		Comments in relation to implementation (and amendments/ revision)
1	<b>Natural habitat types of community interest whose conservation requires the designation of special areas of conservation</b>		Annex 1 DCM 866	
2	<b>Animal and plant species of community interest whose conservation requires the designation of special areas of conservation</b>		Annex 2 DCM 866	
3	<b>Criteria for selecting sites eligible for identification as sites of community importance and designation as special areas of conservation</b>		Art. 29 (1) of the 2017 LPA	
4	Animal and plant species of community interest in need of strict protection	Lists strictly protected species (Annex IV) prohibits any exploitation or disturbance of the "strictly protected" species listed in Annex IV (Art. 13)	Annex 3 DCM 866	
5	Animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures		Annex 4 DCM 866	
6	Prohibited methods and means of capture and killing and modes of transport	Art. 15 prohibits large-scale or non-selective means and methods listed in Annex VI if species protected under the Directive are captured or killed	Art. 45 LH Prohibited hunting methods, techniques and means 1. No person may kill or capture a game animal using poison, using means, arrangements or methods for the large-scale or non-selective capture or killing such as: a) poison; b) means that cause massive killing; c) explosives, traps, pits, snares, birdlime, hooks, nets, poisoned baits, or stupefying agents; c) live birds used as decoys which are blind or mutilated; d) horses, carts, motor vehicles, motorboats navigating at a speed over 5 kilometres per hour or aircraft for pursuit; dh) artificial light sources or dazzling mirrors; e) electronic equipment to improve vision in low light; ë) voice imitation software; f) electrical devices capable of killing or stunning; g) gas or smoke obliging animals to come out of their hiding places; gj) nets for capturing birds. h) semi-automatic or automatic weapons. 2. The hunter may use dogs to track a wounded animal but may not allow the dogs to harass or attack the animal.	

## ANNEXES to Birds Directive

	Annex	Guidance		Comments in relation to implementation (and amendments/revision)
1	<b>ANNEX 1</b> (species and sub-species are particularly threatened. Member States must designate Special Protection Areas (SPAs) for their survival and all migratory bird species)	The Directive establishes special conservation measures for certain endangered species – listed in ANNEX I to the Directive. Annex I lists species that are in danger of extinction, species vulnerable to specific changes in their habitat, rare species (such as due to small populations or restricted local distribution) and species which require specific measures due to the specific nature of their habitat. <sup>69</sup>	<b>DCM no. 879 date 21.12.2011 on the approval of the rules for the announcement of special conservation areas.</b>	
2	<b>ANNEX 2</b> (Bird species can be hunted. However, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable: during their return migration to nesting areas, reproduction and the raising of their chicks).	Guidance on hunting (p.11): In relation to hunting, species listed in Annex II may be hunted under Article 7 of the Directive owing <b>“to their population level, geographical distribution level and reproductive rate throughout the Community”</b> . Where a species is not listed in Annex II, an exception to the prohibitions in Article 5 is only possible where the strict requirements of Article 9 are fulfilled.  Guidance CJEU (Case C-247/85 <b>Commission v Belgium</b> , [para 14]): ‘[I]t must be stated that the national legislation must guarantee that the species of birds not listed in Annex II may not be hunted. Under Article 7 of the directive, it is permitted only to provide that, owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II to the directive may be hunted.’	DCM546, date 7.7.201 on the approval of the list of wild fauna species, subject to hunting.	
3	<b>ANNEX 3</b> (Overall, activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, MS can allow some of these activities for the species listed here)	Guidance on hunting (p. 11): The trade in species listed in Annex III of the Directive is permitted, provided that the conditions and restrictions within Articles 6 (2) and 6 (3) are observed.		

4	<b>ANNEX 4 t</b> (The directive provides for the sustainable management of hunting but MS must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in this annex).	Art. 8 prohibits large-scale or non-selective means and methods, listed in Annex IV.	Art. 45 LH Prohibited hunting methods, techniques and means 1. No person may kill or capture a game animal using poison, using means, arrangements or methods for the large-scale or non-selective capture or killing such as: a) poison; b) means that cause massive killing; c) explosives, traps, pits, snares, birdlime, hooks, nets, poisoned baits, or stupefying agents; ç) live birds used as decoys which are blind or mutilated; d) horses, carts, motor vehicles, motorboats navigating at a speed over 5 kilometres per hour or aircraft for pursuit; dh) artificial light sources or dazzling mirrors; e) electronic equipment to improve vision in low light; ë) voice imitation software; f) electrical devices capable of killing or stunning; g) gas or smoke obliging animals to come out of their hiding places; gj) nets for capturing birds. h) semi-automatic or automatic weapons. 2. The hunter may use dogs to track a wounded animal but may not allow the dogs to harass or attack the animal.	.
5	<b>ANNEX 5</b> The directive promotes research to underpin the protection, management and use of all species of birds covered by the Directive, which are listed in this annex.)		Annex 5 DCM 866	
6	<b>ANNEX 6 (repealed directive with list of successive amendments)</b>	N/A	N/A	N/A

69. Van Calster, G. and Reins, L (2017),p. 185.

# Annex 2: Biodiversity of wild fauna and flora in Albania

## 1. EXECUTIVE SUMMARY

This current report as integrated part of the project was focused on undertaking a desk review of relevant documentation on biodiversity in Albania as may be appropriate with a view of identifying gaps and a justification for an adequate regulatory framework that considers the natural aspects of the wild flora and fauna.

During this phase, the analysis included the relevant data and information presented in various reports towards legal obligations and what Albania has to report at international conventions relevant to wild fauna protection to which Albania has become a party.

A wide content of information was consulted and in addition, the Expert has started communication with relevant Ministries, Departments, Agencies, Academia and civil society stakeholders to prepare a solid assessment document following a participatory approach (this communication will be enlarged in size and dynamic during the next project phase).

As regards meetings, in order to move step by step in relation with the changes in legislation, a mutual agreement between the central institutions and Experts was to start from the perception statement of the central government ministries and agencies as the first milestone, primary to define their initial proposals on law amendments and afterwards getting into local government and further to local NGOs and other stakeholders.

Mainly, contacts were done with the staff of the Ministry of Environment (MoE), the State Inspectorate of Environment, Forests and Waters. The key question addressed to these contacts was if it is the perception for drafting a new law or providing amendments to the existing law. This approach was elaborated with other aspects regarding the point of view of stakeholders towards the wild flora and fauna.

The Legal Expert assessed the current laws and bylaws, subject to the review were the relevant gap analyses with international directives and the implementation of the legislation as part of the activities and obligations from the relevant authorities and institutions.

Considering the existing information, Albania is rich in terms of a diverse flora and fauna, with approximately 3976 high plant taxonomy and 756 vertebrates. Albania accounts for approximately 32 % of the European flora, while high forests of Albania are important habitats for mammals such as: brown bear, the wild boar, wild goat etc., and many bird species. The rich marine fauna community is an indicator of the high rates of preservation and quality of these communities in Albania.

According to the most recent updates of the International Union for the Conservation of Nature (IUCN), 109 species of animals of different taxonomy classifications are considered as threatened. In addition, the list of threatened plant species at the national level is quite extensive, including 319 species, of which 76 species are under critical threat, 123 species under threat and 120 species under worse conditions, all at high risk at the national level.

Medicinal and industrial values, as food for plants and wildlife of different species are very well known. Currently, the country counts 300 medicinal and aromatic plant species, which account for approximately 8 % of the Albanian flora.

The total number of protected areas is 798 (including nature monuments), covering an area of more than 455,854 hectares. This is 15, 83 % of the territory of Albania. 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.

Hunting is one of the activities with the largest impact on the status of biodiversity and its components. This is due to the fact that illicit hunting activities for almost two decades could not be put under control efficiently. This has led to a declining trend of the population of wild species, subject to hunting, in particular birds, which for the most part are migratory birds (Source: Ministry of Environment, INSTAT annual data).

One of the important developments is a recent initiative of the Minister of Environment, by the end of 2013, with a proposal for the government to pass a law on prohibition of hunting in Albania for a given period of time.

As a result of this proposal, the Parliament approved in the beginning of 2014 a law "On moratorium of hunting in the Republic of Albania". The measure is expected to be conducive and minimize concerns about endangered wild fauna species. Meanwhile, following termination of moratorium, control of hunting and implementation of law will represent important priorities.

## 2. INTRODUCTION

Albania is located in the Western part of the Balkans Peninsula, and is characterized by Mediterranean climate in lowlands and valleys, and by Continental and cold climate in the North and East.

Albania is well known for its high diversity of ecosystems and habitats. Albania's total land area is divided into three main ecological zones (the coastal plain zone, the hilly transition submountainous zone, and the mountainous zone) and 13 sub-zones, which contribute to the country's rich biodiversity. Forests cover 36% of the country's territory, agricultural land about 26% and pastures about 15%. Approximately 60% of the pastures are alpine and sub-alpine pastures and meadows. Forest and pastures have a high diversity of types Mediterranean shrubs, oak woodland, beech forest, mountain pine, etc and animal communities. Along the coastline of the country there are many ecosystems of significance in the Mediterranean region such as lagoons, wetlands, sand dunes, river deltas, hydrophilic and hygrophilous forests. The lakes and rivers are also important for the biological and landscape diversity of the country. The beauty of the landscape makes Albania a potential attraction for nature-based recreation activities.

Taking into account the existing information, Albania has a rich diversity of flora and fauna with about 3,200 species of vascular plants, 2,350 species of non-vascular plants, and 15,600 species of invertebrates and vertebrates. Albania is an important migration route for birds. Approximately 30% of European flora and 42% of European mammals occur in Albania. The relief has created the conditions for the existence and protection of a number of endemic and sub-endemic species. There are 32 plant species with 150 subspecies which are endemic in Albania and another 160 plant species which are sub-endemic in Balkan region. Albania counts 91 globally threatened ornithofauna species and is of critical importance for some of them (e.g. *Pelecanus crispus*, *Phalacrocorax pygmeus*, and *Acipenser sturio*). Coastal lagoons and large lakes are important areas, especially for wintering migratory birds. There, annually are encountered 70 waterfowl and waterbird species with a total population of 180,000 individuals in Albania during winter. Albania has a number of autochthonous breeds of cattle and crops. About 30 species of crops are native to Albania. There are 9 autochthonous breeds of goats and 5 of sheep. There is an important heritage for the protection and improvement of the production and the quality of the agricultural and animal husbandry. In highlands there more than 52 00 ha of natural forests with woods more than 200 years old with high value for biodiversity for wild animals and birds and for recreational purposes. This area is the most significant area for research and genetic resources.

Following the implementation of the provisions of the laws are drafted by-laws, which complete the legal basis for specific elements of nature. Among such documents is the list of flora and fauna species that are under protection and are materialized with the publication of the Red Book of Albanian Flora and Red Book of Albanian Fauna. Protection of species of conservation interest is realized through specific biodiversity law provisions and the law for protection of wild fauna. The biodiversity Law at the same time contains provisions for invasive species and protection measures for species conservation. The achievement of favorable status of conservation for species is aimed through biodiversity law

and protected areas law, which contain provisions for the protection of biodiversity inside protected areas as well as outside them. 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. The Law on wild fauna protection foresees protecting provisions for important habitats for birds in general and migratory birds in particular. Based on national legal provisions all species listed in the Red List of Albania's wild Flora and Fauna, according to different IUCN threat categories, enjoy special protection and cannot be included in the list of hunting species in the Republic of Albania. Actually within the Red Book approved there are recorded 405 species of wild flora and 575 species of wild fauna.

The situation of monitoring of the biological diversity status in Albania may be considered as "partial". The range and quality of monitoring data are also incomplete. Another reason is the level of monitoring parameters, and the quality of data that emerge from this monitoring.

The Red List of Albanian flora and fauna gets updated every five years, and then gets adopted via an Order of Minister, in line with the legislation in force. The first Red List of the Albanian flora and fauna was drafted in 2007 and a second revised List was adopted in December 2013.

### **3. BIODIVERSITY IN ALBANIA**

Despite the fact that Albania is a small country, it is rich in biological landscape and is ranked among countries with high biodiversity in Europe. From the geo-physical perspective, Albania is dominated by hills and mountains in the North and East, and in the lowlands in the West. An important part of the Republic of Albania is the Western lowland which lays throughout the coastal area of the lake of Shkodra in the North up to the city of Vlora in the South. Apart of outlet in the coastline, the Western lowland is run through from the activity of main rivers that in general run from the East towards the West. The Albanian coastline is 476 km long, while the Adriatic and Ionian seas have an important impact on the country's climate, flora and fauna. The north of country is characterized by a mountainous relief and by rock formations since the Palaeozoic era. Most of the country is mountainous, while the height begins to drop starting from the East towards the West and it determines the climate conditions, those of earth and vegetation. The current landscape is the result of the geological developments during tectonic and neo-tectonic movements.

Albania's relief is mainly composed of hills and mountains. The morphological variation is quite diverse. The relief is young even though it dates back to Miocene epoch. In the beginning of the Quaternary Period, the lowland of the Adriatic and other inner lowlands became part of the continental part of Albania and the other existing forms were shaped during the Pliocene epoch. The evolution of the Albanian relief is currently going on. The highest peak in the country is 2751 meters above the sea level (mountain of Korabi) and the lowest is 8 meters below sea level (the former marshlands of Tërbuf). The country's average height is 708 m above the sea level. The height starts dropping moving from the east towards the west of the country, and it determines the climate, earth and vegetation conditions. Albania's climate is diverse. It is characterized of four major climate zones, and 13 sub-zones that contribute to the rich diversity of the country.



Albania is known for its rich and complex hydrography, composed of rivers, lakes, wetlands, ground waters and seas. The main rivers of Albania are: Drini, Buna, Mati, Shkumbini, Semani, Vjosa, Erzeni, Ishmi, and Bistrica. Together with their branches, these rivers have a considerable impact on the coastal biodiversity of the country. There are approximately 247 natural lakes of different sizes, as well as a considerable number of artificial lakes in the country. With reference to their origin, in Albania there are 4 tectonic lakes, 134 glacial lakes, 94 carstic lakes, and river lakes (15). Among the most important lakes are the cross border lakes of Shkodra, Ohrid, and Prespa which also coincide with the biggest lakes in the Balkans, with European and international importance. In the coastal area of Albania are found wetlands such as those of: Karavasta, Narta, Patoku, Viluni, Kune-Vaini, Orikumi etc, with a total surface of 150 km<sup>2</sup> .

The country's mountainous terrain together with steep rocks provides the ideal conditions for the growth and isolation of a large number of ancient endemic and sub-endemic species.

The diversity of ecosystems and habitats (coastal and marine ecosystems, wetlands, river deltas, sand dunes, lakes, rivers, Mediterranean bushes, broadleaf forests, pine forests, sub-alpine and alpine pastures, meadows, and high mountainous ecosystems) provide for a diversity of plants and wildlife species. In Albania there are approximately 7233 plant groups (including ferns, fungi, lichens, mosses and algae) and 5438 wildlife species (including birds, mammals, fish, insects, decapods, etc.). Approximately 32 % of all European flora is found in Albania. Flower plants and microalgae represent the most diverse and the richest group of rare species, i.e. the group of relict and endemic species due to their origin the impact of the elements of the flora on different phytogeographic regions.

The Albanian flora is closely linked with the flora of the Mediterranean region and with the flora of the Alps of Southern Europe (arctic-alpine, Caucasus, Euro-Asia, Greek-Anatolian, Illyrian, Central Europe and Cosmopolitan). There are several examples of rare species that point to the biological and geographical linkages of the Albanian flora with the flora of the East and even the flora of North America. The best examples would be: *Aesculus*, *Forsythia*, *Gymnospermium* or *Forsythia europaea*, *Gymnospermium scipetarum* and *G. Maloi*, *Aesculus hippocastanum* (East Asia, Middle East, and North America), *Orobanche krylowii*, one of the species of East Europe (Vollga-Kama River in Russia) and Siberia and Central Asia and *Morina persica* (Asia Minor and Middle East).

High forests contain the communities of large mammals such: the wolf, the bear, Lynx, capra aegagrus, and characteristic community of birds for virgin forests.

Coastal and lake wetlands in the country are important locations, especially for the wintering (hibernation) of migratory birds. For years are encountered approximately 70 water bird species with a population of approximately 180.000 individuals during winter. Albania is also an important cross-section for the migration of birds and insects.

In Albania there are approximately 91 globally endangered species, including *Crispus crispus*, *Pelophylax shqipericus*, and *Acipenser sturio*, for which Albania is a location of special importance.

The diversity of the landscape within the country is the result of its natural characteristics and the ancient origins of Albania, as well as of the human activity. Traditional and livestock agriculture have been developed in line with the natural characteristics of the country and represent the main factors that determine the physiognomy of the landscape which is characterized by autochthonous species. A large number of local livestock species and autochthonous plants have existed in Albania for years. They represent very important values for the heritage on protection and improvement of the quality and productivity of agricultural and livestock products.

## 4. SPECIES DIVERSITY

Albania is famous for a high diversity of genetic resources, species and ecosystems. From a general perspective, plant species belong to 168 groups and approximately 900 types (varieties). In Albania there are about 400 Balkan plant species.

Considering the existing information, Albania is rich in terms of a diverse flora and fauna, with approximately 3976 high plant taxonomy and 756 vertebrates. Albania accounts for approximately 32 % of the European flora, while high forests of Albania are important habitats for mammals such as: brown bear, the wild boar, wild goat etc., and many bird species. The rich marine fauna community is an indicator of the high rates of preservation and quality of these communities in Albania. Table no. 1 below gives a general overview of the number of known species so far in Albania

**Table 1. Number of known species of different taxonomy categories found in Albania**

Taxonomy classification	Number of species in Albania	Number of species in Europe
Bacteria	Unknown	Unknown
Viruses	Unknown	Unknown
Protozoa	Unknown	Unknown
Macroscopic Algae	210	
Microscopic Algae (diatoms)	1300	c.a.2500
Fungi	800	16.000
Likens	400	1200
Mosses	530	10.000
Ferns	51	145
Flowering plants (plant taxa)	3976	11415
Molluscs	834	Unknown
Insects	4600 (14.000)	40.000
Decapods	115	150 (Adriatic)
Echinoderms	46	94
Pisces	313 (350)	618 (Mediterranean)
Marine Pisces	249	Unknown
Freshwater fish/Pisces	64	Unknown
Amphibians	15 (16)	62
Reptiles	36 (38)	123
Birds	323 (335)	514
Mammals	70 (84)	200

Diversity of invertebrate fauna species, following different approaches of reports and status of the selected groups of fauna in the country, the situation regarding identified species is as follows: Porifera (sponges) (62), Cnidarian (33), Platyhelminthes (152), Nemertean (4), Gastrotrichs (3), Nematodes (167), Nematomorpha (1), Rotifers (112), Acanthocephalans (8), Sipuncula (2), Mollusca (834), Annelida (126), Tardigrada (1), Arachnids (356), Crustaceans (391), Myriapoda (119), Insecta (4,600), Bryozoans (16) and Echinodermata (53).

### 4.1 Linkages between ecosystems of Albania with those of neighboring countries

Albanian terrestrial ecosystems and marine ecosystems represent a part of the natural ecosystems of the Balkans and Mediterranean. Cross-border lakes, such as that of Ohrid and Prespa represent the exchange points of the flora and fauna with countries of the Balkans. Species migrate through rivers and upper parts of the Albanian mountains from their natural habitats outside Albania towards Greece, Macedonia, Montenegro and Kosovo. The large number of sub-endemic species related to Greece, and marine

endemic species in the Adriatic Sea have pointed to the importance of Albania regarding protection of biological diversity in the regions of the Balkans and the Mediterranean.

#### **4.2 Importance of Albanian regarding migratory species**

Coastal wetlands and lakes in the country are areas of particular importance for wintering of migratory species. There are approximately 70 waterfowl species with a population of 180,000 individuals that hibernate/ pass their winters in these areas. At least four of them (Karavasta, Narta, Shkodra and Ohrid) are deemed to be areas of international importance regarding water birds, known as IBA (Important Birdlife Areas), or otherwise Ramsar areas, with over 20.000 bird species for one area. Recently, the lake of Prespa in Albania has been added to Ramsar map.

#### **4.3 Plant species with conservation interest at the global and European levels**

In Albania there are a number of globally threatened species. At least 72 vertebrate and 18 invertebrate species of global importance have at least one of their inhabitants or populations in Albania. For some of them (Pelicanus crispus, Phalacrocorax pygmeus, Salmo letnica and Acipenser sturio), Albania is particularly important.

The current list of plant species included in the Bern Convention and Habitats Directive contain 30 species (Annex 2 and 3), except for the twofold counting for Marsilea quadrifolia, Solenanthus albanicus, Ramonda serbica, Caldesia parnassifolia, Himantoglossum caprinum, Buxbaumia viridis and Mannia triandra.

The Red List of IUCN (Annex 4) contains 26 species, all flowering plants, mainly monocot species (17 species are accepted and for nine others there are proposals for the International Species Information System (ISIS) for the Red List of IUCN). Species of Galanthus reginae-olgae, Carex markgrafii, Colchicum macedonicum, Festuca galicicae, Solenanthus albanicus, Stipa mayeri and Tulipa albanica are classified as threatened/ endangered (VU, EN, CR) Scilla albanica and Sideritis scardica were considered as almost threatened (NT), for Sesleria wettsteinii, the data was insufficient (DD) and the rest under less critical status (LC).

#### **4.4 Invasive alien species**

Invasive species are species not native to a specific location (an introduced species); and which has a tendency to spread to a degree believed to cause damage to the environment, human economy or human health. So far there are 47 invasive species that are registered. They belong mainly to: nematodes (round worms) (1), molluscs (1), insects (21), decapods (2), fish (18) and mammals (5).

Meanwhile, regarding the flora the situation is more concerning. There are 196 invasive species that have been adopted and cultivated in our circumstances, as well as 81 fully naturalised species and 16 partially naturalised weeds, 11 remnants from former cultivation, nine old species and 38 new cases, where 41 foreign species that were previously registered are supposed to be extinct. The impact of invasive flora in Albania is different and varies considerably from that of the majority of European countries, despite the fact that the current percentage of foreign invasive species in the local flora is the lowest in Europe. The low rates of invasive species, the absence of damage and the relatively low frequency of invasive species in Albania reflect the impact of the country's long-term isolation during XX century, low rates of economic growth, excessive use of land and the fact that invasive species have been present for a very brief time in the Albanian flora. All of the recent social and economic changes have facilitated the creation and spread of foreign species, in particular in lowlands.

Invasive alien species are also marked among sea organisms in Albania (20 species). They represent different taxonomy classification such as: Rhodophyta (4 species), Chlorophyta (1 species), Phaeophyta (1 species), spermatophytae (1 species), Annelida (1 species), Decapods (3 species), Molluscs (5 species) and Fish (4 species). The list of invasive marine species is based on the existing literature, unpublished data from monitoring and surveys, and in particular from field surveys along the Albanian coastline.

## 5. ENDANGERED SPECIES

The status for the conservation of species explains the possible trend towards extinction. When running an assessment of the status of conservation of species there are many factors which are taken into account: for e.g.: statistics such as: the remaining number of species, general growth or reduction of the population in time, breeding success rates, or recognised threats.

According to the most recent updates (November 2013) of the International Union for the Conservation of Nature (IUCN), 109 species of animals of different taxonomy classifications are considered as threatened. In addition, the list of threatened plant species at the national level is quite extensive, including 319 species, of which 76 species are under critical threat, 123 species under threat and 120 species under worse conditions, all at high risk at the national level.

Tables 2 and 3 demonstrate the number of threatened species of different taxonomy classifications of animals/plants. For certain groups such as: reptiles, mosses, mollusks and other non-vertebrae, as well as plants there are still many species which are part of the Red List of IUCN, hence their status is not known.

**Table 2. Threatened species in Albania (total according to taxonomy classification)**

Taxonomy classification								
Mammals	Fowl	Reptiles	Amphibians	Pisces	Mollusca	Other non-vertebrae	Plants	Total
3	6	4	2	39	49	6	0	109

The Red List of Threatened species in Albania was drafted, with due consideration to the criteria of IUCN. In line with the legal framework, the Red List gets updated every five years. Based on different categories of IUCN, the scale of risk for the species of birds in the Red Book is closed as presented in table no. 3.

**Table 3. Number of species of endangered flora and birds according to different risk scale categories**

IUCN categories	Number of flora species	Number of bird species
EX – Extinct	0	5
CR – critical	76	43
EN – endangered	123	56
VU – vulnerable	120	154
LR – low risk	59	238
DD – no data	30	72
NE – not evaluated	3	7

Protected species of Albania that are part of the Red List of wild fauna and flora were adopted in December 2013, via Order no. 1280, of 20.11.2013 of the Minister of Environment. Table 4 presents the number of protected fauna species according to a general classification of classes. Protected species of flora are 402 species from 361 in the preliminary Red List of 2007. Protected species of fauna are 575 species – the same number with 2007, no changes.

**Table 4. Number of fauna species at different categories of risk**

Clusters	Corresponding number of the species, as shown the Red List
Mammals	46
Birds	119
Reptiles	37
Amphibians	15
Pisces	60
Echinoderma	23
Insects	108
Mollusca	166

## 6. SPECIES OF ECONOMIC VALUE

Medicinal and industrial values, as food for plants and wildlife of different species are very well known. Currently, the country counts 300 medicinal and aromatic plant species, which account for approximately 8 % of the Albanian flora. The number of plants with medicinal or aromatic values will very likely grow in the future. Approximately 40 plant species have fodder values and 35 are tannin plant species. There are approximately 50 recognised plants for the production of honey from bees and the number of plants used for food is 70. Fruit species for human consumption are: chestnuts (*Castanea sativa*), the European blueberry (*Vaccinium myrtillus*) and some mushroom species such as: *Agaricus* spp, *Amanita Cezare Boletus* spp, the bronze bolete (*Boletus aereus*), *B. edulis*, *Lactarius deliciosus*, *Macrolepiota procera* etc.

Other plants with high economic interest for the local and national communities includes: kinnikinnick (*Arctostaphylos uva-ursi*), meadow saffron (*Colchicum autumnale*), great yellow gentian (*Gentiana lutea*), Orchid (*Orchis* sp. Div.), the common juniper (*Juniperus communis*) and the prickly cedar (*Juniperus oxycedrus*), Hawthorns (*Crataegus monogyna*), and (*Crataegus heldreichii*), (*plicatum Helichrysum*), *Hypericum perforatum*, (*Platyphyllos Tilia*), (*Salvia officinalis*), etc.

Different species of fish in sea and fresh waters and a considerable number of sea creatures constitute an important source of food for humans. Recently, frogs have been introduced into the food for humans.

Mollusca are an important source for the preparation of many pharmaceutical and cosmetic products. Their shells are also used for art work, parts of musical instruments, and other objects. Insects are important for their pollen and have values as food, for e.g. the bee for the honey, or silkworm have industrial values. Some other animals, like the fox and the squirrel have economic values as well.

## 7. BIOLOGICAL DIVERSITY: ENDEMIC AND SUB ENDEMIC TAXONOMY CLASSIFICATION

The relief of the country is conducive to existence and conservation of a number of endemic and sub-endemic species. In Albania there are about 32 endemic plant species and approximately 110 other sub-endemic species sharing their habitats between Albania, Kosovo, Montenegro, Croatia and Greece. A full list of endemic taxons can be found in Annex 1.

Many new species of microscopic algae have been encountered during the last decades, such as: *Aneumastus albanicus*, *A. humboltianus*, *A. rosettae*, *Cymbopleura albanica*, *C. lata* var. *lura*, *C. lura*, *Navicula pseudopugnata*, *N. hastatula*, *N. parahasta*, *Placoneis neoexigua* and *P. juriljii*. Meanwhile, there are approximately 80 new species encountered in the last 15 years, mainly in the Ohrid Lake that shares the same habitat between two countries. From the point of view of conservation, species that belong to

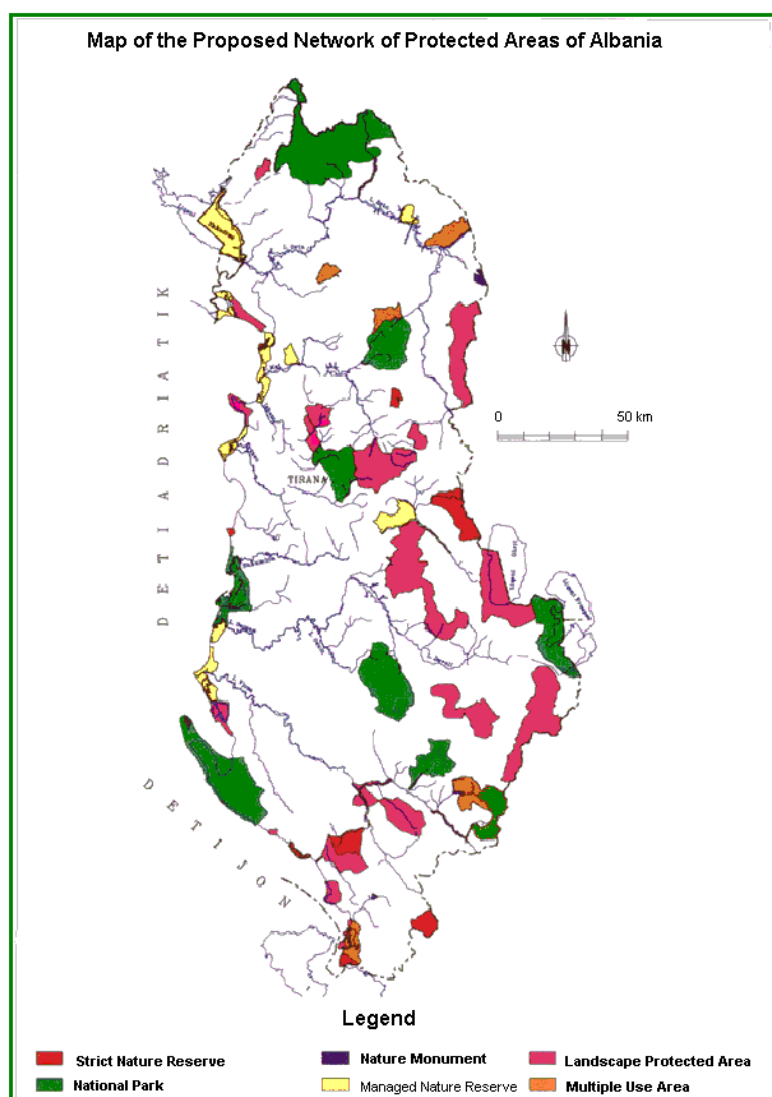
the ice age and the relicts are of special importance. Some of the species date back to the Ice age, and are limited to high range mountains, mainly around high glacial mountains (*Arctostaphylos alpinus*, *Aster alpinus*, *Androsace villosa*, *Dryas octopetala*, *Geum montanum*, *Heliosperma macrantha*, *Potentilla crantzii*, *Parnassia palustris*, *Pedicularis verticillata*, *Petasites doerfleri*, *Poa alpina*, *Luzula spicata*, *Salix herbacea*, *S. reticulata*, *Saxifraga oppositifolia*, *Selaginella selaginoides*, *Trollius europaeus*, *Wulfenia baldaccii* etc.), whereas some others are relicts from the Tertiary period, and are isolated in deep canyons. Among the relicts, we can mention: *Pinus heldreichii*, *Aesculus hippocastanum*, *Buxus sempervirens*, *Pinus peuce*, *Ilex aquifolium*, *Quercus ithaburensis* subsp. *macrolepis*, *Laurus nobilis*, *Ramonda serbica*, *Taxus baccata*, *Viola kosaninii*, *Narthecium scardicum*, *Acer heldreichii*, *Jasione orbiculata*, *Silene asterias*, etc.) Compared to the flora, for the Albanian fauna there is less information, and there has been less research. It includes a considerable number of endemic species. Lake Ohrid is the most known ecosystem in the country, with regard to its endemic fauna: there are over 40 species of molluscs and two species of endemic Pisces. Insects are represented by 16 species (11 species of Hemiptera and five species of butterflies). However, it is believed that many endemic species are found Albania; only among beetles are believed to be more than 35 endemic species. Further studies of the country's fauna, in particular, particular biological speleology studies will help in finding new endemism in the country.

## 8. PROTECTION OF SPECIES AND HABITATS

### 8.1 The Red Books of Flora and Fauna

The implementation of legal provisions was followed suit by the by-legal acts, which are based on a comprehensive legal framework about specific elements of nature. These documents include the list of the flora and fauna under protection, part of the publication of the Red Book of the Albanian flora, and the Red Book of the Albanian fauna.

Protection of species with interest in terms of conservation is done through special provisions of the Law on biological diversity and the law on protection of the wild fauna. Concomitantly, the law on biodiversity includes provisions on invasive species and the protection measures for the conservation of species. Achieving the Favourable Conservation Status of Species will come through the law on "Biodiversity" and law on "Protected areas" that contain provisions on protection of biological diversity within the protected areas and outside.



Protection of habitats takes place through provisions of the law on “Protected areas”, which establishes the representative network of protected areas that serve to identify and created the ecological network, NATURA 2000. Law on protection of the wild fauna provides for protective provisions for important bird habitats in general and for the migratory species, in particular.

## 8.2 Protected Areas

The total number of protected areas is 798 (including nature monuments), covering an area of more than 455,854 hectares. This is 15, 83 % of the territory of Albania. 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. During the reporting period since 2010, the proposed Emerald network of Areas of Special Interest (ASCIs) for Albania, consisting on 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. Law No. 9868, dated 04.02.2008 on some addendums and changes to the Law No. 8906, dated 6.6.2002 “On protected areas”, defines the criteria for proclaiming protected areas as well recognizes special protected areas of interest to the European Community, initially providing the possibility for assessment of habitats of interest to the European Community included in the annexes of the Habitats Directive and then to propose these areas based on criteria established by law in accordance to Habitats Directive. Also, the law sets the internal sub-zoning for each protected area. The concept of division of a protected area territory into functional sub zones based on their characteristics, facilitates the performance of community activities in the territories of protected areas, provides “buffer” or mitigating effects and better characterizes the properties of natural areas. The law defines the procedures for proclaiming protected areas in regard to local government and landowners.

The first MPA in Albania was designated in April 2010 as the “Karaburuni peninsula-Sazani island” Marine National Park covering an area of 12,428 hectares.

Albania currently has 4 wetlands of international importance, of a surface of 98.181 hectares. These four Ramsar sites of wetlands of international importance are especially as waterfowl habitats (Karavasta lagoon; Butrinti wetland complex; Shkodra Lake & Buna river wetland complex, and Prespa Lakes area).

Since 2014, the Prespa lake area including the Ohrid Lake consist in the first Biosphere Reserve for Albania.

## 8.3 Ecological networks

The Pan-European Ecological Network (PEEN), stemming from the Strategy on Biological Diversity and PEBLDS is an initiative for linking different protected European and national areas with the ecological networks, with the view of ensuring a favorable conservation status for the main ecosystems, habitats, species and landscapes in Europe.

Albania participated in this project implemented by the European Centre for Conservation of Natures (ECNC) which generated for the first time the indicative map for PEEN for South East Europe that identified the main areas of nature of European importance, and existing corridors between these areas. However, this process is still in its early stages of implementation in Albania. The full Albanian national ecological network (Alb-NEN) is still missing.

- Emerald Network of Areas of Special Conservation Interest (ASCIs). Identification of areas of special conservation interest (ASCIs) for Albania took place during 2002-2008. As a result, there are currently 25 potential Emerald sites. The proposals were evaluated by ETC/BD and Council of Europe during 2010-2012. The Standing Committee of the Bern Convention, in its 32 meeting, in December 2012 accepted the proposal of 25 areas for Albania.

- Green Belt Initiative – Albania participated in the process of the Green Belt Initiative for the identification of areas of ecological network in the so-called “iron curtain” countries before the 90s.
- Important Birdlife Areas (IBA) in Albania. IBAs in Albania are established by Minister’s Order of 10.04.2013 “On approval of coastal areas that serve as important habitats for migratory water birds”. There are approximately 15 IBAs in Albania, starting from 800 ha to 14000 ha. The largest IBA areas are found within the lakes, such as the Shkodra Lake, Ohrid Lake and Prespa Lake. All the rest are in Adriatic coast.

#### **8.4 Monitoring of in situ and ex situ conservations**

The situation of monitoring of the biological diversity status in Albania may be considered as “partial”. The range and quality of monitoring data are also incomplete. Another reason is the level of monitoring parameters, and the quality of data that emerge from this monitoring.

The Red List of Albanian flora and fauna gets updated every five years, and then gets adopted via an Order of Minister, in line with the legislation in force. The first Red List of the Albanian flora and fauna was drafted in 2007 and a second revised List was adopted in December 2013.

#### **8.5 Main threats to biodiversity**

The main threats to biodiversity include: industrial development, urbanization, illegal hunting, fishing, soil erosion, energy and mining, transport and tourism, as some of the sectors that have an adverse impact on the diversity of the biological species. The main factors behind the loss of biological diversity are the anthropogenic activities, where deforestation and desertification of arable land, together with devastation of meadows and pastures have had a major adverse impact on changes in the habitats in the near past. Construction of roads and deviations in the water stream or building of dams, and pipes, the pollution from different sources, fires, diseases and climate changes have been and will continue to be some of the reasons behind degradation and fragmentation of habitats in Albania.

Hunting is one of the activities with the largest impact on the status of biodiversity and its components. This is due to the fact that illicit hunting activities for almost two decades could not be put under control efficiently. This has led to a declining trend of the population of wild species, subject to hunting, in particular birds, which for the most part are migratory birds (Source: Ministry of Environment, INSTAT annual data).

One of the important developments is a recent initiative of the Minister of Environment, by the end of 2013, with a proposal for the government to pass a law on prohibition of hunting in Albania for a given period of time.

As a result of this proposal, the Parliament approved in the beginning of 2014 a law “On moratorium of hunting in the Republic of Albania”. The measure is expected to be conducive and minimize concerns about endangered wild fauna species. Meanwhile, following termination of moratorium, control of hunting and implementation of law will represent important priorities.



## Sub-Annexes

### Annex 1 – List of Taxonomy of Endemic Plants in Albania

Nr.	Taxon name	Conservation Status	Family Name
1	<i>Acantholimon albanicum</i> Schaëarz & F.K. Meyer.	EN A1b	Acanthaceae
2	<i>Alkanna sandëithii</i> Rech. fil.	DD	Boraginaceae
3	<i>Arenaria cikaea</i> F.K.Meyer	DD	Brassicaceae
4	<i>Aster albanicus</i> Degen. subsp. <i>paparistoi</i> Qosja.	EN A1b	Asteraceae
5	<i>Astragalus autranii</i> Bald.	DD	Fabaceae
6	<i>Campanula comosiformis</i> (Hayek & Janch.) Frajman & Schneew.	EN A1b	Campanulaceae
7	<i>Campanula aureliana</i> Bogdanović, Rešetnik, Brullo & Shuka	CR	Campanulaceae
8	<i>Campanula skanderbegii</i> Bogdanovic, Brullo & D. LNFA sic	CR	Campanulaceae
9	<i>Carduus quercifolius</i> F.K.Meyer	DD	Asteraceae
10	<i>Carex markgrafi</i> Kuk.	EN	Cyperaceae
11	<i>Centaurea candelabrum</i> Hayek & Kosanin.	EN A1b	Asteraceae
12	<i>Tanacetum albanicum</i> Markgraf.	DD	Asteraceae
13	<i>Euphorbia cikaea</i> F.K.Meyer	DD	Umbelliferae
14	<i>Festucopsis serpentina</i> (C.E. Hubb) Melderis	VUA1b	Poaceae
15	<i>Gymnospermium maloi</i> Kit Tan & Shuka	CR B1	Berberidaceae
16	<i>Hypericum haplophyloides</i> Halacsy et Bald.	CR A1b	Hypericaceae
17	<i>Ligusticum albanicum</i> Jav.	CR B1	Umbelliferae
18	<i>Melampyrum doerfleri</i> Ronniger.	DD	Scrophulariaceae
19	<i>Noccaea albanica</i> F.K.Meyer	DD	Brassicaceae
20	<i>Noccaea cikaea</i> F.K.Meyer	DD	Brassicaceae
21	<i>Onosma mattirolii</i> Bald.	VUA1b	Boraginaceae
22	<i>Orobanche noëackiana</i> Markgr.	DD	Orobanchaceae
23	<i>Ranunculus ëettsteinii</i> Dorfl.	CRB2a	Ranunculaceae
24	<i>Ranunculus hayekii</i> Dörfler	CRB1	Ranunculaceae
25	<i>Scilla albanica</i> Turril	VU	Liliaceae
26	<i>Sesleria albanica</i> Ujhelyi	DD	Lamiaceae
27	<i>Stachys sericophylla</i> Halacsy.	DD	Lamiaceae
28	<i>Tulipa albanica</i> Kit Tan & Shuka	CRB1	Liliaceae
29	<i>Veronica saturejoides</i> subsp. <i>munellensis</i> M.A.Fisch.	VUA1b	Scrophulariaceae
30	<i>Viola acroceraunensis</i> M. Erben.	VUA1	Violaceae
31	<i>Viola raunsiensis</i> Becker & Kosanin	EN A1a	Violaceae
32	<i>Wulfenia baldaccii</i> Degen.	VUA2c	Scrophulariaceae

## Annex 2 - List of Protected Albanian Flora Species from the Bern Convention

Nr.	Taxon name	Family Name
1	<i>Marsilea quadrifolia</i> L.	Marsileaceae
2	<i>Salvinia natans</i> (L.) All.	Salviniaceae
3	<i>Caldesia parnassifolia</i> (L.) Parl.	Alismataceae
4	<i>Solenanthes albanicus</i> Degen & Baldacci	Braginaceae
5	<i>Vaccinium arctostaphylos</i> L.	Ericaceae
6	<i>Ramonda serbica</i> Pancic	Gesneriaceae
7	<i>Fritillaria graeca</i> Boiss.	Liliaceae
8	<i>Fritillaria gussichiae</i> (Degen & Doerfler) Rix	Liliaceae
9	<i>Fritillaria montana</i> Hoppe	Liliaceae
10	<i>Cypripedium calceolus</i> L.	Orchidaceae
11	<i>Himantoglossum caprinum</i> (Bieb.) C. Koch.	Orchidaceae
12	<i>Ophrys oestrifera</i> Bieb.	Orchidaceae
13	<i>Orchis provincialis</i> Balb.	Orchidaceae
14	<i>Posidonia oceanica</i> (L.) Delile (Med.)	Posidoniaceae
15	<i>Geum bulgaricum</i> Panc.	Rosaceae
16	<i>Trapa natans</i> L.	Trapaceae
17	<i>Typha shuttleworthii</i> Koch & Sonder	Typhaceae
18	<i>Cymodocea nodosa</i> (Ucria) Ascherson (Med.)	Zannichelliaceae
19	<i>Mannia triandra</i> (Scop.) Grolle	Hepaticae
20	<i>Buxbaumia viridis</i> (Moug. ex Lam. & DC.) Brid. ex Moug. & Nestl.	Musci
21	<i>Cystoseira amentacea</i> (incl. var. <i>stricta</i> & var. <i>spicata</i> ) (Med.)	Fucophyceae
22	<i>Cystoseira spinosa</i> (inclus <i>C. adriatica</i> ) (Med.)	Fucophyceae

## Annex 3 - List of Albanian Flora of Interest for the European Union, to be part of the Habitats Directive (92/43/EEC)

Species Code	Scientific name	Annex II	Annex IV	Annex V
1428	<i>Marsilea quadrifolia</i>	Y	Y	N
1657	<i>Gentiana lutea</i>	N	N	Y
1671	<i>Solenanthes albanicus</i>	Y	Y	N
1739	<i>Ramonda serbica</i>	N	Y	N
1832	<i>Caldesia parnassifolia</i>	Y	Y	N
1845	<i>Fritillaria gussichiae</i>	N	Y	N
1849	<i>Ruscus aculeatus</i>	N	N	Y
1866	<i>Galanthus nivalis</i>	N	N	Y
2327	<i>Himantoglossum caprinum</i>	Y	Y	N
4089	<i>Arabis scopoliana</i>	Y	Y	N
4096	<i>Gladiolus palustris</i>	Y	Y	N
4104	<i>Himantoglossum adriaticum</i>	Y	Y	N
6296	<i>Campanula scheuchzeri</i>	Y-CTC	Y-CTC	N
6302	<i>Anacamptis pyramidalis</i>	Y-CTC	Y-CTC	N
1386	<i>Buxbaumia viridis</i>	Y	N	N
1379	<i>Mannia triandra</i>	Y	N	N

## Annex 4 - Red List of Albanian Flora, Proposed or Accepted by IUCN

Nr.	Scientific name	IUCN status	
1	<i>Aesculus hippocastanum</i> L.	NT	Accepted
2	<i>Anacamptis palustris</i> (Jacq.) R.M.Bateman	LC	Accepted
3	<i>Galanthus reginae-olgae</i> Orph.& Pridgeon & Chase	VU B2ab(iii,v)	Accepted
4	<i>Caldesia parnassifolia</i> (L.) Parl.	LC	Accepted
5	<i>Carex markgrafii</i> Kük.	VU D2	Proposed
6	<i>Colchicum macedonicum</i> Košanin	EN C1 C2(a i)	Proposed
7	<i>Dactylorhiza cordigera</i>	LC	Accepted
8	<i>Festuca galicicae</i> Horvat ex Markgr.-Dann.	EN B1+B2ab(iii)	Proposed
9	<i>Fritillaria graeca</i> Boiss.	DD	Accepted
10	<i>Fritillaria gussichiae</i> (Degen & Doerfler) Rix	DD	Accepted
11	<i>Ophrys bertolonii</i> Moretti	LC	Accepted
12	<i>Ophrys insectifera</i> L.	LC	Accepted
13	<i>Marsilea quadrifolia</i> L.	LC	Accepted
14	<i>Ramonda serbica</i> Pancic	LC	Accepted
15	<i>Salvinia natans</i> (L.) All.	LC	Accepted
16	<i>Stipa mayeri</i> Martinovský	EN B2ab(iii)	Proposed
17	<i>Tulipa albanica</i> Kit Tan & Shuka	CR B2ac(i,iv)	Proposed
18	<i>Festucopsis serpentini</i> (C.E. Hubb) Melderis	LC	Proposed
19	<i>Crocus scardicus</i> Košanin	LC	Proposed
20	<i>Gentiana punctata</i> L.	LC	Accepted
21	<i>Leontopodium alpinum</i> Cass.	LC	Accepted
22	<i>Rhamnus intermedius</i> Steud. & Hochst.	LC	Accepted
23	<i>Scilla albanica</i> Turrill.	NT	Proposed
24	<i>Sesleria äettsteinii</i> Dörf. & Hayek	DD	Proposed
25	<i>Sideritis scardica</i> Griseb.	NT	Accepted
26	<i>Solenanthes albanicus</i> Degen & Baldacci	EN B1ab(v)+2ab(v)	Accepted

## Annex 5 - List of Mammals as part of the Red List

Nr	Species (scientific name)	Name in Albanian	Protection status
ORDER INSECTIVORA			
Family Soricidae			
1	<i>Suncus etruscus</i>	Hundëgjatë i vogël dhëmb -bardhë	DD
ORDER CHIROPTERA MICROCHIROPTERA			
Family Rhinolophidae			
2	<i>Rhinolophus blasii</i>	Lakuriq nate hund-patkua i Blasius	LRnt
3	<i>Rhinolophus euryale</i>	Lakuriq nate hund-patkua i Mesandut	VU
4	<i>Rhinolophus ferrumeguinum</i>	Lakuriq nate hund-patkua i madh	LRcd
5	<i>Rhinolophus hipposideros</i>	Lakuriq nate hund-patkua i vogël	LRnt
Family Vespertilionidae			
6	<i>Myotis schreibersi</i>	Lakuriq nate i Schreiber-it	LRnt
7	<i>Myotis bechsteinii</i>	Lakuriq nate i Bechsteini-it	DD
8	<i>Myotis capaccinii</i>	Lakuriq nate gisht-gjate	LRcd

9	Myotis daubentoni	Lakuriq nate i Daubenton-it	LRcd
10	Myotis emarginatus	Lakuriq nate i Geoffroy-it	DD
11	Atotis nattereri	Lakuriq nate i Natterer-it	DD
12	Nyctalus leisleri	Lakuriq nate i Leisler-it	DD
13	Nyctalus noctula	Noktule	DD
14	Plecotus auritus	Lakuriq nate veshgjatë zakonshëm	DD
15	Plecotus austriacus	Lakuriq nate vesh-gjatë i hirtë	DD
16	Vespertillo murinus	Lakuriq nate dy ngjyrësh	DD
		Family Molossidae	
17	Tadarida teniotis	Lakuriq nate bisht-lirë	DD
		ORDER RODENTIA	
		Family Sciuride	
18	Sciurus vulgar	Ketri	LRnt
		Family Gliridae	
19	Dryomys nitedula	Gjumashi i pyllit	DD
20	Glis glis	Gjumashi i majmë, Geri	LRlc
21	Muscardinus avellanarius	Gjumashi i lajthisë	DD
		Family Muridae Microtinae	
22	Microtus (Pipings)felteni	Miu i Felten-it	LRnt
23	Microtus (Pitymys) thomasi Spalacinae	Miu i Thomas-it	LRnt
24	Mus spicilegus (abbotti)	Miu i stepës	DD
		ORDER CARNIVORA — FISSIPEDIA	
		Family Ursidae	
25	Ursus arctos	Ariu i murrmë	VU
		Family Canidae	
26	Canis lupus	Ujku	LRnt
27	Canis aureus	Cakalli	VU
		Family Mustelidae	
28	Lutra lutra	Lutra	VU
29	Meles meles	Baldosa	EN
30	Mustela erminea	Nuselale bisht-zezë	EN
31	Mustela putorius	Qelbësi	EN
32	Martes foina	Kunadhja (gushë-bardhi)	LRnt
33	Martes martes	Zardafi (gushë-verdhi)	VU
		Family Felidae	
34	Lynx lynx	Rrëqebulli	CR
35	Felis silvestris	Macja e egër	EN
		ORDER PINNIPEDIA	
		Family Phocidae	
36	Monachus monachus	Foka e Mesdheut	CR
		ORDER ARTIODACTYLA	
		Family Suidae	
37	Sus scrofa	Derri i egër	LRnt
		Family Bovidae	
38	Bubalus bubalis	Bualli	CR
39	Rupicapra rupicapra	Dhia e egër	VU
		Family Cervidae	
40	Cervus elaphus	Dreri	EN
41	Capreolus capreolus	Kaprolli	VU

ORDER CETACEA ODONTOCETA			
Family Physeteridae			
42	Physeter macrocephalus	Kashaloti	DD
Family Ziphiidae			
43	Ziphius cavirostris	Balena me sqep	DD
Family Delphinidae			
44	Delphinus delphis	Delfini	VU
45	Tursiops truncatus	Delfini turishkurtër	LRcd
46	Stenella coeruleoalba	Delfini me shirita	DD

## Annex 6 - List of Birds included in the Red List

Nr	Species (scientific name)	Name in Albanian	Protection status
ORDER PROCELLARIFORMES			
Family Procellariidae			
1	Calonectris diomedea	Lajmëtari i madh i furtunës	EN
2	Puffinus yelkouan	Lajmëtari i vogël i furtunës	EN
3	Hydrobates pelagicus	Zgalemi i vogël	EN
ORDER PELECANIFORMES			
Family Phalacrocoracidae			
4	Phalacrocorax aristotelis	Karabullaku me çafkë	EN
5	Phalacrocorax pygmeus	Karabullaku i vogël	CR
Family Pelecanidae			
6	Pelecanus crispus	Pelikani kaçurrel	CR
ORDER CICONIIFORMES			
Family Ardeidae			
7	Botaurus stellaris	Gakthi	VU
8	Nycticorax nycticorax	Çapka e natës	VU
9	Ardeola ralloides	Çapka e verdhë	VU
10	Egretta garzetta	Çapka e bardhë e vogël	VU
11	Egretta alba	Çapka e madhe e bardhë	EN
12	Ardea cinerea	Çapka e përhimë	VU
13	Ardea purpurea	Çapka rrudhi	EN
Family Ciconiidae			
14	Ciconia ciconia	Lejleku	CR
15	Ciconia nigra	Lejleku i zi	DD
Family Threskiornithidae			
16	Plegadis falcinellus	Kojliku i zi	EN
17	Platalea leucorodia	Çapka sqeplugë	EN
ORDER ANSERIFORMES			
Family Anatidae			
18	Anser albifrons	Pata ballëbardhë	VU
19	Anser erythropus	Pata këmbëkuqe	Ex
20	Branta ruficollis	Pata e vogël laramane	CR
21	Netta rufina	Murrçia	LRcd
22	Aythya nyroca	Kryekuqe e vogël	CR
23	Mergus merganser	Zhytësi i mesëm	VU

24	<i>Oxyura leucocephala</i>	Rosa kokëbardhë	CR
ORDER ACCIPRITIFORMES			
Family Accipritidae			
25	<i>Pernis apivorus</i>	Huta grenxangrënëse	EN
26	<i>Milvus migrans</i>	Huta e zezë bishtgërshërë	EN
27	<i>Milvus milvus</i>	Huta bishtgërshërë e kuqerreme	EN
28	<i>Haliaetus albicilla</i>	Shqiponja e detit	CR
29	<i>Gypaetus barbatus</i>	Shkaba mjekëroshe	CR
30	<i>Neophron percnopterus</i>	Kali i qyqes	VU
31	<i>Gyps fulvus</i>	Shkaba	CR
32	<i>Aegypius monachus</i>	Shkaba e zezë	Ex
33	<i>Circus gallicus</i>	Shqiponja gjarpërngrënëse	VU
34	<i>Circus aeruginosus</i>	Shqipja e kënetës	VU
35	<i>Circus cyaneus</i>	Shqipja e fushës	EN
36	<i>Circus macrourus</i>	Shqipja e stepave	CR
37	<i>Circus pygargus</i>	Shqipja e balltaqeve	EN
38	<i>Accipiter gentiles</i>	Gjeraqina	VU
39	<i>Accipiter nisus</i>	Gjeraqina e shkurtes	EN
40	<i>Accipiter brevipes</i>	Gjeraqina këmbëshkurtër	CR
41	<i>Buteo buteo</i>	Huta	VU
42	<i>Buteo rufinus</i>	Huta bishtbardhë	CR
43	<i>Buteo lagopus</i>	Huta me kalca	CR
44	<i>Aquila pomarina</i>	Shqiponja e vogël e rosave	CR
45	<i>Aquila clanga</i>	Shqiponja e madhe e rosave	CR
46	<i>Aquila heliaca</i>	Shqiponja perandorake	CR
47	<i>Aquila chrysaetos</i>	Shqiponja e maleve	EN
48	<i>Hieraaetus penatus</i>	Shqiponja e vogël	EN
49	<i>Hieraaetus fasciatus</i>	Shqiponja bishtvizuar	EN
50	<i>Pandion haliaetus</i>	Shqiponja peshkngrënëse	VU
ORDER FALCONIFORMES			
Family Falconidae			
51	<i>Falco naunianni</i>	Skifteri kthetraverdh	VU
52	<i>Falco tinnunculus</i>	Skifteri kthetrazi	VU
53	<i>Falco columbarius</i>	Skifteri i vogël	VU
54	<i>Falco subbuteo</i>	Skifteri i drurëve	VU
55	<i>Falco eleonorae</i>	Skifteri mbretëror	CR
56	<i>Falco biarmicus</i>	Skifteri i mesandut	CR
57	<i>Falco cherrug</i>	Skifteri i gjuetisë	CR
58	<i>Falco peregrinus</i>	Krahëthati	VU
ORDER GALLIFORMES			
Family Tetraonidae			
59	<i>Bonasa bonasia</i>	Pula me çafkë	CR
60	<i>Tetrao tetrix</i>	Gjeli i egër bishtlirë	Ex
61	<i>Tetrao urogallus</i>	Gjeli egërr	CR
Family Phasianidae			
62	<i>Phasianus colchicus</i>	Fazani	CR
Family Rallidae			
63	<i>Porzana porzana</i>	Porzana pikaloshe	DD
64	<i>Porzana parva</i>	Porzana zogëze	DD

65	Porzana pusilla	Porzana e vogël	DD
66	Crex crex	Mbreti i shkurtes	VU
ORDER GRUIFORMES			
Family Otidae			
67	Tetra tetrax	Pula e lëndinës	CR
68	Otis tarda	Pula me mjekër	DD
ORDER CHARADRIIFORMES			
Family Haematopodidae			
69	Haematopus ostralegus	Laraska e detit	VU
70	Himantopus himantopus	Kalorësi	EN
Family Recurvirostridae			
71	Recurvirostra avosetta	Sqepbiza	EN
Family Burhinidae			
72	Burhinus oedicnemus	Gjelaci syrnahd	CR
Family Glareolidae			
73	Glareola pratincola	Dallëndyshe deti	VU
Family Scolopacidae			
75	Lymnocyptes minimus	Shapka e vogël e ujit	LRLc
76	Gallinago media	Shapka e madhe e ujit	CR
77	Numenius tenuirostris	Kojliku sqephollë	CR
Family Laridae			
78	Larus genei	Pulëbardha rozë	VU
79	Larus cachinnans	Pulëbardha këmbëverdhtë	EN
Family Sternidae			
80	Sterna sandvicensis	Sterni dimerak	VU
81	Sterna hirundo	Dallëndyshe e zakonshme deti	EN
ORDER STRIGIFORMES			
Family Tytonidae			
82	Tyto alba	Kukuvajka mjekëroshe	VU
Family Strigidae			
83	Bubo bubo	Bufi	CR
Family Sittidae			
84	Strix aluco	Kukuvajka e pyjeve	LRnt
85	Asio otus	Bufi veshëgjatë	LRnt
Family Apodidae			
86	Asio flammeus	Bufi veshëshkurtër	VU
ORDER CAPRIMULGIFORMES			
Family Caprimulgidae			
87	Caprimaglus europaeus	Dallëndyshe nate	LRLc
ORDER APODIFORMES			
Family Apodidae			
88	Apus apus	Dejka	LRcd
89	Apus pallidus	Dejka e zbehtë	LRcd
ORDER CORACIIFORMES			
Family Meropidae			
90	Merops apiaster	Gargulli	EN
Family Coraciidae			
91	Coracias garrulous	Grifsha e detit	CR
Family Upupidae			

92	<i>Upupa epops</i>	Pupëza	VU
ORDER PICIFORMES			
Family Picidae			
93	<i>Jynx torquilla</i>	Qafëdredhësi	LRnt
94	<i>Picus canus</i>	Qukapiku i perhimë	VU
95	<i>Picus viridis</i>	Qukapiku i gjelbër	LRlc
96	<i>Dryocopus martius</i>	Qukapiku i zi	LRlc
97	<i>Dendrocopos leucotos</i>	Qukapiku larosh-kurizbardhë	LRlc
ORDER PASSERIFORMES			
Family Motacillidae			
98	<i>Anthus trivialis</i>	Drenja e pyllit	DD
Family Bombycillidae			
99	<i>Bombycilla garrulous</i>	Çafkëlore bishtverdhë	DD
Family Prunellidae			
101	<i>Prunella collaris</i>	Dredhuesi i alpeve	DD
Family Sylviidae			
102	<i>Locustella fluviatilis</i>	Bilbilthi i lumit	DD
103	<i>Locustella luscinioides</i>	Bilbilthi	DD
104	<i>Acrocephalus melanopogon</i>	Bilbilthi me mustaqe	EN
105	<i>Acrocephalus schoenobaenus</i>	Bilbilthi i zhukave	DD
106	<i>Acrocephalus palustris</i>	Bilbilthi i verdhëmë	DD
107	<i>Acrocephalus scirpaceus</i>	Bilbilthi i kallamave	LRnt
Family Muscicapidae			
108	<i>Hippolais olivetorum</i>	Përqeshësi i madh i ullinjve	DD
Family Sittidae			
109	<i>Sylvia rueppellii</i>	Bilbilthi gushëzi	DD
110	<i>Ficedula semitorquata</i>	Mizakapesi krahëvizuar	DD
111	<i>Sitta europaea</i>	Zvarritësi i zakonshëm	LRnt
Family Paridae			
113	<i>Parus palustris</i>	Trishtili i vogël i murrmë	DD
Family Timaliidae			
114	<i>Panurus biarmicus</i>	Trishtili me mustaqe	LRnt
Family Tichodromadidae			
115	<i>Tichodroma muraria</i>	Zvarritësi krahëkuq	EN
Family Remizidae			
116	<i>Remiz pendulinus</i>	Kolovatësi	VU
Family Laniidae			
117	<i>Lanius minor</i>	Larashi i vogël ballzi	DD
118	<i>Lanius excubitor</i>	Larashi i madh i përhimë	DD
Family Passeridae			
200	<i>Petronia petronia</i>	Harabeli i gurëve	DD
Family Fringillidae			
201	<i>Loxia curvirostra</i>	Sqepkryqi	DD
202	<i>Pyrrhula pyrrhula</i>	Kuqalashi çafkëzi	VU
Family Emberizidae			
203	<i>Emberiza hortulana</i>	Cerla e kopështit	DD



## Annex 3: Report of the National Legal Expert

The first phase of this project aiming at strengthening the capacity for environmental monitoring and information management in Albania was focused on conducting a detailed analysis of the international and domestic legal acts relevant to wild fauna protection and hunting, in cooperation with the International Legal Expert, Ms. Nienke Vanderburgt.

During this phase, the analysis included the international conventions relevant to wild fauna protection to which Albania has become a party, such as the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), 1971, the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), 1975, the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention), 1979, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), 1979, and the UN Convention on Biological Diversity (CBD), 1992.

This was followed by the analysis of the key acts of the *acquis communautaire* relevant to wild fauna protection, such as the Birds Directive (2009/147/EC), Habitats Directive (92/43/EEC), and the other documents on biodiversity and hunting, such as the Guidance Document on Hunting and the Birds Directive, the European Charter on Hunting and Biodiversity, and the international regulations on wildlife trade, such as the Basic Regulation (Council Regulation (EC) No. 338/97), the Implementing Regulation (Commission Regulation (EC) No 865/2006), Guidance on Habitats Directive and the Guide to sustainable hunting under the Birds Directive.

In order to clarify the objectives of the legislation in relation to international conventions and the EU directives above mentioned, and to identify the nature of the restrictions in the Albanian legislation, an overview of the latter was undertaken, which included the analysis of the Law No. 10 006, date 23.10.2008, "On the protection of wild fauna" (hereinafter LPWF), Law No. 10 253, date 11/03/2010, "On hunting" (hereinafter LH), Law No. 8906, date 6.6.2002, "On protected areas", (hereinafter LPA) as amended by law No. 9868, date 4.2.2008, Law No. 9587, date 20.7.2006, "On protection of biodiversity", (hereinafter LPB) as amended by Law No. 37/2013, date 14.2.2013, Law No. 68/2014, date 3.7.2014, and the Law No. 9867, date 31.1.2008, "On defining the rules and procedures for the international trade of the endangered species of wild flora and fauna".

Also, subject to the review were the relevant bylaws enacted for the implementation of the legislation, including Decision of the Council of Ministers (hereinafter DCM) No.897 date 21.12.2011, "On approval of the rules for the announcement of special conservation areas", DCM No. 546 date 7.7.2010, "On approving the list of wild fauna species, subject to hunting", DCM No. 553, date 7.7.2010, "On announcing the hunting season in the Republic of Albania", DCM No. 84, date 27.1.2009, "On defining the criteria for the establishment of the network of inventory and monitoring of biodiversity", DCM No. 241, date 6.3.2009, "On announcing the list of foreign invasive species and on defining the procedures for their prohibition and/or entrance in the customs' offices", DCM No. 866, date 10.12.2014, "On announcing the lists of types of natural habitats, plants, animals, and birds of interest for the European Union", and the Order of the Minister of the Environment No. 1280, date 20.11.2013, "On announcing the Red List of the Wild Flora and Fauna".

Subsequently, the document "Legal assessment of the Albanian legislation on wild fauna protection and hunting" (provided to the UNDP separately of this report) was the result of the collaboration with the international expert, Ms. Nienke Vanderburgt. The document is organized in the form of a table that contains the obligations that derive from the EU legislation, the domestic legislation provisions that are relevant to that

obligation, and the comments in relation to their implementation and amendments/revision.

During the first phase consulted took place with the staff at the Ministry of Environment, the State Inspectorate of Environment, Forests and Waters, and members of the hunting associations. From the first meetings with the groups of interest that may be affected by the legislation on wild fauna and hunting, just as from the legal analysis, it can be perceived that fragmentation is omnipresent has had a negative impact on the protection of wildlife in Albania.

With regard to the legislation, fragmentation is noticeable not only in the number of laws that were mentioned above, but also in their continuous amendments, which create confusion and difficulty in their implementation. Also, fragmentation is present among the interested parties, too. There are currently two different entities that claim to represent the interests of hunters: the Albanian National Federation for Hunting and Conservation, and the Federation of Sportive Hunters and Anglers, which cannot manage to unify their positions and agendas and speak with a single voice. A proposal can be made that legal provisions can give hunters an important role in monitoring the implementation of the law, because they should be most interested, above all others, that rules are observed and fauna is protected, in order to avoid drastic measures, such as the current moratorium on hunting. However, it is their common standing that not the local hunters, but the touristic hunting is to be blamed for the damage caused to fauna, and the law should be strict on that. Further, fragmentation is also present in the private ownership of land, including the areas where hunting is conducted. As a result, the integration of the legal acts on wildlife protection is needed.





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