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OF WILD FAUNA AND FLORA



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DRAFT REPORT (PHASE 1)
LEGAL GAP ANALYSIS ON THE ENVIRONMENTAL LAW
ON HUNTING AND WILD FAUNA PROTECTION FOR ALBANIA

The attached information document has been submitted by the regional representative for Europe (Mr. Nemtsov) in relation to agenda item 37.4¹.

¹ The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

UNDP ALBANIA

DRAFT REPORT (PHASE 1) - Legal gap analysis on the environmental law on hunting and wild fauna protection for Albania

April 2017

Nienke van der Burgt

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Annex I: Assessment wild fauna protection law and hunting law against key EU obligations

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

SACs Special Areas of Conservation

SCIs Sites of Community Importance

SPAs Special Protection Areas

TFEU Treaty on the Functioning of the European Union

1. Objectives and scope of the report

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 negotiations¹ one of the recommendations highlight 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 Directives² and EU Regulations³ (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 nr. 8906, date 6.6.2002, "On protected areas", as amended by law nr. 9868, date 4.2.2008;
- 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;

Bylaws:

- 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".

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.

- 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”.

1.2 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)⁴
- Habitats Directive (92/43/EEC)⁵
- *In order to help the assessment, the following non-binding and guidance documents related to the Birds and Habitats Directives have been considered*⁶:
 - *Guidance Document on Hunting and the Birds Directive*⁷.
 - *European Charter on Hunting and Biodiversity*⁸

Additional EU legislation relating to wildlife protection:

- EU Wildlife Trade Regulations⁹ – including:
 - *Basic Regulation (Council Regulation (EC) No 338/97)*¹⁰. 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)*¹¹ – it lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 and

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 Agreement⁶** was signed in 2004 (FACE/Birdlife International and EC) (Available at: 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

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.

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.**

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 Commission¹². This intervention logic distinguishes between general, specific and operational objectives¹³. 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 aim 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 EU¹⁴.

		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"> • To contribute towards ensuring bio-diversity 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. • To maintain or restore, at favorable con-servation status, natural habitats and species of wild fauna and flora of Community interest. (Article 2) 	To protect species of wild fauna and flora and to guarantee their conservation by regulating trade therein.

¹² Website EC: http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/study_evaluation_support_fitness_check_nature_directives.pdf.

¹³ *Ibid.*, p. 47.

¹⁴ *Evaluation Study to support the Fitness check of the Birds and Habitats Directives*

Part 3	Specific objectives	Establishment and management of Natura 2000 (Article 3 Birds Directive and Articles 3 and 6 Habitats Directive).		[outside scope]
Part 4	Operational objectives /measures	<ul style="list-style-type: none"> Member States shall subject threatened and migratory species to special conservation measures concerning their habitats (Article 4(1) and (2)). Member States classify SPAs of the most suitable territories in number and size for the conservation of threatened species (Article 4(1)). Member States encourage research into relevant subjects (Article 10). 	<ul style="list-style-type: none"> 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)). The Commission publishes the list of SCIs within six years of notification of the Directive (Article 4(2-3)). Member States designate SACs within six years of adoption of the list of SCIs (Article 4(4)). Member States undertake surveillance of habitats and species of Community interest (Article 11). 	<ul style="list-style-type: none">
		<ul style="list-style-type: none"> Member States establish necessary conservation measures for SACs, including, if appropriate, management plans (Article 6(1) Habitats Directive). Member States ensure no deterioration of habitats and disturbance to species in Natura 2000 sites (Article 6(2) Habitats Directive). Member States ensure that plans or projects likely to affect Natura 2000 sites are subject to Appropriate Assessment (Article 6(3) Habitats Directive). Member States 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 (Article 6(4) Habitats Directive). Member States identify funding needs to achieve a Favourable Conservation Status of priority habitats and species for the Commission to provide funding measures (Article 8 Habitats Directive). Member States encourage the management of landscape features to improve the ecological coherence of Natura 2000 network (Article 3(3) and Article 10 Habitats Directive). 		
Part 3	Specific objectives	Ensure species protection (Articles 5 and 7 of the Birds Directive and Articles 12-14 of the Habitats Directive).		
Part 4	Operational objectives / measures	<ul style="list-style-type: none"> 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). 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). 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). Member States ensure derogations to prohibitions 	<ul style="list-style-type: none"> Member States undertake surveillance of habitats and species of Community interest (Article 11). Member States establish strict systems of species protection that prohibit their killing, sale or deliberate disturbance and destruction of breeding sites (Article 12). Member States establish strict protection systems for plant species that prohibit their destruction, picking, keeping, etc. (Article 13). Member States ensure hunting is compatible with a Favourable Conservation Status of species (Articles 14 and 15). Member States ensure derogations to prohibitions are granted if no satisfactory 	<ul style="list-style-type: none"> Regulation of Hunting trophies

		<p>are granted if no satisfactory alternative and provided that specific conditions are respected (Article 9).</p> <ul style="list-style-type: none"> • Member States encourage research into relevant subjects (Article 10). • Member States ensure that introductions of non-native species do not prejudice local flora and fauna (Article 11). 	<p>alternative and according to the listed conditions (Article 16).</p> <ul style="list-style-type: none"> • Member States undertake research to support the objectives of the Directive (Article 18). • 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)). 	
Annexes to HD				
Annexes to BD				

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

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. 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.¹⁵

The Birds and Habitats Directives:¹⁶

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.

¹⁵ <http://www.birdlife.org/europe-and-central-asia/birds-and-habitats-directives>.

¹⁶ <http://www.birdlife.org/europe-and-central-asia/birds-and-habitats-directives>.

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.
- **Site protection:** the Habitats Directive protects the Special Protection Areas under the Birds Directive and 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.¹⁷

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).¹⁸ 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.¹⁹

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.²⁰

The Birds Directive and hunting:

- protects all wild bird species (Art. 1 and 5)

¹⁷ 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).

¹⁸ 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.

¹⁹ *Ibid.*, p. 67.

²⁰ *Ibid.*, p. 88.

- 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)

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 2000²¹

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 CITES²² – 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.²³

The CITES Regulation is relevant for the regulation of hunting trophies²⁴ – which is covered by the Law on hunting – and therefore subject to assessment.

EU Wildlife Trade Regulations and hunting trophies

²¹ <http://ec.europa.eu/environment/nature/info/pubs/docs/factsheets/hunting.pdf>.

²² <http://www.face.eu/international-agreements/cites>.

²³ European Charter in Hunting and Biodiversity, p. 14.

²⁴ 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.

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: EC²⁵

3. Analysis of the relevant national legislation

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 important gaps have been identified and the applicable legal framework remains unclear regarding specific legal measures due to the fragmentation of rules 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. 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"> • The majority of the definitions from the HD are effectively transposed – many of them have been transposed literally. Problems is transposition were identified in relation to ‘priority species’ and ‘site of Community importance’. 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). • 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 . • Relevant definitions that were selected from the non-binding EU Charter are effectively transposed – with the exception of the term ‘game’.
Part 2 General objectives	<ul style="list-style-type: none"> • 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. • The HD refers to ‘the conservation of natural habitats’ as a tool in order to ‘contribute towards ensuring biodiversity’. In many instances, the

²⁵ Website EC: http://ec.europa.eu/environment/cites/faq_en.htm.

	<p>transposing legislation uses the term ‘protection’ rather than conservation – which is narrower.</p> <ul style="list-style-type: none"> In relation to the objectives laid down in Art 2 BD it is noted that Art. 13(1) establishes the requirement of ensuring a ‘favourable status of ecological, scientific and cultural conservation’ – which is a concept that is not defined.
Part 3 – Site protection	<ul style="list-style-type: none"> 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 is 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. 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.
Part 3 – Species protection	<ul style="list-style-type: none"> Overall the obligations listed in this part have been transposed. 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.
Part 4 – Site protection	<ul style="list-style-type: none"> 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.
Part 4 – Species protection	<ul style="list-style-type: none"> No major conformity issues identified.

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.

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 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 (and amendments)
- 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' 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.

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 1981²⁶ (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 them²⁷.

Wildlife and Countryside Act 1981²⁸

²⁶ 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)).

²⁷ <http://incc.defra.gov.uk/page-1373> and <http://www.environmentlaw.org.uk/rte.asp?id=211>.

²⁸ <http://www.legislation.gov.uk/ukpga/1981/69>.

Part 1 – Wild life	1. Protection of wild birds, their nest and eggs 2. Exceptions 3. Areas of special protection 4. Exceptions 5. Prohibition of certain methods of killing or taking wild birds 6. Sale etc. of live or dead wild birds, eggs etc. 7. Registration etc. of certain captive birds 8. Protection of captive birds 9. Protection of certain wild animals 10. Exceptions 10A. Protection of wild hares etc. 10B Exceptions 11. Prohibition of certain methods of killing or taking wild animals
	1. Protection of other animals
	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]²⁹.

The **Habitats Directive** is transposed by the ‘Conservation of Habitats and Species Regulation 2010’.³⁰ 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.³¹

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 Register of European sites Management agreements Control of potentially damaging operations Special nature conservation orders Byelaws Powers of compulsory acquisition European marine sites Nature conservation policy in planning contexts
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

²⁹ <http://jncc.defra.gov.uk/page-1376-theme=textonly>

³⁰ <http://www.legislation.gov.uk/ukSI/2010/490/contents/made>.

³¹ <http://jncc.defra.gov.uk/page-1379>

	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.³²

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 provinces³³. 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 ³⁴	
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	2.1 Areas and measures of conservation 2.2 Conservation measures and appropriate measures

³² <https://www.government.nl/topics/nature-and-biodiversity/contents/new-law-protects-nature-in-the-netherlands>.

³³

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

³⁴ <http://wetten.overheid.nl/BWBR0037552/2017-03-01>.

	2.3 Assessment of plans, projects and other actions [...]
	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]	

UNDP Albania - 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)³⁵
- Habitats Directive (92/43/EEC)
- *In relation to Birds and Habitats directive non-binding agreements and guidance documents include* ³⁶:
 - *Guidance Document on Hunting and the Birds Directive*³⁷.
 - *European Charter on Hunting and Biodiversity*³⁸
- EU Wildlife Trade Regulations³⁹ – including:
 - *Basic Regulation (Council Regulation (EC) No 338/97)*⁴⁰- 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.

³⁵ Codified version of Directive 79/409/EEC – as amended.

³⁶ **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**³⁶ was signed in 2004 (FACE/Birdlife International and EC) (Available at: 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

³⁷ http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide_en.htm

³⁸ 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).

³⁹ Website DG Environment: http://ec.europa.eu/environment/cites/legislation_en.htm#chapter2.

⁴⁰ **Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.**

- *Implementing Regulation (Commission Regulation (EC) No 865/2006)*⁴¹ – 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 nr. 8906, date 6.6.2002, "On protected areas", as amended by law nr. 9868, date 4.2.2008. (**LPA**)^[42]
- 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. (**LPBD**)^[43]
- 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;

Bylaws:

- 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".

⁴¹ *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.*

⁴² [http://www.ecolex.org/details/legislation/law-no-9868-amending-and-supplementing-law-no-8906-of-2002-on-protected-areas-lex-faoc083481/?q=albania+LAW+on+protected+areas&xdate_min=&xdate_max=.](http://www.ecolex.org/details/legislation/law-no-9868-amending-and-supplementing-law-no-8906-of-2002-on-protected-areas-lex-faoc083481/?q=albania+LAW+on+protected+areas&xdate_min=&xdate_max=)

⁴³ [http://www.ecolex.org/details/legislation/law-no-9587-on-biodiversity-protection-lex-faoc067304/.](http://www.ecolex.org/details/legislation/law-no-9587-on-biodiversity-protection-lex-faoc067304/)

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.
- 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.

Abbreviations

CJEU Court of Justice of the European Union

SAC Special Areas of Conservation

SCI Sites of Community Importance

SPAs Special Protection Areas

LAP Law No. 8906, date 6.6.2002, "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

Annexes

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					
1 HD	For the purpose of this Directive:					
1(a) HD	conservation 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(20) LPA	3(20): "Conservation 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."	Y	
1(b) HD	natural habitats means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;		Article 3(21) LPA	3(21): "Natural habitats means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural".	Y	
1(c) HD	natural habitat types of Community interest 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		Art. 3(22) LPA	22. "Natural habitat types, with interest to the European Community" are those types that are located in the territory of the Republic of Albania and meet one of the following conditions: i) are risking the extinction on their natural habitats; ii) have a small natural extension,	Y	Annex I to the HD is transposed by Annex to MCD No 866, however Art. 3(22) 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.

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)
	<p>reason of their intrinsically restricted area; Or (iii) present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions: Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic.</p> <p>Such habitat types are listed or may be listed in Annex I;</p>			<p>as a consequence of their regress or of their limited surface; iii) represent extraordinary examples of the typical characteristics of the alpine, biogeographical and Mediterranean regions.</p>		
1(d) HD	<p>priority natural habitat types 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;</p>		Art. 3(23) LPA	<p>Art. 3(23): Priority natural habitat types means natural habitat types of interest to the European Community, in danger of extinction, which are present in the territory of the Republic of Albania, for the conservation of which the Republic of Albania has particular responsibility.</p>	Y	<p>Annex I to the HD is transposed by Annex to MCD No 866 – 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.</p>
1(e) HD	<p>conservation status of a natural habitat 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>Art 2(2) LPBD Art. 3(19) 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>Article 3(19) The conservation status of an ecosystem, habitat, or landscape will be taken as 'favourable' when:</p>	Y	<p>The definition of conservation status of a natural habitat [or in the Albanian legislation: Conservation status of an ecosystem, habitat or landscape] is defined by Art. 2(28) LBP</p> <p>Art. 3(19) LPA further transposes the criteria under which the conservation status of an ecosystem, habitat, or landscape will be taken as 'favourable'.</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)
	The conservation status of a natural habitat will be taken as 'favourable' when: — its natural range and areas it covers within that range are stable or increasing, and — 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 — the conservation status of its typical species is favourable as defined in (i);			a) its natural range and areas it covers within that range are stable or increasing, and b) 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 c) the conservation status of its typical species is favourable.		
1(f) HD	habitat of a species means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;		Art. 3(24) LPA	(3)24. "Habitat of a species" is an environment that is determined by specific factors, biotic and abiotic, where species lives in every stage of its biological cycle.	Y	It is noted that in addition, Article 3(6) of the LPA defines "habitat" is the environment of some botanical or animal individuals, of their populations or communities.
1(g) HD	species of Community interest means species which, within the territory referred to in Article 2, are: (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 (ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or (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		Art. 3(25) LPA	3(25) Species of Community interest means species which, within the territory of the Republic of Albania that fulfil one of the conditions below: i) endangered, except those species whose natural range is marginal in that territory; ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; iii)) rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk; iv) endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on	N	Transposition is incomplete (minor issues), 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'. It is also noted that the LPA does not use the word 'or' to underline the alternative character. 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

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)
	scattered over a more extensive range; or (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. Such species are listed or may be listed in Annex II and/or Annex IV or V;			their habitat and/or the potential impact of their exploitation on their conservation status.		does not include a reference to annexes 2 and 3 to the MCD No 866.
1(h) HD	priority species 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(26) LPA	3(26): Priority species means species of interest to the European Community, which are endangered, for the conservation of which the Republic of Albania has particular responsibility in view of the proportion of their natural range.	N	Incorrect transposition 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. 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 impact on the scope of the legislation.
1(i) HD	conservation status of a species 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; The conservation status will be taken as 'favourable' when:	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	Art. 2(29) LPBD Art. 2(31) LPBD	(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. 31. "Favorable conservation status of a type" is when: a) The population dynamics data for a type of interested show that it remains	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)
	<ul style="list-style-type: none"> — 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 — the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and — there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis; 	<p>species is doing sufficiently well in terms of quality and quantity and has good prospects of continuing to do so in future. [...]</p> <p>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>for a long-term a component, valid and capable of its natural habitats;</p> <p>b) The natural extension of species is not reduced nor is likely to reduce in the near future;</p> <p>c) there is and probably will continue to be an adequate habitat, from the size, to keep the populations for a long time.</p>		
1(j) HD	site means a geographically defined area whose extent is clearly delineated;		ART. 3(26) LPA	3(26): Site means a geographically defined area whose extent is clearly delineated.	Y	Literal transposition
1(k) HD	<p>site of Community importance 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</p>		Art. 3(28) LPA	<p>3(28): site of Community importance means a site, region, or biogeographical regions to which it belongs, which contribute significantly to the maintenance or restoration at a favourable conservation status of the natural habitat, of Community importance, or the species of Community importance, or that 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>	N	<p>Incomplete transposition</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 LPA does not refer to these Annexes (transposed by Annexes 1 and 2 MCD No 866) nor to the coherence of the Natura 2000 network. However, the LPB refers to this last point.</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)
	such species which present the physical or biological factors essential to their life and reproduction;		Art. 2(45) LPBD Art 2(44) LPBD	“45. Site of Community Importance” 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 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; 44. Natura 2000” means an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats;		
1(l) HD	special area of conservation 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(29) LPA	3(29): special area of conservation means a site of Community importance designated as such by the Republic of Albania through a statutory, administrative or contractual act, where the necessary conservation measures are applied for 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	Note that Art. 2(46) on definitions of the LPBD lists the terms ‘Special areas of Conservation (SACs) with direct reference to the LPA.
1(m) HD	specimen 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					

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)
	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;					
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. 2(t) Reg. 338/97	'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			Not identified		

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)
	<p>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>					
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> <ul style="list-style-type: none"> (i) is raw, processed or manufactured; (ii) was legally obtained by the hunter through hunting for the hunter's personal use; (iii) is being imported, exported or re-exported by or on behalf of the hunter, as part of the transfer from 		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)
	its country of origin, ultimately to the hunter's State of usual residence;					
	Non-binding					
EU Charter	Game: 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	Wildlife Management: 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 and game animal populations and their habitats in a manner beneficial to the environment and society.	N/A	The national legislation uses a different reference to 'game'. Whereas the EU Charter mentions 'wild (including game) animal populations', the Albanian legislation refers to 'wild and game animal population'.
EU Charter	Hunting: 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	

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)
EU Charter	Sustainable hunting: 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	Biological diversity ⁴⁴ : 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 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	Ecosystem ⁴⁵ : A dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.		Art. 2(5) LPBD	2(5): "Ecosystem" is a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.	Y	Literal transposition

⁴⁴ Derived from Article 2 of the CBD

⁴⁵ 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'⁴⁶.

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	Scope					

⁴⁶ 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.

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	<p>[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.</p> <p>It shall apply to birds, their eggs, nests and habitats.</p>	<p>Guidance to sustainable hunting⁴⁷: 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.⁴⁸</p> <p>Clarification CJEU (Case C-247/85 Commission v Belgium) : ' 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]</p>	<p>Art. 1(1) LPWF</p> <p>Art. 3(1) LPWF</p> <p>Art. 2(1) LPWF</p> <p>Art. 2(2) LPWF</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Y	<p>The key element mentioned in Article 1 of the BD is 'the conservation of' all species ...' – 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).</p> <p>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'.</p> <p>It addition, it is noted that the title of the LPWF uses the term 'protection' - being</p>

⁴⁷ 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.

⁴⁸ 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.

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)
						<p>only one element of the term conservation, and the title of the legislation consequently does not cover its full scope.</p> <p>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.</p> <p>It has not clearly been identified whether the species to be protected have been listed. In case of an absence of Annexes listing the species to be protected, this would confirm a broader scope of the Albanian legislation which aims at ensuring the protection of all species of wild fauna.</p>
Art. 2 HD	Overall objectives					
2(1) HD	To contribute towards ensuring biodiversity 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(1) LPWF Art. 3(1) 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	N/A	<p>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 reflected in the LPWF.</p> <p>The LPBD and more limited also the LPA – use the terms conservation – however refer to 'protection' in their objectives (which covers only part of conservation).</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)
			Art. 1 LPBD	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.		
			Art. 1(1) LPA	1. The purpose of this law is to provide special protection of important components of natural reserves, of biodiversity and the natural, as a whole, through the establishment of protected areas.		
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	Art. 1 (4)LPBD	This law aims: [...] 4. To design measures that maintain or restore, at favourable conservation	N/A	The term 'favourable conservation status' is defined to in Art. 3(19) LPA.

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)
		Union interest to a favourable conservation status.		status, the natural habitats and species of wild fauna of Albanian and European Community interest;		The term 'sites of Community importance' are defined in Art. 2(45) LPBD.
2(3)HD	Measures shall take account of economic, social and cultural requirements and regional and local characteristics.		Art. 1 LPBD	This law aims: [...] 5. To ensure a balanced management of the biodiversity, taking into account of economic, social and cultural requirements and regional characteristics	N/A	
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.	Guidance on hunting (p. 8): Commission/Belgium , case 247/85, ECR 1987: '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'. Guide to sustainable hunting [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	Art. 1(1) LPWF Art. 13(1) LPWF Art. 1(4) LPBD	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. 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: 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.	N	The scope of the LPWF is broader as it does not focus on wild birds but rather on wild fauna (including wild birds). This is further detailed in Art. 13 LPWF that falls under Chapter III on special measures for the conservation of birds. 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. 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

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)
		<p>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>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>No transposing measures are identified 'to adapt the population of these species to that level'.</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	CHAPTER : Conservation of natural habitats and habitats of species					
3(1) HD	A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000 ⁴⁹ . 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. 17/1 (2) amend to 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"	Y	The term SAC is defined in Art. 3/29 LPA to which the LPBD makes a direct reference. The terms SAC and ' Natura 2000' (defined in Art. 2(44) LPBD) are used in the legislation in Art. 17/1 – amending the LPBD. – requiring the establishment of 'coherent ecological network of special areas of conservation [SACs] and special protection areas [SPAs] shall be set up and denominated under the title Natura 2000'.

⁴⁹ <http://www.natura.al/page.php?lang=en§ion=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)
				<p>of this law must be designated to contribute to the creation of a coherent European ecological network.</p> <p>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.</p>		<p>Annex I and II to the HD is transposed by Annex 1 and 2 to MCD No 866, however the national transposing legislation does not include a reference to these annexes.</p>
	<p>The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.</p>		<p>Art. 4/3 LPA</p> <p>Art. 2(47) LPBD</p>	<p>Art. 4/3 on stipulation of special areas of conservation [...]</p> <p>1. Areas hosting the natural habitat types with interest to the European community and the habitats of species, of interest to this community, are nominated as special areas of conservation. These areas are part of the national ecological network and may include protected areas within the network of protected areas, also may include ecosystems, habitats and landscape outside this network.</p> <p>Special protection areas (SPAs)" means an area where wild birds classified as rare and vulnerable and</p>	<p>N</p>	<p>Gap in transposition.</p> <p>Whereas Natura 2000 is defined under the LPBD, the regulation of national ecological networks is provided under the LPA (Article 4/3 regulates the 'stipulation of the specially protected areas'. [Note: assumed that this is an issue of translation and the term 'stipulation' refers to their establishment]</p> <p>This provision 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</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)
				as regularly occurring migratory species are strictly protected;		that is also applies to SPAs. Consequently this is assessed as gap in transposition. 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.
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. ⁵⁰	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.	Y	
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.		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	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. Note that landscape is defined in Art. 2(21) LPBD.

⁵⁰ 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)
						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. 10 HD refers to land use planning. This articles is regulated via Chapter IV of the LPBD regulates the 'Preservation of ecosystems, habitats and landscapes, places outside the protected areas network'.
Art. 6 HD	Conservation measures ^{51/52}					
6(1) HD	For special areas of conservation, the necessary conservation measures shall be established involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.	Commission Guidelines (HD): Article 6(1) lays down a general conservation regime which has to be established by the MS for the special areas of conservation (SAC) [with note that according to Article 4(4) of the directive, SACs come into being by way of designation by the MS. Such designation is only possible after a site has been adopted as a site of Community importance (SCI) in accordance with Article 4(2) of the directive.] The conservation	Art. 4/4(1) Amend LPA	Art.4/4 (1) - Management of the special areas of conservation. 1. For the special areas of conservation, the Ministry responsible for environment takes safeguards, including management plans, developed for those areas or integrated into other development plans, as well as legal, administrative or contractual measures, in accordance with the ecological requirements of the natural habitats, with interest to the European community and of the species of	Y	

⁵¹ 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.

⁵² 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)
		measures can take at least two forms: the form of 'appropriate statutory, administrative or contractual measures...' and 'if need be', the form of 'appropriate management plans'.		interest to this community.		
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: 'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration... as well as disturbances...'. 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 Grune Liga Sachsen and others [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</p>	<p>Art. 4/4(2) LPA</p> <p>Art. 8 LPWF</p>	<p>2. To avoid destruction of natural habitats and the habitats of the species in areas of special conservation, and disturbances of the species for which these areas are defined, the ministry responsible for environment requires from natural or judicial persons, whose activity adversely affects in the area, to implement the requirements specified in the environmental permit.</p> <p>8 - Protecting habitats, migration routes and breeding conditions</p> <p>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.</p> <p>2. The environmental permits of activities for construction, reconstruction and extension of settlements and economic activities, technological improvements in</p>	P	<p>Art. 4/4 (2) partially transposes the requirements established by the Nature directive. There might be activities that are not under the permit or damaging actions not covered by the permit but that are damaging or other actions that are damaging and not subject to permits (e.g. taking eggs from the wild).</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>

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)
		<p>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>Art. 10 LPWF</p>	<p>existing activities, shall include special requests and measures to mitigate the adverse effects on habitats, migration routes and breeding conditions of wild fauna species.</p> <p>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</p> <p>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.</p> <p>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</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)
				wild fauna, its genetic entirety, habitats and breeding conditions.		
6(3) HD (and BD via ART. 7 HD)	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. 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>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 Solvay [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</p>	<p>Art. 4/4(3) LPA</p> <p>Art. 9 LPWF</p>	<p>3. Any plan or project, which could affect the area, is subject to legal procedures to assess the impact on the environment. Ministry responsible for environment accepts the plan or the project only after it ensures that it does not affect adversely in the integrity of the area, and after having received the opinion of the public.</p> <p>Article 9 Protection from adverse effects of climate changes 1. The Ministry, depending on climate changes and their impacts on wild fauna, shall prepare the intervention and action plans to handle the situation. 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. 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>	P	<p>Art. 4/4 (3) partially transposes the requirements established by the Nature directive.</p> <p>The 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'. The wording used in the LPA is broader.</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>

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)
		<p>that it will not adversely affect the integrity of that site⁵³.</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.⁵⁴</p> <p>Commission Guidelines (HD). Article 6(3) and (4) define a step-wise procedure for considering plans and projects:</p> <p>(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</p>				

⁵³ See Case C-127/02 *Waddenvereniging and Vogelbeschermingsvereniging* [2004] ECR I-7405, paragraph 34.

⁵⁴ *Van Calster, G. and Reins, L. (2017), p. 187.*

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)
		a negative assessment, it is proposed not to reject a plan or project but to give it further consideration.				
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)'.⁵⁵</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>	Art. 4/4(4) LPA	4. The Ministry responsible for environment requires implementing complementary measures to the implementer of the plan or project that is to be applied for urgent needs for public interest, which ensures overall conservation status and reports to the European Commission on these measures	P	Transposition is incomplete – the phrase 'in the absence of alternative solutions when the assessment is negative in relation to the implications for the site' is not covered in the national transposing legislation.

⁵⁵ 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'.

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)
		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 ⁵⁶ .				
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).	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. 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	Art. 14 LPWF	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: [...] 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	Y	

⁵⁶ Van Calster, G. and Reins, L. (2017), p. 188.

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)
		necessary that such activities within SPAs to be properly managed and monitored to avoid such significant disturbance.		approved by an Order of the Minister. 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. 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.		
Art. 3.2 BD	The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:		Article 14 LPWF -	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:	Y	
	(a) creation of protected areas;		Art. 14(1)(a) LPWF	a) establishing protected areas, pursuant to the provisions of Law No. 8906, dated 06/06/2002 "On protected areas", as amended;	Y	
	(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	

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)
	(d) creation of biotopes.		Art. 14(1)(d) LPWF	c) establishing biotopes and re-establishing destroyed biotopes.	Y	

B: ENSURE SPECIES PROTECTION

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)
HD	CHAPTER: Protection of species					
Art. 12 HD	Protection measures					
12(1) HD ⁵⁷	To take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:	Commission guidelines (HD): Article 12 tackles the more specific question of the protection of Annex IV(a) species. Consequently, Article 12 places the emphasis on the direct threats faced by animal species listed in Annex IV(a)	Art. 23 LPBD	Art. 23 - The status for the protection of the especially protected types 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	Y	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. More specific, Art. 6 LPWF sets out the protection requirements for wild fauna whereas Art. 13 LPWF provides specific

⁵⁷ *Similarto 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)
		rather than the broader question of the conservation of their habitats — with the exception of 12(1)(d).	Art.5 LPWF Art. 6 LPWF	<p>stages of the animal life and for all the stages of the biological cycle of the plants. [...]</p> <p>b) The maintenance, transport, sale, exchange or the offer for sale or exchange of these types, taken in the wild state.</p> <p>3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping: [...]</p> <p>5 -Aims of the protection Wild fauna protection aims to: a) conserve and recover the variety of the species and their genetic entirety; b) protect the habitats, migration routes and their breeding conditions; c) conserve the integrity of the natural communities; [...]</p> <p>6- Protection requirements For the protection of wild fauna the following requirements shall be taken into consideration: 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</p>		<p>protection measures in relation to wild birds.</p> <p>Annex IV to the Directive is transposed by Annex 3 DCM 866. Art. 23 LPBD however does not make reference to this annex.</p> <p>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.</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 46 LH	<p>to species threatened with extinction and endangered species.</p> <p>2. Ensuring equal protection for the species and protection of a special species, in order not to damage another species.</p> <p>3. Conserving and rehabilitating, where possible, the natural habitats, migration routes and creating breeding conditions for the wild fauna species.</p> <p>[...]</p> <p>Upon entry into force of this Law, the following shall be prohibited in the Republic of Albania:</p> <p>[...]</p>		
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 ⁶¹ of specimens of these species in the wild. The term “deliberate” has to be interpreted as going beyond “direct intention”. In accordance with Article 12(3), this prohibition applies to all stages of life of the animals. Good information and guidance by the competent authorities seem an appropriate way of implementing these provisions.	Art. 23 (3)(a) LPBD Art. 19 LPWF	<p>23(3) The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping:</p> <p>(a) All the forms of the deliberate capture or killing of these species;</p> <p>19- Prohibited actions</p> <p>Upon entry into force of this Law, in the Territory of the Republic of Albania the following shall be prohibited:</p> <p>1. Possessing, keeping in captivity and trading wild fauna specimens captured directly from the wild.</p> <p>3. Capturing or killing wild fauna specimens, when they are under difficult conditions, due to climate</p>	Y	Reference to ‘in the wild’ can be taken from the scope of the legislation.

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. 13 LPWF Art 46 LH b and c	<p>conditions, such as frosts, floods, fires and other natural disasters.</p> <p>Special measures for the conservation of birds.</p> <p>13 - Conservation and adoption</p> <p>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>a) their intentional killing or capturing by any means;</p> <p>b) hunting of wild animals and birds not included in the list of game animals;</p> <p>c) hunting outside the open hunting areas;</p>		
12(1) (b) HD	(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;	Commission guidelines (HD): Article 12(1)(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. Disturbance need not directly affect the physical integrity of a species but can nevertheless have a direct negative effect.	Art. 23 (3)(a) LPBD Art. 6	<p>3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping:</p> <p>[...]</p> <p>b) The deliberate disturbance of these species, especially during the propagation period, growth, wintering and migration;</p> <p>6 – Protection requirements For the protection of wild fauna the following requirements shall be taken into consideration: [...]</p>	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)
			<p>Art. 19 LPWF</p> <p>Art. 13 LPWF</p> <p>Art 46 LH ç) f) g)</p>	<p>12. Prohibiting and eliminating cruel behaviour on wild fauna species, and torture against them.</p> <p>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</p> <p>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: e) intentional disturbance of birds, particularly during the periods of breeding and rearing</p> <p>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;</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)
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. 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.	Art. 23 (3)(a) LPBD Art. 13(1)(c) LPWF Art 46 LH è)	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; è) 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	Art. 23 (3)(a) LPBD	3. The species of the especially protected animals are subject to a strict regime of protection in their natural area of proliferation, stopping: [...]	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)
		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. 13 LPWF Art 46 LH g)	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;		
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 [except for those taken legally before this Directive is implemented.]		Art. 23(2) (d) LPBD Art. 19 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:	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)
			Art. 13 LPWF	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.		
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	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	Y	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.	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. 35 LPWF Art. 17/2 (3) (amend)L PBD	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.		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.
Art. 13 HD	System of strict protection					
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.	Y	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.
13(2)	The prohibitions referred to in paragraph 1 (a) and (b) shall apply to all stages of		Art. 23(1) LPBD	1. It is prohibited the use of the animals and of the especially	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)
	the biological cycle of the plants to which this Article applies.			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.		
Art. 14 HD	Taking specimens of species of wild fauna and flora and their exploitation					
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	P	Transposition is not complete as no reference to the FCS objective is made. Annex V to the Directive is transposed by Annex 4 DCM 866. In the transposing legislation, however no reference is made to this annex. 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)
				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.		
14(2)	Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11.		Art 54LH	<p>Article 54 -Monitoring of hunting</p> <p>1. Monitoring of hunting is a mandatory process, led by the Ministry, which is in charge of preparing the monitoring programmes, determining the methods of data collection and processing, as well as its implementation.</p> <p>2. As an integral part of wild fauna monitoring, the monitoring of hunting shall include monitoring of hunting activity and of hunting areas.</p> <p>3. The forests and pasture management units, the Forest Police, the technical and organisational units of the local government, the hunting area managers and the hunters associations shall continuously monitor the hunting activity, issuing the data according to indicators determined in the hunting monitoring programme.</p> <p>4. The annual monitoring data shall be collected at regional level at DFS, which shall send them to the Environment and Forests Agency within May for the previous year. The Environment and Forests Agency shall process the data collected and shall publish the results on its website within June.</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. 55 LH	<p>55- Inventory of game animals</p> <p>1. Populations of game animals shall be inventoried every year for each hunting area, with a view to identifying their quantity, the natural annual increase of the population for each species, as well as to plan the amount of individuals that may be hunted during the next hunting season at the specific area. No more than 10 per cent of the natural increase of the species population may be hunted during the next hunting season.</p> <p>2. Inventory and registration of species and their population shall be carried out in cooperation with the hunters associations and hunters of the area, under the supervision of its manager, taking into account the special requirements for each type.</p> <p>3. The hunting area managers, apart from the collection of data on the number of wild animals within the area, shall also collect other data on the state and the living conditions of animals in the hunting area, and the notes shall be sent to the respective DFS, which keeps the registry of wild game in the hunting areas.</p> <p>4. The method of registration and inventory of species and their populations, and the formatted documents, whereby the data and results of inventory of game animals</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)
				are recorded, shall be approved by Instruction of the Minister.		
14(2)	Such measures may also include in particular: — regulations regarding access to certain property,		Art.2(12) LH	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.		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.
	— temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,		Art. 17 LH	17 - Reintroduction areas and captive breeding 1. In order to increase the types of game populations, reintroduction areas and captive breeding shall be established. 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.		The option of temporary prohibition is used for re-introduction of 'game' populations.
	— regulation of the periods and/or methods of taking specimens,		Art. 2(1) LH Art. 45 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 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		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.	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. 46 ç LH	<p>the large-scale or non-selective capture or killing such as:</p> <ul style="list-style-type: none"> 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; è) 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. <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> <p>46 - Actions prohibited in hunting</p> <ul style="list-style-type: none"> ç) hunting during the prohibited period and beyond the permitted hunting season f) killing game during reproduction and offspring rearing; 		

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)
				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;		
	— application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,		ART. 36 LH	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		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. 8 LH Art. 2(12) LH	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;		This option is not used – only general reference to permitting is included in the LH. 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

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)
				b) the number of individuals of wild fauna species that may be hunted in a day, in a hunting area.		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,			Not identified		This option is not used
	— 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. 17 LH	<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>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.</p> <p>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.</p> <p>4. Establishment of reintroduction areas shall be subject to the following requirements:</p> <p>a) the area must have traditionally been a habitat of the game to be reintroduced;</p> <p>b) its surface must be biologically sufficient for the normal living of species;</p> <p>c) the area must fulfil the conditions for food and reproduction;</p>		Regulation of breeding in captivity is provided in Art. 17 LH.

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)
				ç) breeding and reintroduction shall be made with domestic traditional species; d) visibly mark the area boundaries on the area and on the maps.		
	— assessment of the effect of the measures adopted.		Art. 22 LH Art. 56LH	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. 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.		This option is used. Although not explicitly referred to the assessment of the effect of measures adopted' can be assumed to be covered by the national programme.
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 without prejudice to Articles 7 and 9 – therewith referring to the options for hunting (Article 7) and derogations (Article 9). Derogations that mentioned

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)
						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.
	(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 "deliberate killing or capture by any method". [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;			ç) 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	In case of full transposition of prohibited list of bird 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)
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 II⁵⁸.</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</p>	Art. 3(1) LH	<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>	Y	<p>The species listed in Annex II to the BD may be hunted under national legislation.</p> <p>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 [depending of coverage of wild birds]</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>[The term games in para. 3 is likely to mean ‘wild fauna’ (as game is species for which hunting is legally allowed)]</p>

⁵⁸ 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)
		an option of which the MS may or may not avail themselves.				
	To ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.	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.			N	The LH includes several restrictions for hunting. The possibility of hunting jeopardising conservation efforts is not explicitly mentioned in the LH.
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. 11 LH	Article 11 Areas where hunting is prohibited 1. Hunting shall be prohibited in: a) all the areas not included in one of the hunting areas; ë) coastal wetland areas, serving as habitats to migratory birds; h) areas declared as important bird 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 falconry 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			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.

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)
		the conservation status of the species involved.				
	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 complete system of protection 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.
	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)	Y	Art. 46 (see above) applies.

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)
				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;		

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	As above: To encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network			Assessed above		
HD	List of areas					
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. 4/3 LPA	<p>Art. 4/3 on stipulation of special areas of conservation</p> <p>1. Areas hosting the natural habitat types with interest to the European community and the habitats of species, of interest to this community, are announced specially protected areas. These areas are part of the national ecological network and may include protected areas within the network of protected areas, also may include ecosystems, habitats and landscape outside this network.</p> <p>2. Assessment of the importance of the areas for each natural habitat, including the types of priority natural habitats and priority species is performed according to these criteria:</p> <p>A. The criteria for evaluation of the</p>	Y	<p>Annex III is transposed via Art. 4/3 (2) LPA.</p> <p>Reference to the inclusion of scientific information is made in Art. 4/3(3) LPA.</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)
				<p>area for a certain type of natural habitat, with interest to the European community:</p> <p>a). the representation scale of the type of natural habitat in the respective area;</p> <p>b). the extent of the area covered by the type of the natural habitat in proportion with the total surface covered by the type of the natural habitat, within the national territory;</p> <p>3. Based on the criteria, set out in point 2 of this Article and the relevant scientific data, the Minister responsible for environment approves the list of Albanian areas, determining types of natural habitats, with interest to the European community and the species of interest to this community, autochthones for the Albanian territory and which are present in this area. In the list are identified those areas, where there are one or several types of priority natural habitats or priority species.</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. 4/3 (4) LPA	4. For the animal species found on wide surfaces, the zones correspond to the territories within the natural distribution of these species and represent the physical and biological factors, essential for their life and reproduction.	Y	
	For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly		Art. 4/3 (4) LPA	For aquatic species, found on wide surface, zones are proposed only in case they are clearly identifiable and	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)
	identifiable area representing the physical and biological factors essential to their life and reproduction.			represent physical and biological factors, necessary for their life and reproduction		
	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.		
4(4) HD	To designate that site (SCIs) as a special area of conservation 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. 4/3 LPA	1. Areas hosting the natural habitat types with interest to the European community and the habitats of species, of interest to this community, are announced special areas of conservation. These areas are part of the national ecological network and may include protected areas within the network of protected areas, also may include ecosystems, habitats and landscape outside this network.		
Art. 6(1) HD	As above: To establish necessary conservation measures for SCAs – including, if appropriate, management plans.			Assessed above		
Art. 6(2) HD	As above: To ensure that there is no deterioration of habitats and disturbance to species in Natura 2000 sites			Assessed above		
Art. 6(3) HD	As above: To ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment.			Assessed above		
Art. 6(4) HD	As above: To ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for			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)
	imperative reasons, of overriding public interest and if compensatory measures are taken.					
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		
8(2) HD	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			This obligation is only relevant if Albania will use EU co-funding (check LIFE)		
8(3) HD	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.			This obligation is only relevant if Albania will use EU co-funding (check LIFE)		
10 HD	To endeavour, their land-use planning and development policies and, in particular, with a view to improving the		Art. 12 LPBD	12- preservation 1. Ecosystems, habitats and landscapes are preserved even when	N	Chapter IV of the LPBD regulates the preservation of ecosystems, habitats and

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)
	<p>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>Art. 13 LPBD</p> <p>Art. 4/4 (amend) LPA</p>	<p>are located outside the representative network of the protected areas, public or private property. [...]</p> <p>13- Identification 1. The general categories of ecosystems, habitats and landscapes include wetlands and other areas with high environmental sensitivity, identified to receive an appropriate conservation status. [...]</p> <p>5. When necessary, within the land use planning, the Ministry responsible for environment requires to the territory planning developers and implementers to manage landscape specifics, that are of particular importance for wildlife</p>		<p>landscapes, placed outside of the protected areas network.</p> <p>Transposition is not complete as it does not refer to the need to ensure the coherence of the Natura 2000 network.</p>
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.	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). [...] 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.	<p>Art. 4/4 (amend) LPA</p> <p>Art. 9 LPBD</p>	<p>6. Ministry responsible for environment, monitors the status of conservation of natural habitats and species, dedicating particular care to the natural priority habitats and priority species, and promotes research and scientific work, taking into account the requirements of this article.</p> <p>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</p>	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)
			Art. 35 LPWF	information to support decision making at all levels. 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.		
4(1) BD	To ensure species (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. In this connection, account shall be taken of: (a) species in danger of extinction; (b) species vulnerable to specific changes in their habitat; (c) species considered rare because of small populations or restricted local distribution; (d) other species requiring particular attention for reasons of the specific nature of their habitat.	Guidance on hunting ⁵⁹ : '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'. 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	Art. 14 LPWF	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. 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	Y	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). Chapter III of the LPWF provides for special measures for the conservation of wild birds.

⁵⁹ 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.

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)
		<p>Annex I which are, nevertheless, regular visitors.</p> <p>Case C-355/90 Commission v Spain – Santona Marshes [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>		<p>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>		
	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			As above (Art. 4(1)) 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)
	and land area [where this Directive applies].					
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: [...]	Y	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.
	To pay particular attention to the protection of wetlands and particularly to wetlands of international importance.			Not identified (in relation to migratory 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)
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.	ARTICLE 7 Habitats Directive: 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 1. 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'.

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	As above: To undertake surveillance of habitats and species of [Community interest]			Assessed above		
Art. 12 HD	As above: To establish strict systems of species protection that prohibit their killing, sale or deliberate disturbance and destruction of breeding sites			Assessed above		
Art. 13 HD	As above: to establish strict protection regimes for plant species that prohibit their destruction, picking, keeping etc.			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	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: (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).		Art 46d LH	exercise of hunting using means, methods and techniques prohibited by this Law and by-laws issued for its implementation.		
16 HD	Derogation					
16(1) HD	Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the	Commission Guidelines (HD): The system of strict protection under Article 12 may be bypassed	Art 25 LBPD	Usage or new uses of the animals and of the especially protected plants, which appear in cases specified in		

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)
	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):	through derogations under Article 16 of the Directive. 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.	Art 21 LPBD	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:		
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		
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		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		

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)
	nature and beneficial consequences of primary importance for the environment;			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.					
18 HD	Research					
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 26 – Management		Chapter IX of the LPBD regulates ‘ research activities relating to biodiversity’.

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. 26 LPBD	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.		
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.		
22 HD	Supplementary provisions					
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			Not identified	N	Art. 36 LPBD regulates the actual re-introduction of species – not its study.

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)
	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;					
	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. 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	Y	
	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	

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.		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. 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	The use of arrangements and methods for hunting listed in ANNEX IV (point a) shall be prohibited.	ART. 45 LH	Art. 45 LH Prohibited hunting methods, techniques and means	Y	Art. 45 LH – transposing Annex IV to the BD - applies to ' game animal' – covering wild birds for which hunting is allowed.

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)
	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>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 '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)'. 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>		<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> <ul style="list-style-type: none"> 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; [...] dh) artificial light sources or dazzling mirrors; e) electronic equipment to improve vision in low light; è) 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. <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>		
	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	
Art. 9 (1)BD	Optional: To derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons:	Guidance on hunting (p. 12): In addition to the exceptions for trade and hunting set out in Articles 6(2),(3) and 7, Article 9	Art. 13 LPWF	<p>Art. 13 – conservation adaptation</p> <p>2. Derogation from the above provisions is justified only when there are no other satisfactory</p>	Y	Chapter III of the LPWF provides special measures for the conservation of wild birds. Art. 13 LPWF transposes Article 5

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)
	<p>(a) — in the interests of public health and safety, — in the interests of air safety, — to prevent serious damage to crops, livestock, forests, fisheries and water, — for the protection of flora and fauna;</p>	<p>allows Member States to derogate (i.e. depart) from the basic prohibitions in Article 5, 6, 7 and 8 provided three conditions are fulfilled: there is no other satisfactory solution ; one of the reasons listed in 9(1)(a), 9(1)(b), or 9(1)(c) applies; and the technical requirements of Article 9(2) are fulfilled.</p> <p>Derogations under Article 9 are also possible with regard to the prohibitions set out in Article 7 and 8.</p> <p>Guidance CJEU (Case C-247/85 Commission v Belgium [para 7]): Article 9 of the directive authorizes the MS to derogate from the general prohibitions and from the provisions concerning marketing and hunting. However, this possibility is subject to three conditions: first, the MS must restrict the derogation to cases in which there is no other satisfactory solution; secondly, the derogation must be based on at least one of the reasons listed exhaustively in Article 9 (1) (a), (b) and (c); thirdly, the derogation must comply with the precise formal conditions set out in Article 9(2), which are</p>	<p>Art. 4 LH</p>	<p>solutions, when it pertains to a limited and strictly controlled number and when it is used:</p> <p>a) to the interest of public health and security, or to prevent serious damages to crops, cattle, forests, fishery and water bodies, or to protect flora and fauna; [...]</p> <p>c) to the interest of aerial safety.</p> <p>4- Hunting of prohibited species</p> <p>1. Hunting of individuals of prohibited species may be exceptionally permitted in cases of:</p> <p>a) intensive and uncontrolled increase of a specific species population;</p> <p>b) episodic situations emerging in the wild fauna species;</p> <p>c) continuous damage caused by individuals of a certain species.</p> <p>2. Hunting in cases referred to in paragraph 1 of this Article shall be made upon authorisation of the Minister, whereby the type, quantity, hunting area and time shall be specified</p>		<p>BD – which is referred to as a provision from which derogation is optional.</p>

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)
		intended to limit derogations to what is strictly necessary and to enable the Commission to supervise them. Although Article 9 therefore authorizes wide derogations from the general system of protection, it must be applied appropriately in order to deal with precise requirements and specific situations.				
	(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;		Art. 13(3) LPFW	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.		

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)
	(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. 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.		Annex 5 to the BD is transposed via Annex 5 DCM 866. No reference is made to this annex in the transposing legislation.
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)
Art. 57 (1) Reg 865/2006	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.				

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)
	<p>That derogation shall only apply to specimens, including hunting trophies, if they meet one of the following conditions:</p> <p>(a) they are contained in the personal luggage of travellers coming from a third country;</p> <p>(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;</p> <p>(c) they are hunting trophies taken by a traveller and imported at a later date.</p>				
Art. 57 (2) Reg 865/2006	<p>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.</p>				
Art. 57 (3) Reg 865/2006	<p>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.</p>				

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)
	Customs shall forward the original in accordance with Article 45 of this Regulation and return the stamped copy to the holder.				
Art. 57 (3a) Reg 865/2006	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	NATURAL HABITAT TYPES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION		Annex 1 DCM 866	
2	ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION		Annex 2 DCM 866	
3	CRITERIA FOR SELECTING SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE AND DESIGNATION AS SPECIAL AREAS OF CONSERVATION		Art. 4/3 LPA (Amendment)	

4	ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN NEED OF STRICT PROTECTION	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 	<p>Art. 45 LH 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> <ul style="list-style-type: none"> 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; è) 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.	
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ANNEXES to Birds Directive

	Annex	Guidance		Comments in relation to implementation (and amendments/revision)
1	ANNEX 1 (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. ⁶⁰	DCM no. 879 date 21.12.2011 on the approval of the rules for the announcement of special conservation areas.	
2	ANNEX 2 (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 "to their population level, geographical distribution level and reproductive rate throughout the Community ". Where a species is not listed in Annex II, an exception to the prohibitions in Article 5 is only possible where the	DCM546, date 7.7.201 on the approval of the list of wild fauna species, subject to hunting.	

⁶⁰ Van Calster, G. and Reins, L (2017),p. 185.

		<p>strict requirements of Article 9 are fulfilled.</p> <p>Guidance CJEU (Case C-247/85 Commission v Belgium, [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.'</p>		
3	<p>ANNEX 3 (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)</p>	<p>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.</p>		
4	<p>ANNEX 4 t (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).</p>	<p>Art. 8 prohibits large-scale or non-selective means and methods, listed in Annex IV.</p>	<p>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;</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>gj) 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>	
5	ANNEX 5 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	ANNEX 6 (repealed directive with list of successive amendments)	N/A	N/A	N/A

UNDP Albania

DRAFT TEMPLATE - 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 issue for discussion is the scope of the assessment. In the current template one template of the Habitats Directive is included.

- Option 1: Separate tables for key EU legislation (Habitats/ Birds/ key issues on CITES)
- Option 2 Merged tables(key legislation merged per relevant heading/topic)

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

- Birds Directive
 - *In relation to Birds directive:*
 - **Sustainable Hunting Initiative** (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. Objective: 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 Directive⁶¹.
 - This was captured in **Guidance Document on Hunting and the Birds Directive**⁶².
 - **Sustainable Hunting Agreement**⁶³ was signed in 2004 (FACE/Birdlife International and EC)
- Habitats Directive
- *EU Wildlife Trade Regulations*⁶⁴ – including:

⁶¹ <http://www.face.eu/about-us/eu-laws/birds-directive>.

⁶² http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide_en.htm

⁶³ http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/charter_en.htm.

⁶⁴ Website DG Environment: http://ec.europa.eu/environment/cites/legislation_en.htm#chapter2.

- *Basic Regulation (Council Regulation (EC) No 338/97)*⁶⁵- 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)*⁶⁶ – 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.
- *Suspensions Regulation (Council Regulation (EC) No 338/97)*⁶⁷ - provides the Commission with the possibility to restrict the introduction of species into the European Union.

Legislation Albania:

- 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"

⁶⁵ *Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.*

⁶⁶ *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.*

⁶⁷ *Commission Implementing Regulation (EU) 2015/736 of 7 May 2015 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora.*

Assessment table: Coverage of Habitats Directive

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	CHAPTER: Definitions				
1	For the purpose of this Directive:				
1(a)	conservation 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);				
1(b)	natural habitats means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;		LAW No. 10 006 of 23/10/2008 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.		
1(c)	natural habitat types of Community interest means those which, within the territory referred to in Article 2: (i) are in danger of disappearance in their natural range; or	<ul style="list-style-type: none"> Community interest for this assessment interpreted as regional interest 			

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	<p>(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: Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic.</p> <p>Such habitat types are listed or may be listed in Annex I;</p>				
1(d)	<p>priority natural habitat types 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;</p>				
1(e)	<p>conservation status of a natural habitat 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>				

Commented [NVDB1]: Shaded parts – reference to obligations EU or EU specific –not relevant for Albania legislation

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	<p>The conservation status of a natural habitat will be taken as 'favourable' when:</p> <ul style="list-style-type: none"> — its natural range and areas it covers within that range are stable or increasing, and — 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 — the conservation status of its typical species is favourable as defined in (i); 				
1(f)	<p>habitat of a species means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;</p>				
1(g)	<p>species of Community interest means species which, within the territory referred to in Article 2, are:</p> <ul style="list-style-type: none"> (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 (ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or (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 	<ul style="list-style-type: none"> • Community interest for this assessment interpreted as regional interest 			

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	(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. Such species are listed or may be listed in Annex II and/or Annex IV or V;				
1(h)	priority species 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;				
1(i)	<p>conservation status of a species 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 conservation status will be taken as 'favourable' when:</p> <ul style="list-style-type: none"> — 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 — the natural range of the species is neither being reduced nor is likely to 	<p>COMM: 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</p>			

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	<p>be reduced for the foreseeable future, and</p> <p>— there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;</p>	<p>maintain a favourable conservation status.</p>			
1(j)	<p>site means a geographically defined area whose extent is clearly delineated;</p>				
1(k)	<p>site of Community importance 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>				
1(l)	<p>special area of conservation 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</p>				

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	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;				
1(m)	specimen 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;				
1(n)	the committee means the committee set up pursuant to Article 20.				
HD	Objective				
2(1) HD	The aim of this Directive shall be 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.	COMM: 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. ⁶⁸			
2(2) HD	Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.				
2(3)HD	Measures taken pursuant to this Directive shall take account of economic, social and cultural				

⁶⁸ Guidance document (2007), available at: http://ec.europa.eu/environment/nature/conservation/species/guidance/pdf/guidance_en.pdf.

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	requirements and regional and local characteristics.				
HB	CHAPTER : Conservation of natural habitats and habitats of species				
3(1)	<p>A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000⁶⁹. 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.</p> <p>The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.</p>	<p>COMM: 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).</p>			
3(2)	<p>Each Member State shall 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 each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1</p>				

⁶⁹ <http://www.natura.al/page.php?lang=en§ion=albaniatowardsn2000>.

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3(3)	Where 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				
	List of areas				
4(1)	On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose 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. 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. 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. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.	<ul style="list-style-type: none"> Legislation should foresee options to designate as special areas of conservation, hosting priority natural habitat types and/or priority species. 			
	The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That				

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	information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down in Article 21.				
4(2)	<p>On the basis of the criteria set out in Annex III (Stage 2) and in the framework both of each of the nine biogeographical regions referred to in Article 1 (c) (iii) and of the whole of the territory referred to in Article 2 (1), the Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying those which host one or more priority natural habitat types or priority species.</p> <p>Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.</p> <p>The list of sites selected as sites of Community importance, identifying those which host one or more priority</p>				

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	natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21.				
4(3)	The list referred to in paragraph 2 shall be established within six years of the notification of this Directive.				
4(4)	Once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing 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.				
4(5)	As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6 (2), (3) and (4).				
5(1)	In exceptional cases where the Commission finds that a national list as referred to in Article 4 (1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be				

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	essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.				
5(2)	If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.				
5(3)	The Council, acting unanimously, shall take a decision within three months of the date of referral.				
5(4)	During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6 (2).				
	Conservation measures ⁷⁰	COMM (Art 6): 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			

⁷⁰ 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.

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		environmental integration and ultimately sustainable development.			
6(1)	For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.	COMM (Art 6). Article 6(1) lays down a general conservation regime which has to be established by the Member States for the special areas of conservation (SAC) ⁷¹ . The conservation measures can take at least two forms: the form of 'appropriate statutory, administrative or contractual measures...' and 'if need be', the form of 'appropriate management plans'.			
6(2)	Member States shall 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.	COMM (Art. 6).The article takes as a starting point the prevention principle : 'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration... as well as disturbances...'. 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.			
6(3)	Any plan or project not directly connected with or necessary to the management of the site but likely to	COMM (Art. 6). Article 6(3) and (4) define a step-wise procedure for considering plans and projects:			

⁷¹ COMM (Art. 6): According to Article 4(4) of the directive, SACs come into being by way of designation by the Member States. Such designation is only possible after a site has been adopted as a site of Community importance (SCI) in accordance with Article 4(2) of the directive.

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	<p>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. 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>(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>			
6(4)	<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, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.</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</p>	<p>COMM (Art. 6). 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>			

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	for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.				
7	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 late	{relation with birds directive}			
8(1)	In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/or priority species, the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1).	<ul style="list-style-type: none"> Ability to estimate costs to fulfil obligations pursuant Article 6(1): 			
8(2)	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	<ul style="list-style-type: none"> Relevant if Albania will use EU co-funding (check LIFE) 			

Commented [NVDB2]: Suggested approach: summarise key obligations (taking out reference to EU)

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	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				
8(3)	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.	<ul style="list-style-type: none"> • Relevant if Albania will use EU co-funding (check LIFE) 			
8(4)	According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a prioritized action framework of measures involving co-financing to be taken when the site has been designated under Article 4 (4).				
8(5)	The measures which have not been retained in the action framework for lack of sufficient resources, as well as those included in the abovementioned action framework which have not received the necessary co-financing or have only been partially co-financed, shall be reconsidered in accordance with the	<ul style="list-style-type: none"> • Ability to plan measures and related costs 			

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	procedure set out in Article 21, in the context of the two-yearly review of the action framework and may, in the meantime, be postponed by the Member States pending such review. This review shall take into account, as appropriate, the new situation of the site concerned.				
8(6)	In areas where the measures dependent on co-financing are postponed, Member States shall refrain from any new measures likely to result in deterioration of those areas.	<ul style="list-style-type: none"> • Obligation to refrain from any new measures likely to result in deterioration of areas. 			
	Review Commission contribution Natura 2000				
9	The Commission, acting in accordance with the procedure laid down in Article 21, shall periodically review the contribution of Natura 2000 towards achievement of the objectives set out in Article 2 and 3. In this context, a special area of conservation may be considered for declassification where this is warranted by natural developments noted as a result of the surveillance provided for in Article 11.				
10	Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the				

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	<p>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>				
11	Member States shall 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.	COMM: 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). [...] 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.			
	CHAPTER: Protection of species				
	Protection measures				
12(1)	Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:	COMM: Article 12 tackles the more specific question of the protection of Annex IV(a) species. Consequently, Article 12 places the emphasis on the direct threats faced by animal species listed in Annex IV(a) rather than the broader question of the conservation of			

Commented [NVDB3]: BIRDS DIRECTIVE : ART. 5

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		their habitats — with the exception of 12(1)(d).			
12(1)(a)	(a) all forms of deliberate capture or killing of specimens of these species in the wild;	COMM: Article 12(1)(a) prohibits all forms of deliberate capture or killing ⁶¹ of specimens of these species in the wild. The term “deliberate” has to be interpreted as going beyond “direct intention”. In accordance with Article 12(3), this prohibition applies to all stages of life of the animals. Good information and guidance by the competent authorities seem an appropriate way of implementing these provisions.			
12(1)(b)	(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;	COMM: Article 12(1)(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. Disturbance need not directly affect the physical integrity of a species but can nevertheless have a direct negative effect.			
12)(1)(c)	(c) deliberate destruction or taking of eggs from the wild;	COMM: 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. The word “deliberate” covers not only			

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		situations where a certain result is directly intended but also situations were the person committing an offence knows the consequences of his action but accepts them, even if not directly intended			
12(1)(d)	(d) deterioration or destruction of breeding sites or resting places.	COMM: 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.			
12(2)	For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.				
12(3)	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.				
12(4)	Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental	COMM: Article 12(4) could be of relevance in defining the requirements of both a “strict protection system” and an “appropriate surveillance system”.			

Commented [NVDB4]: Birds directive Art. 5

Commented [NVDB5]: BD Art. 6(1)

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	capture and killing does not have a significant negative impact on the species concerned.				
	System of strict protection				
13(1)	Member States shall 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.				
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.				
	Taking specimens of species of wild fauna and flora and their exploitation				
14(1)	If, in the light of the surveillance provided for in Article 11, Member States deem it necessary, they shall take measures 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.				

Commented [NVDB6]: CHECK : Art 14 BD

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14(2)	<p>Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11. Such measures may also include in particular:</p> <ul style="list-style-type: none"> — regulations regarding access to certain property, — temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations, — regulation of the periods and/or methods of taking specimens, — application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations, — establishment of a system of licences for taking specimens or of quotas, — regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens, — 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, — assessment of the effect of the measures adopted. 				
	Capture or killing of species				
15	In respect of the capture or killing of species of wild fauna listed in Annex V				

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	<p>(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), Member States shall 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);</p> <p>(b) any form of capture and killing from the modes of transport referred to in Annex VI (b).</p>				
16(1)	<p>Derogation</p> <p>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, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):</p>	<p>COMM: The system of strict protection under Article 12 may be bypassed through derogations under Article 16 of the Directive. 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.</p>			

Commented [NVDB7]: ART. 9 BIRDS DIRECTIVE

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
16(1)(a)	(a) in the interest of protecting wild fauna and flora and conserving natural habitats;				
16(1)(b)	(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;				
16(1)(c)	(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;				
16(1)(d)	(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;				
16(1)(e)	(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.				
16(2)	Member States shall forward to the Commission every two years a report in accordance with the format established by the Committee on the derogations applied under paragraph 1. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months	COMM: Derogations must also satisfy the formal conditions set out in Article 16(2) and (3).			

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	following receipt of the report and shall give an account to the Committee.				
16(3)	<p>The reports shall specify:</p> <p>(a) the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;</p> <p>(b) the means, devices or methods authorized for the capture or killing of animal species and the reasons for their use;</p> <p>(c) the circumstances of when and where such derogations are granted;</p> <p>(d) the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task;</p> <p>(e) the supervisory measures used and the results obtained.</p>	COMM: Derogations must also satisfy the formal conditions set out in Article 16(2) and (3).			
17(1)	<p>Information</p> <p>Every six years from the date of expiry of the period laid down in Article 23, Member States shall draw up a report on the implementation of the measures taken under this Directive. This report shall include in particular information concerning the conservation measures referred to in Article 6 (1) as well as evaluation of</p>	Article 17 requires Member States to report every six years about the progress made with the implementation of the Habitats Directive.			

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II and the main results of the surveillance referred to in Article 11. The report, in accordance with the format established by the committee, shall be forwarded to the Commission and made accessible to the public.				
17(2)	The Commission shall prepare a composite report based on the reports referred to in paragraph 1. This report shall include an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3. A draft of the part of the report covering the information supplied by a Member State shall be forwarded to the Member State in question for verification. After submission to the committee, the final version of the report shall be published by the Commission, not later than two years after receipt of the reports referred to in paragraph 1, and shall be forwarded to the Member States, the European Parliament, the Council and the Economic and Social Committee.				
17(3)	Member States may mark areas designated under this Directive by means of Community notices designed for that purpose by the committee.				

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	CHAPTER: Research				
18(1)	Member States and the Commission shall 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. They shall exchange information for the purposes of proper coordination of research carried out at Member State and at Community level.				
18(2)	Particular attention shall be paid to scientific work necessary for the implementation of Articles 4 and 10, and transboundary cooperative research between Member States shall be encouraged.				
	CHAPTER: Procedure for amending the Annexes				
19	Such amendments as are necessary for adapting Annexes I, II, III, V and VI to technical and scientific progress shall be adopted by the Council acting by qualified majority on a proposal from the Commission. Such amendments as are necessary for adapting Annex IV to technical and scientific progress shall be adopted by the Council acting unanimously on a proposal from the Commission.				
	CHAPTER: Comité				
20	The Commission shall be assisted by a committee.				

Commented [NVDB8]: ART. 10 BD

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
21(1)	<p>Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC (1) shall apply, having regard to the provisions of Article 8 thereof.</p> <p>The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.</p>				
21(2)	The Committee shall adopt its rules of procedure.				
	CHAPTER: Supplementary provisions				
22	<p>In implementing the provisions of this Directive, Member States shall:</p> <p>(a) 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, also taking into account experience in other Member States or elsewhere, 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;</p> <p>(b) 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. The results of the assessment</p>				

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania - wild fauna protection	Relevant legislation Albania- hunting	Comments in relation to implementation (and amendments/revision)
	undertaken shall be forwarded to the committee for information; (c) promote education and general information on the need to protect species of wild fauna and flora and to conserve their habitats and natural habitats.				
	Final provisions				
23(1)	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall forthwith inform the Commission thereof.				
23(2)	When Member States adopt such measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.				
23(3)	Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.				
24	This Directive is addressed to the Member States.				

ANNEXES to Habitats Directive

Annex			

1	NATURAL HABITAT TYPES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION			
2	ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION			
3	CRITERIA FOR SELECTING SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE AND DESIGNATION AS SPECIAL AREAS OF CONSERVATION			
4	ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN NEED OF STRICT PROTECTION			
5	ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE TAKING IN THE WILD AND EXPLOITATION MAY BE SUBJECT TO MANAGEMENT MEASURES			
6	PROHIBITED METHODS AND MEANS OF CAPTURE AND KILLING AND MODES OF TRANSPORT			

TBD: Separate table on BIRDS DIRECTIVE or coverage of KEY ELEMENTS HD and BD in one table (taking out provisions not relevant for Albania)

Table 2: Coverage of Birds Directive (Directive 2009/147/EC)

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania	Comments in relation to implementation

Art.	EU Obligation	Key requirements for implementation / guidelines for implementation	Relevant legislation Albania	Comments in relation to implementation