



# AQUACULTURE LEGISLATION IN ALBANIA



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# Letter to Stakeholders

Dear Reader,

This booklet presents a summary of the legislation on the Aquaculture Sector to be considered by those thinking of investing or doing business in Albania. We have provided you with this brochure to inform you on the laws and legislation of Albania in regards to the Aquaculture Sector.

This brochure is put together in the form of frequently asked questions and the information herein reflects the current legislation as of November 2008. Most of the questions are answered in a short form, therefore, you might deem it necessary to look at the legislation in more detail.

We hope you find this brochure very useful in helping you with your investment plans in Albania. I would like to take this time to send a warm felt thanks to our partners and the Albinvest staff who worked restlessly to put this brochure together.

As I close this letter, I thank you for taking the time to read this very useful information.

Respectively,

Viola Puci

Executive Director

Albanian Business and Investment Agency



SPOTLIGHT  
ON  
ALBANIA'S  
AQUACULTURE  
LEGISLATION



# FREQUENTLY ASKED QUESTIONS (FAQ)

## WHICH IS THE AQUACULTURE LEGISLATION CONTEXT?

What does the legal framework for this sector include?

The legal framework for this sector includes:

Law nr.7908 date 05.04.1995, “**On Fishery and Aquaculture**” amended by Law Nr.8763, date 02/04/2001 “On the supplement to law Nr. 7908” and Law Nr. 8870 date 21.03.2002 “On amendments to law no. 7908 dated 05/04/1995 “On Fishery and Aquaculture” also Regulation nr.1 and Regulation Nr.2 of the Ministry responsible for the implementation of this law.

## Which is the aim of this law?

The aim of this law is to:

- a) Ensure a rational and accountable exploitation of aquatic biological resources and development of aquaculture;
- b) Better organize management of fishing and aquaculture sectors;
- c) Provide protective conservation measures in

- order to ensure the protection of biological water resources;
- d) Support the sustainable development of fishery and aquaculture sectors, as well as create better social-economical conditions for producers;
  - e) Ensure consumers' demand and interests by introducing fishery products acceptable for human consumption to markets;
  - f) Promote and regulate the scientific and technological research in fishery and aquaculture sectors.

**According to the law** – The Government of Republic of Albania will settle agreements with governments of other countries or international organizations in the field of fishing. The agreements contain indexes for controlling fishing licenses or other activities related to fishing. Agreements on the basis of this article will determine the obligations of other parties in respect of fishing norms in force in the Republic of Albania

## Types of licenses issued in Albanian Aquaculture

Types of licenses:

Licenses issued for the fishing activity and aquaculture are as follows:

1. The license is given for each separate decked marine fishing vessel;
2. In marine coastal fishing and inland water fishing exercised with fishing boats without a deck (boat with or without engine), the licenses may be issued for one or several boats, but the number must be specified in license.
3. For fishing exercised with fixed or stationary means as well as in the gathering of cockles at

marine or inland waters, license is given for every separate gear unit.

4. In aquaculture activity the license is given for each producing unit (fish farming/ crustaceans/ cockles or of their fingerlings) built on land or installed in inland or marine waters.

## How can a foreign vessel or subject be protected in their activity in aquaculture?

### **Licensing for Fishing or Other Activities Related to Fishing for Foreign Vessels and Subjects**

1. The Ministry may exclusively issue licenses for fishing or other activities related to fishing for the foreign vessels or subjects:
  - a) On the basis of international agreements in force with the country to which the foreign vessel or subjects belongs; or
  - b) In cases when the issuing a license is:
    - Considered necessary for the economy of Republic of Albania and especially when the applicant undertakes beneficial investments for the fishing sector in Republic of Albania in line



with policies and strategies formulated for the development of this sector;

- Necessary for sustainable use of resources, considering the national capacity for fishing and its development, in compliance with the policy of the Republic of Albania for foreign investments and especially with future goals and objectives of fishery and aquaculture administration plan.
2. The holder of a license issued on the basis of this law is subject to and protected by fishery legislation and regulations that are in force in Republic of Albania.
  3. The holder of a license issued on the basis of this law must be previously recognized by a relevant government and the government of Albania as legal entity.

It is prohibited to issue licenses for foreign vessels applying for fishing with trawls and fishing and/or collection of bivalve mollusks. Every Albanian or foreign vessel, provided with license for professional fishing in the waters of Republic of Albania must return to an Albanian harbor after fishing and before possible exporting of aquatic species caught, for provision of requirements stipulated under legislation in force.





# Which body has the authority to issue licenses?

## **Aquaculture Licenses**

In the Republic of Albania, the authority to issue aquaculture licenses is with the Ministry of Environment, Forest and Water Administration. The exercise of aquaculture activities is only permitted by relevant license issued by the Ministry.

The license is issued based on environment-friendly projects which support development of the Albanian economy. The Board for issuing aquaculture licenses is constituted by representatives of the Committee of Environmental Protection and other relevant ministries.



# What are the requirements for a Professional Fishing License?

1. The subject or the owner, who is interested in a professional fishing license, must submit his request for such a license at the directorate, according to the model.
2. The submitted license request is accompanied by the following documents:
  - a. **For marine fishing boats.**
    - i. Registration with the QKR (NRC- National Registration Center)
    - ii. Registration certificate (ownership certificate, flag certificate) issued from Port Authorities.
    - iii. Sailing certificate issued from Sea Registry;
    - iv. The FMO-s (Fishery Management Organization) approved by the harbor used for its fishing activity.



- v. The form with data for licenses archive at fishing directorate (according to the model).

**b. For artisan fishing in coastal areas or inland waters:**

- i. Registration on QKR (NRC- National Registration Center) for each subject.
- ii. In cross-border, lake fishing activities, registration document for the boat issued by District Border Police where this activity will be exercised.
- iii. For water categories, where the FMOs are founded, a unique license can be prepared for FMO-s, FMO-s storehouses in Fishing Directorate, with the membership list of fishermen and then the Directorate issues license duplicates for each FMO member, signed from Director.
- iv. In water categories where FMOs are not yet founded, the applicant has to present the document of approval from the respective commune of areas where the activity will be exercised.



## Which are the requirements set in regards to issuing an aquaculture license?

1. The subject or owner, interested in obtaining an aquaculture license must present the request for a license in the directorate, according to the model.
2. The license request should be accompanied with following documents:
  - a. Registration with QKR (NRC- National Registration Center).
  - b. Ownership (or rent) documents for the land or fish farm.
  - c. General plan of fish farm.
  - d. General plan of fish farm built on the land or requested to be installed on water surface (sea, lakes, lagoons, etc.)
  - e. Technological chart of mentioned aquaculture activity.
  - f. Environmental permit issued by Ministry of Environment.



## When is the deadline for presentation of license requests?

The request with documents for obtaining a license has to be presented at the Fishing Directorate at least *one month* before the next meeting of the board. The request with documents for license renewal must be presented at the Fishing Directorate at least 15 days before the next meeting of the board. The applicant must declare each data modification in licensing documents at least one week before they are examined by the board.

## OTHER LAWS RELATED TO AQUACULTURE SECTOR

**LAW Nr. 9103, date 10.7.2003 “ON THE PROTECTION OF TRANS-BORDER LAKES”**



## What is the objective of this law?

This law aims at environmental protection of trans-border lakes in their natural state, guaranteeing appropriate conditions for the development of life and ecosystems in these lakes, through promotion of useful activities in compliance with requirements of sustainable development principle.

**LAW No. 8906, dated 6.6.2002 “FOR PROTECTED AREAS”**

## What is the objective of this law?

The objective of this law is the declaration, preservation, administration, management and utilization of protected areas and their natural and biological resources; the facilitation of conditions for the development of environmental tourism; information and education of the general public and direct or indirect economic profits for the local population, the public [state] and private sector.



## What is the purpose of the Law?

1. The purpose of this law is to provide special protection for important components of natural reserves, biodiversity and nature, as a whole, through the establishment of protected areas.
2. Protected areas are established in order to provide the preservation and regeneration of natural habitats, species and natural reserves and landscapes.
3. This law regulates the protection of six (6) categories of protected areas applied in the territory of the Republic of Albania. The categorization of areas, status and protection level for each area is based on the criteria of World Center of Nature Conservation.

## Company Registration

Any foreign and joint capital company which wants to exercise mining activity in the field of design, evaluation, consulting and monitoring, should register in the Main Registration Book of the Company, presenting the required documents for its licensing according to article 21 of this regulation.





# WHAT DO YOU HAVE TO KNOW IN ORDER TO OPEN A BUSINESS?

## Who should be registered in QKR (National Registration Office)?

All the subjects who belong to the following categories should register at the National Centre of Registration (QKR):

- a. Individuals who exercise economical, commercial activity.
- b. Simple companies, according to the Civil Code articles.
- c. Commercial Companies.
- d. Branches and offices of foreign representation companies.
- e. Saving-Credit Companies and Unions.
- f. Reciprocal Cooperation Companies.







# SOURCES

For more information please contact the following:

- Ministry of Environment, Forest and Water Administration; [www.moe.gov.al](http://www.moe.gov.al)
- NRC- National Registration Center, [www.qkr.gov.al](http://www.qkr.gov.al);
- Law nr. 9401: “Republic of Albania adheres in the agreement for promotion and respect of international measures for management and protection of sources from fishing boats on open sea” Rome 24.11.1993 [www.legjislacionishqiptar.gov.al](http://www.legjislacionishqiptar.gov.al);
- Law nr. 9852 date 26.12.2007 “Republic of Albania adheres in the memorandum of understanding “For Controlling National Ports” [www.legjislacionishqiptar.gov.al](http://www.legjislacionishqiptar.gov.al);
- Sea Code of the Republic of Albania, Law Nr. 9251 date 08.07.2004 [www.legjislacionishqiptar.gov.al](http://www.legjislacionishqiptar.gov.al);
- Law Nr. 9093 date 03.07.2003 “Ratification of agreement for the establishment of General Fishing Commission of Mediterranean Sea” [www.legjislacionishqiptar.gov.al](http://www.legjislacionishqiptar.gov.al);
- Law Nr. 9055 date 24.04.2003 “Republic of Albania adheres in the “Sea Rights Convention” of United Nations, [www.legjislacionishqiptar.gov.al](http://www.legjislacionishqiptar.gov.al).





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