

ALBANIAN FORESTRY LEGISLATION COMPARED TO THE LEGISLATION OF THE EUROPEAN UNION



Analysis and recommendations



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The “Forest Beyond Borders” project aims to assess the status of primary and old-growth forests (PF/OGF) in the Western Balkans over a period of 2.5 years. Key objectives include the development of a harmonized identification method and tool, culminating in a regional map of these forests. Additionally, the project encompasses a thorough analysis of legal frameworks related to PF/OGF protection and the implementation of measures to enhance their conservation.

This report represents an analysis of the legal framework governing forests in Albania, examining its strengths, gaps, and alignment with the European Union’s legislative framework. It highlights key areas where the national framework diverges from EU standards and offers targeted recommendations to policymakers for improving forest governance and ensuring effective protection and management of Albania’s forests.

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Author:
Ing. Abdulla Diku

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Abbreviations

| | |
|---------------|---|
| CBD | Convention on Biological Diversity |
| DCM | Decision of Council of Ministers |
| EC | European Council |
| EEC | European Economic Community |
| EFFIS | European Forest Fire Information System |
| EU | European Union |
| EUDR | European Union Deforestation Regulation |
| EUTR | European Union Timber Regulation |
| FAO | Food and Agriculture Organization of the United Nations |
| FLEGT | Forest Law Enforcement, Governance and Trade |
| INSTAT | Institute of Statistics |
| IPCC | Intergovernmental Panel on Climate Change |
| IUCN | International Union for Conservation of Nature |
| LULUCF | Land use, land use change and forestry |
| NFA | National Forest Agency |
| SWD | Staff working document |
| UNFCCC | United Nations Framework Convention on Climate Change |

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The state of forests in Albania

As stated in the Forest Policy Document 2030, Albania is described as “a country rich in poor forests”. The national forest fund spans 1,146,725 hectares, with a total volume of 53.18 million cubic meters and an average of 48.4 m³ per hectare, and an average volume of 48.4 m³/ha. In total, 97.5% of the forest area is state-owned and only 2.5% privately owned. Nearly 20% of the country’s forest area is included in the national network of Protected Areas. Since 2016, forest management and administration are carried out by municipalities (in forests that are outside the network of protected areas, or 77.5% of the country’s forest area). Despite the progress made with forest legislation, the issue of sustainable forest management remains an unresolved problem for decades in Albania. The degradation of the national forest fund is precisely such an indicator. Over the last 20 years alone, the volume of the national forest fund has decreased by approximately 35%¹, due to logging, forest fires and the high informality that exists in this sector. According to EFFIS (European Forest Fire Information System), during the period 2007-2024 the burned area in Albania is 457,953 ha². In 2024 alone, the burned area in Albania is 46,584 ha³.

On the other hand, limited investments on a national scale with an average of only 961,954 euros⁴ per year (the amount needed to implement just one management plan for one forest economy out of 250 in the country), is an indicator of the total neglect of this sector. Likewise, the forest administration is insufficient in both number and quality. It is sufficient to mention that currently in the forestry sector in Albania, only 25% of the employees there are forest specialists. Although official data do not provide real figures for the percentage of forest area (this is due to changes in the definition of the terminology “forest”), the result is that Albania currently remains a country with quite high and problematic erosion. Based on the report ‘Land Degradation Neutrality Target for Albania and Soil Erosion Measurement Norms and Standards’ (Shallari 2019)⁵ it is stated that “Scientific research data show that soil erosion levels range from 10 to 70 tons/ha/year and in specific cases even over 100 tons/ha/year which implies a national average soil erosion rate of 27.2 tons per hectare per year, which is more than double the “tolerable” erosion level set by many countries. This also means that on average 2.3 mm of valuable topsoil is lost each year”.

Also, according to Global Forest Watch, it turns out that in the period 2001-2023, Albania has lost 50,100 ha of forests⁶.

Most of the country’s forest areas, deforested by massive fires and logging, are moving from the degradation phase to that of desertification, as the lack of funds for forest regeneration and mitigation measures against erosion are almost completely absent.

1 INSTAT 2024

2 <https://forest-fire.emergency.copernicus.eu/>

3 EFFIS 2024. <https://forest-fire.emergency.copernicus.eu/apps/effis.statistics/estimates>

4 INSTAT 2024

5 https://www.undp.org/sites/g/files/zskgke326/files/migration/al/WEB_final_report.pdf

6 <https://www.globalforestwatch.org/>

Introduction to Albanian forestry legislation

Prior to Albania's independence in 1912, forest management was primarily guided by canonical practices dating back to the 15th century. These practices encompassed forest use, ownership, and associated rights.

Albanian forest legislation has a history of more than 100 years, making it one of the oldest pieces of legislation in the modern Albanian state, after its independence. A retrospective look brings to our attention the first Albanian forest law called the "Law on Forests and Pastures" of January 27, 1923. This law laid the foundations of Albanian forest and forestry administration, based on the experience of developed European countries. On the other hand, this law, in addition to combining the Albanian customary tradition in terms of forest management and use, with a completely different dimension of modern practices of their management and treatment. The law included everything related to the forest and pasture fund in Albania, including; ownership, right of use, methods of administration, forest administration, sustainable use of forests, trade in forest products, etc. This is also the law that has been in force for about 38 years and longer than any other law in the field of forests (1923-1961), serving in two different political systems; Monarchy and Socialism.

During monism, two other laws operated in the field of forests, law no. 3349, dated 3.10.1961 'On the protection of forests' which adapted the management and exploitation of forests by state enterprises. Law no. 4407 dated 25.06.1968 'On forests', which was in force until 1992, was almost in the same line.

Law No. 7623 dated 13. 10. 1992 "On Forests and Forest Service Police" was the first law on forests in the post-monism years. A law also very complete and comprehensive in terms of usage rights, management of state forests, forest administration, etc. This law included three concepts of forests; state, municipal and private forests. The law also included the management and administration of pastures.

Law no. 9385, dated 04.05.2005 "On forests and the forest service" gave another dimension to the forest sector in Albania, adapting to the practices and situations in which the country was located.

It should be noted that none of the above laws included elements of alignment or approximation with the EU forest legislation.

Law 7/2020 "On Forests" is the first Albanian forest law which states that it is partially aligned with European legislation in the field of forests, and specifically;

- *Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community*, changed.
- *Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 "Laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance"*, changed.
- *Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organizations as provided for in Regulation (EU) No 995/2010.*

On the other hand, practices to date have shown that, despite the fact that a law or other legal act states that it is aligned (partially or fully) with EU directives or regulations, it has shown to be not accurate. Therefore, in this document, we will see to what extent and how the current forestry legislation in Albania is aligned with that of the EU.

How to analyze the alignment of national legislation with that of the EU

There are two ways to see the level of legislation alignment with that of the EU;

1. Screening preparatory assessment, which is a formal and technical instrument carried out by the European Commission to prepare accession negotiations with candidate countries. Screening enables candidate countries to familiarize themselves with the *acquis* and the obligations it entails (as the candidate country must also be able to implement the *acquis*), and therefore contributes to their preparations for accession. This is more of an ‘exercise’ that candidate countries undertake when opening negotiations, to demonstrate their understanding and the level of approximation of their legislation to that of the EU.
2. Analysis of the degree of alignment between national legislation and selected EU directives and/or regulations through the so-called ‘Tables of concordances. The assessment according to the tables of concordances is also accompanied by a corresponding textual explanation for each legal act analyzed and included in the assessment.

Our assessment will be based precisely on the second option; by placing the national forest legislation against that of the EU, through the use of Correlation Tables. In this case, the column ‘When full transposition is planned’ has been removed from the correlation table as it is not the purpose of this document (full transposition depends on the Albanian government). On the other hand, a column with the description “Notes” has been added to the table in which various comments that arise during the analysis phase of the legislation have been placed. For each element of the relevant EU regulation, when the alignment of the national legislation has been maximum, the assessment has been made with the maximum points (maximum assessment 5) and in cases where there has been no alignment, the assessment has been made with 0. In some cases where there has been partial alignment, an intermediate assessment has been made (from 1-5).

In this document, the correlation tables are presented in the form of annexes, while here the summary and findings of the assessment made are given.

Cases where EU regulations concern the member states themselves have been excluded from the evaluation process. In this case, a note has been made in the relevant column ‘Not to be evaluated’.

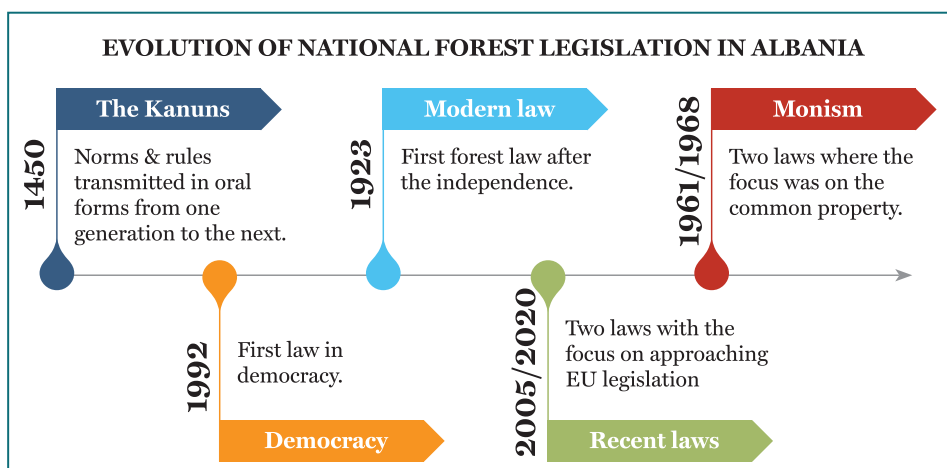


Figure 1.
Albanian forestry
legislation over the
years

Alignment of Albanian forestry legislation with EU forestry legislation

The two basic EU regulations regarding forest management, protection and trade in forest products are;

- Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010, known as the EUTR. This regulation is part of the European Union's policy to combat illegal logging and trade in timber products. It prohibits the placing on the EU market of illegally harvested timber or timber products derived from such timber.
- Regulation No 2173/2005 of 20 December 2005 establishing a FLEGT licensing scheme for imports of timber into the European Community. This Regulation lays down a set of Community rules for the import of certain timber products for the purposes of implementing the FLEGT licensing scheme. The licensing scheme is implemented through Partnership Agreements with timber-producing countries.

On the other side, Law 57/2020 'On Forests' is the basic law on which the relevant analysis has been made, as well as the sub-legal acts derived from it to date.

It should be noted that EU regulations (EUTR and FLEGT) place their emphasis on the sustainable use of forest and non-forest products. In addition, through the above regulations, the EU has set strict rules regarding the import of wood products from countries outside the community, have set up licensing systems and schemes to control the implementation of forest legislation and above all have set up operational and monitoring structures for the implementation of the legislation.

That said, when comparing Albanian forest legislation with the relevant EU regulations, it is not necessary to have a match in everything that is written in our legislation. This is because national legislation does not only contain the elements of the two EUTR and FLEGT regulations, but also contains other elements of a management, administrative and legality enforcement nature.

It would be good if the alignment in this case was maximum, but while the forest legal framework has been completed with almost all sub-legal acts, the acts related to the basic EU regulations; EUTR and FLEGT have not been prepared and approved. Only after these acts are drafted, can it be said that Albanian forest legislation is compatible with that of the EU.

As noted above, the way to analyze legislation is through alignment tables, and the main basis of alignment is as follows;

Alignment with the EUTR regulation

Alignment with EUTR Regulation No. 995/2010 of the European Parliament and of the Council of 20 October 2010.

This regulation has been assessed in total on 26 of its elements against the national legislation in the field of forests in Albania. In total, if alignment were complete, the assessment in the relevant table would be 130 points (26x5=130). 25 elements of this regulation, which relate to EU member states, have not been included in the assessment. From the detailed assessment, it results that out of the 26 elements of the EUTR regulation, the overall assessment is with 18 of them, as the eight unassessed elements are related to being an EU member state. Only in two of these there was full alignment with national legislation, specifically with Articles 2 and 3 of the regulation. Alignment in the case of Article 2 of the Regulation is assessed as being complete (5 points) as it concerns definitions; both in the case of the Regulation itself and that of Law 57/2020. In this case, in Law 57/2020, Article 3.11 the definition is; “Wood and wood products” are wood products, defined in the relevant customs code and/or in the combined nomenclature of goods, which is approved by decision of the Council of Ministers in accordance with the provisions of Law No. 9461, dated 21.12.2005, “On the nomenclature of goods and the integrated customs tariff”, as amended, with the exception of wood products or components of these products, produced from wood or its products, which have completed their life cycle and would otherwise be disposed of as waste within the meaning of point 31 of Article 3 of Law No. 10 463, dated 22.9.2011, “On integrated waste management” as amended.

In the case of Article 3 of the EUTR regulation, alignment is considered full since Law 57/2020, Article 28, point 2 states; “Timber and timber products accompanied by a FLEGT or CITES license shall be accepted as legal”.

There was a three-point assessment in the case of Article 5 of the regulation, where the alignment with our legislation is relatively good. This concerns Article 27.7 of Law 57/2020 which states; ‘Unprocessed wood material, as well as other forest and non-forest products, are transported from collection points and processing centers to the final destination, accompanied by a transport certificate, issued by the relevant forest service structure in the municipality or by the private owner certifying that the production is in alignment with the law. The transport certificate model is approved by order of the minister’. It was not assessed with 5 points here, since national legislation does not provide for the storage time of documentation for a period of 5 years as written in the regulation.

In three other cases, partial alignment was assessed and in these cases the assessment was made with 1 to 4 points.



The corresponding assessment is given in Figure No. 2.

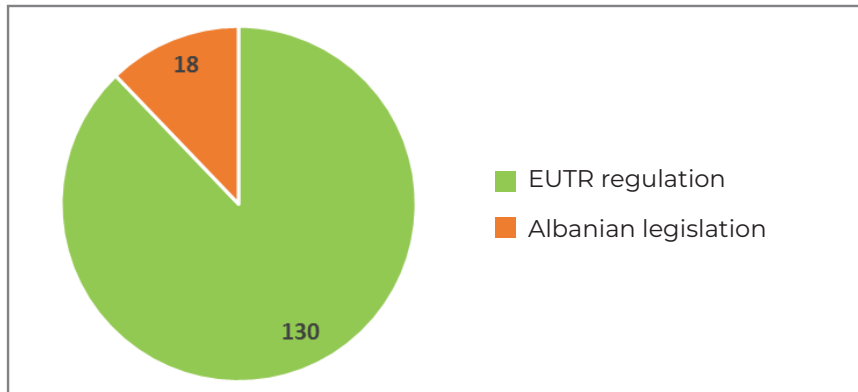


Figure 2. Assessment of the alignment of forest legislation with the EUTR regulation, in points

Figure 2 shows that alignment at this stage is approximately 14%, indicating a significant gap between the two legislations.

The summary of the assessment for the EUTR regulation is given in Table 1 below;

TABLE 1 *Alignment between the EUTR and Law 57/2020*

| EUTR Regulation | | Law 57/2020 | | Conformity assessment, in points |
|-----------------|--|-------------|---|----------------------------------|
| Article | Description | Article | Description | |
| 2 | For the purposes of this Regulation, the following definitions shall apply: “Wood and timber products” mean wood and timber products as defined in the Annex, with the exception of timber products or components of such products made from timber or timber products which have completed their life cycle and would otherwise be disposed of as waste, as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste | 3.11 | “Wood and wood products” are wood and wood products, defined in the relevant customs code and/or in the combined nomenclature of goods, which is approved by decision of the Council of Ministers according to the provisions of Law No. 9461, dated 21.12.2005, “On the nomenclature of goods and the integrated customs tariff”, as amended, with the exception of wood products or components of these products, produced from wood or its products, which have completed their life cycle and would otherwise be disposed of as waste within the meaning of point 31 of Article 3 of Law No. 10 463, dated 22.9.2011, “On integrated waste management”, as amended. | 5 |

| EUTR Regulation | | Law 57/2020 | | Conformity assessment, in points |
|-----------------|---|-------------|---|----------------------------------|
| Article | Description | Article | Description | |
| 3 | <p>Status of timber and timber products covered by FLEGT and CITES.</p> <p>Timber incorporated into timber products listed in Annexes II and III to Regulation (EC) No 2173/2005, which originates in partner countries listed in Annex I to that Regulation and which complies with that Regulation and its implementing provisions, shall be deemed to have been legally exploited for the purposes of this Regulation.</p> <p>Timber of species listed in Annex A, B or C to Regulation (EC) No 338/97 and which complies with that Regulation and its implementing provisions shall be deemed to have been legally exploited for the purposes of this Regulation</p> | 28.2 | Timber and timber products accompanied by a license under FLEGT or the Convention on International Trade in Endangered Species (CITES) are accepted as legal. | 5 |
| 4 | <p>Obligations of operators</p> <p>1. The placing on the market of illegally harvested timber or timber products derived therefrom shall be prohibited.</p> <p>2. Operators shall exercise due diligence when placing timber or timber products on the market. For this purpose, they shall use a framework of procedures and measures, hereinafter referred to as the “due diligence system”, as set out in Article 6.</p> <p>3. Each operator shall maintain and regularly assess the due diligence system it uses, unless the operator uses a due diligence system established by a monitoring organization referred to in Article 8. Existing surveillance systems under national legislation and any voluntary chain of custody mechanism that meets the requirements of this Regulation may be used as the basis for the due diligence system.</p> | 28.1 | Entities operating in the timber trade must exercise “due diligence” when they place domestic or imported timber or timber products on the EU market. | 1 |

| EUTR Regulation | | Law 57/2020 | | Conformity assessment, in points |
|-----------------|--|-------------------------|---|----------------------------------|
| Article | Description | Article | Description | |
| 5 | <p>Traceability obligation</p> <p>Traders shall, throughout the supply chain, be able to identify:</p> <ol style="list-style-type: none"> the operators or traders who have supplied them with timber and timber products; and where applicable, the traders to whom they have supplied them with timber and timber products. <p>Traders shall keep the information referred to in the first paragraph for at least five years and shall provide that information to the competent authorities upon request.</p> | 27.7 | <p>Unprocessed wood material, as well as other forest and non-forest products, are transported from collection points and processing centers to the final destination, accompanied by a transport certificate, issued by the relevant forest service structure in the municipality or by the private owner, which certifies that the production is in accordance with the law. The model of the transport certificate is approved by order of the Minister.</p> | 3 |
| 6 | <p>Due diligence systems</p> <p>1. The due diligence system referred to in Article 4(2) shall contain the following elements: measures and procedures providing access to the following information relating to the supply of timber or timber products placed on the market to the operator:</p> <ul style="list-style-type: none"> – description, including trade name and type of product, as well as the common name of the tree species and, where applicable, its full scientific name, – place of exploitation and, where applicable: <ol style="list-style-type: none"> subnational region where the timber was exploited; and exploitation concession, <ul style="list-style-type: none"> – quantity (expressed in volume, weight or number of units), – name and address of the supplier to the operator, – name and address of the trader to whom the timber and timber products have been supplied, – documents or other information demonstrating the compliance of such timber and timber products with applicable legislation; | <p>3.25</p> <p>27.8</p> | <p>“Due diligence” is the system of due diligence necessary to prevent illegal trade in timber and timber products.</p> <p>Entities operating in the trade of timber and non-timber forest products shall implement the “due diligence” system to prevent their trade if they have been illegally cut or harvested. For the implementation of the “due diligence” system:</p> <ol style="list-style-type: none"> the seller and buyer of timber, raw and processed, and non-timber forest products shall be obliged to prove their legal origin through contracts and other supplementary legal documentation, including a certificate of origin; the rules and procedures for the implementation of the “due diligence” system shall be approved by decision of the Council of Ministers, upon the proposal of the Minister. | 4 |
| Total | | | | 18 |

The detailed assessment based on the alignment tables is provided in Annex 1 of this report.

Alignment with the FLEGT regulation

Alignment with the FLEGT Regulation, No. 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community. The alignment assessment for this regulation followed the same procedure. A total of 22 elements were evaluated, with a potential maximum score of 110 points (22 × 5). O16 elements were not included, which are related to being EU member states. From the assessment made, it results that the Albanian forest legislation in this case has an alignment of 29 points. The maximum alignment points (5) were in the cases of definitions such as in the case of Article 2.6 of the Regulation which has been assessed as alignment with Article 27.8 which states that ‘Entities operating in the trade of timber and non-timber forest products shall implement the “due diligence” system to prevent their trade if they have been illegally cut or collected...’. Full alignment has also been assessed in the case of Article 2.9 of the Regulation with Article 3.11 of Law 57/2020 which states; “Timber and timber products” are timber and timber products, defined in the relevant customs code and/or in the combined nomenclature of goods, which is approved by decision of the Council of Ministers in accordance with the provisions of Law no. 9461, dated 21.12.2005, “On the nomenclature of goods and the integrated customs tariff”, as amended, with the exception of wood products or components of these products, produced from wood or its products, which have completed their life cycle and would otherwise be disposed of as waste within the meaning of point 31 of article 3 of law no. 10 463, dated 22.9.2011, “On integrated waste management”, as amended. Article 4.3 of the FLEGT regulation is also considered to be fully alignment with article 28.2 of law 57/2020 which has this content; ‘Wood and wood products accompanied by a license under FLEGT or the Convention on International Trade in Endangered Species (CITES) are accepted as legal’. In other cases, alignment was partial and was assessed with the relevant points, or in the case where there was no alignment, an assessment was made with zero points.

Figure 3 below provides the assessment made in this case;

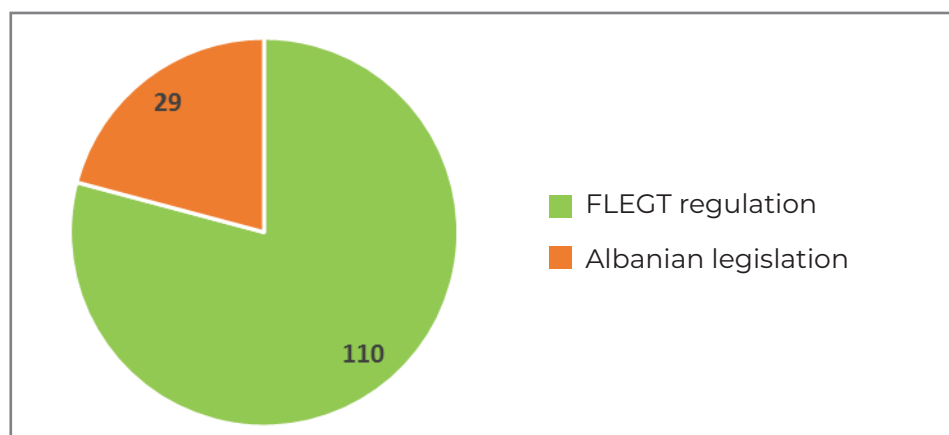


Figure 3. Assessment of alignment of forest legislation with the FLEGT regulation, in points



In this case, the level of alignment is estimated at 26%, which is also very low. As can be evidenced, it seems that the Albanian forest legislation is slightly more aligning with the FLEGT regulation. This is because the basic law on forests (57/2020) contains more elements of this regulation than that of EUTR, as shown in the following figure;

| ARTICLE 28 | |
|--|--|
| Selling timber and timber products on the EU market | |
| 1. | Operators in the timber trade must exercise "due diligence" when they place timber or timber products, whether domestic or imported, on the EU market. |
| 2. | Timber and timber products are accepted as legal if they are accompanied by a license under FLEGT or the Convention on International Trade in Endangered Species (CITES). |
| 3. | The FLEGT licensing scheme is a set of rules and procedures for the import of certain timber products, implemented through partnership agreements with timber/timber producing countries. |
| 4. | Upon the proposal of the Minister, the Council of Ministers shall designate the relevant institutions and authorities, and shall adopt the rules and procedures for the implementation of the FLEGT and EUTR regulations, including the implementation of any other regulation that becomes binding on the Albanian state in the future. |

Figure 4
Legal provisions regarding the implementation of the FLEGT regulation, in law 57/2020

On the other hand, the EUTR regulation is written in only two cases and there are no descriptions in specific articles on how its implementation will be operated. The exception is Article 28.4 which states that; ‘Upon the proposal of the Minister, the Council of Ministers shall determine the relevant institutions and authorities, and shall adopt the rules and procedures for the implementation of the FLEGT and EUTR regulations, including the implementation of any other regulation that becomes mandatory for the Albanian state in the future’.

The summary of the assessment for the FLEGT regulation is given in Table 1 below;

TABLE 2 *Alignment between the FLEGT Regulation and Law 57/2020*

| FLEGT Regulation | | Law 57/2020 | | Conformity assessment, in points |
|------------------|---|-------------|--|----------------------------------|
| Article | Description | Article | Description | |
| 2 | Definitions: 1. ‘Forest Law Enforcement, Governance and Trade Licensing Scheme’ (hereinafter referred to as the FLEGT licensing scheme) means the granting of licenses for timber products for export to the Community from partner countries and its implementation in the Community, in particular in the Community provisions on border controls; | 3.17 | “FLEGT” is the EU action plan, which aims to reduce illegal logging by strengthening sustainable and legal forest management, improving governance and promoting trade in legally produced timber. | 1 |

| FLEGT Regulation | | Law 57/2020 | | Conformity assessment, in points |
|------------------|---|-------------|---|----------------------------------|
| Article | Description | Article | Description | |
| 2.6 | “Market participant” means an actor, private or public, involved in forestry or the transformation or trade of wood products; | 27.6 | The exploitation of timber products may be carried out by natural and legal persons, equipped with a permit according to the legislation in force on licenses, permits and authorizations, category III.4, individuals or specialized units/ teams of the municipality, after the technological exploitation project has been drafted and approved in accordance with the management plan. Entities that own the right to exploit timber products are responsible for training and instructing the staff, for the techniques and methodologies of exploitation of timber material, which guarantee the preservation and renewal of the forest, in accordance with legal requirements. | 5 |
| | | 27.7 | Unprocessed timber material, as well as other forest and non-forest products are transported from collection points and processing centers to the final destination, accompanied by a transport certificate, issued by the relevant structure of the forestry service in the municipality or by the private owner certifying that the production is in accordance with the law. The transport certificate model is approved by order of the Minister. | |
| 2.7 | “Licensing authority(ies)” means the authority(ies) designated by a Partner Country to issue and validate FLEGT licenses; | 28.3 | The FLEGT licensing scheme constitutes a set of rules and procedures for the import of certain timber products, implemented through partnership agreements with timber-producing countries. | 2 |
| 2.8 | “Competent authority(ies)” means the authority(ies) designated by the Member States to verify FLEGT licenses; | 28.4 | Upon the proposal of the Minister, the Council of Ministers shall determine the relevant institutions and authorities, and adopt the rules and procedures for the implementation of the FLEGT and EUTR regulations, including the implementation of any other regulation that becomes mandatory for the Albanian state in the future. | 2 |

| FLEGT Regulation | | Law 57/2020 | | Conformity assessment, in points |
|------------------|---|-------------|---|----------------------------------|
| Article | Description | Article | Description | |
| 2.9 | “Timber products” means the products set out in Annexes II and III, to which the FLEGT licensing scheme applies, and which, when imported into the Community, cannot be considered as “goods of a non-commercial nature” as defined in point 6 of Article 1 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code | 3.11 | “Wood and wood products” are wood and wood products, defined in the relevant customs code and/or in the combined nomenclature of goods, which is approved by decision of the Council of Ministers according to the provisions of Law No. 9461, dated 21.12.2005, “On the nomenclature of goods and the integrated customs tariff”, as amended, with the exception of wood products or components of these products, produced from wood or its products, which have completed their life cycle and would otherwise be disposed of as waste within the meaning of point 31 of Article 3 of Law No. 10 463, dated 22.9.2011, “On integrated waste management”, as amended. | 5 |
| 2.12 | “shipment” means a shipment of timber products; | 27.7 | Unprocessed wood material, as well as other forest and non-forest products, are transported from collection points and processing centers to the final destination, accompanied by a transport certificate, issued by the relevant forest service structure in the municipality or by the private owner, which certifies that the production is in accordance with the law. The transport certificate model is approved by order of the Minister. | 3 |
| 3.13 | “export” means the physical removal or extraction of timber products from any part of the geographical territory of a partner country in order to bring them into the Community; | 27.4 | The rules for the treatment, use, sale, export (permitted cases), import, administration and transport of timber and non-timber forest products, as well as the categorization of forest highways, their use and technical standards are determined by decision of the Council of Ministers, upon proposal of the Minister. | 2 |
| 3.1 | The FLEGT licensing scheme will only apply to imports from partner countries. | 28.3 | The FLEGT licensing scheme constitutes a set of rules and procedures for the import of certain timber products, implemented through partnership agreements with timber-producing countries. | 2 |

| FLEGT Regulation | | Law 57/2020 | | Conformity assessment, in points |
|------------------|---|--|---|----------------------------------|
| Article | Description | Article | Description | |
| 4.2 | Existing schemes ensuring the legality and reliable traceability of timber products exported from partner countries may form the basis of a FLEGT license provided that those schemes have been assessed and approved in accordance with the procedure referred to in Article 11(2), in order to provide the necessary assurance as to the legality of the timber products concerned. | 28.2 28.4 | The FLEGT licensing scheme constitutes a set of rules and procedures for the import of certain timber products, which is implemented through partnership agreements with timber-producing countries. Upon the proposal of the Minister, the Council of Ministers determines the relevant institutions and authorities, and approves the rules and procedures for the implementation of the FLEGT and EUTR regulations, including the implementation of any other regulation that becomes mandatory for the Albanian state in the future. | 1 |
| 4.3 | Timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein shall be exempted from the requirement laid down in paragraph 1 of this Article. The Commission shall review this exemption, in accordance with the procedure referred to in Article 11(3), by 30 December 2010. | 28.2 | Timber and timber products accompanied by a license under FLEGT or the Convention on International Trade in Endangered Species (CITES) are accepted as legal. | 5 |
| Annex II | Timber products to which the FLEGT licensing scheme applies regardless of the partner country. Description 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared 4406 Railway or tramway sleepers (cross-ties) of wood 4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm 4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, end-jointed or end-jointed, of a thickness not exceeding 6 mm 4412 Plywood, panels with veneer and similar laminated wood | DCM 559 dated 29. 7. 2022 Annex 3 | | 1 |
| Total | | | | 29 |

Alignment with the LULUCF regulation

This regulation is related to many other sectors, including forests. It is Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions from land usage, land-use change and forests in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU. This regulation sets out the commitments of the EU Member States for the land use, land use change and forestry (LULUCF) sector that contribute to achieving the objectives of the Paris Agreement and the fulfilment of the EU greenhouse gas emission reduction target for the period from 2021 to 2030. Given that this is a more complex regulation, only some of its elements have been analyzed and further relevant recommendations have been given that the forest legislation in Albania should take into account in order to adapt and approximate it. This regulation also presents another importance for Albania since we are part of the United Nations Framework Convention on Climate Change and as such, the LULUCF sector is part of the greenhouse gas inventory. This regulation is also related to forests due to the fact that in both cases they are both mitigating the effects of climate change, but also adaptation measures are used for them. Meanwhile, forests as a sector are absorbers of greenhouse gases and as such provide a great service to the ecosystem.

The following is an assessment of the compliance of Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions from land usage, land-use change and forests in the 2030 climate and energy framework (LULUCF regulation). Forestry Law 57/2020 has several elements that are part of this regulation. Such are, for example, the definition given in Article 3.6 of the regulation for 'forest area'. This definition is almost the same as that found in Article 3.48 of Law 57/2020.

- In the regulation, there are several technical terms and their descriptions that are given there and that must be adapted by the Albanian forest legislation. Such are; Absorption, Source, Carbon pool, Carbon stock, Forest reference level, Half-life value, Natural disturbances, Immediate oxidation, Used wood products, etc. These descriptions are given in Article 3 of the regulation in question.

Albania, as a state part of the United Nations Framework Convention on Climate Change (UNFCCC), implements parts of this regulation regarding the National Communications that it prepares and submits to the Convention; greenhouse gas inventory, mitigation and adaptation measures to climate change. For this purpose, the updated IPCC practices and methodologies are applied.

Old-growth forests in national and foreign legislation

Old-growth forests represent exceptional natural value. EU legislation and various countries offer differing definitions, including one in Albania's Law 57/2020.

Table no. 1 provides a comparative assessment of national and foreign legislation on old forests.

Figure 5 Old-growth forests in national and foreign legislation

| National legislation | | International legislation | |
|-----------------------------|--|--|--|
| Legal Act | Definition | Legal Act | Definition |
| Law 57/2020 Article 3.52 | “Virgin forest” is natural forest untouched by human activity. | CBD ⁷ | A primary forest is a forest that has never been cut down and has developed following natural disturbances and under natural processes, regardless of its age. |
| | | Regulation (EU) 2018/841 and; EC Guidelines on the designation, mapping, monitoring and strict protection of primary and old-growth forests in the EU | Primary forests and other woodlands, namely forests and other woodlands of native species, where there are no clearly visible indications of human activity and ecological processes are not significantly disturbed |
| | | European Environment Agency ⁸ | Forest that originally covered a region before human-induced changes to the environment |

An even larger number of definitions used by different countries or organizations are given by FAO⁹.

From table no. 1 it can be seen that most of the definitions resemble the one made by the Convention on Biological Diversity (CBD).

⁷ <https://www.cbd.int/forest/definitions.shtml>

⁸ <https://www.eea.europa.eu/help/glossary/gemet-environmental-thesaurus/primary-forest>

⁹ <https://www.fao.org/4/y4171e/y4171e36.htm>

1. Protection of old-growth forests in national legislation. The protection of these forests is provided for in the Council of Ministers No. 761, dated 9.12.2021 “On the determination of criteria and procedures for the creation of strategic reserves of standing timber (uncut), the preservation and treatment of virgin or almost virgin forests, as well as their transition to full conservation”. In this Council of Ministers, the aspects of the declaration and protection of Virgin or Almost Virgin Forests are provided for as follows;

- i. The conservation and treatment of virgin or almost virgin forests, which are defined in the management plans of the economies, clusters and special forest trees, considered virgin or almost virgin, is carried out according to the following criteria:
 - a) preservation of ecological and environmental functions and their evolution;
 - b) fulfillment of objectives for the management of forest economies, old forests, classified as virgin or almost virgin;
 - c) establishment of objective protective measures for the maintenance or restoration to a favorable conservation status, to ensure long-term protection of virgin or almost virgin forests;
 - ç) exclusion from exploitation and from any other intervention that affects their status;
 - d) compliance with management plans.
- ii. Plots and subplots in virgin or almost virgin forests, identified by local self-government units, according to information made available by the forest cadaster, are transferred to full conservation, based on international criteria for nature conservation according to IUCN (International Union for Conservation of Nature), and are treated according to the recommendations of the management plan.

The procedure for transferring forests to full conservation is as follows:

- a) Local self-government units, through the structures responsible for forest management, identify plots and subplots of virgin or almost virgin forests that will be transferred to full conservation;
- b) The proposal for the transition to full conservation of virgin or almost virgin forests is made after consultation with the community of the forest area and local self-government units, forest user associations, forest and biodiversity experts, academics of natural sciences and forests, as well as after approval by the municipal council of the local self-government unit where the forest area is located;
- c) The proposal of local self-government units, according to the provision given in letter “a” of this point, is sent to the National Forestry Agency, which, after verifying its compliance with the National Forest Fund Register, within 2 (two) months, forwards the technical assessment to the structure responsible for forests in the ministry.;
- ç) The structure responsible for forests, after assessing that the designation of plots and subplots, according to letter “a”, is in accordance with the programs and strategic documents for sustainable forest development, and meets the requirements of this decision, within 20 (twenty) days, forwards to the Minister for approval the proposal for the transition to full conservation of virgin forests.

One major issue with old-growth forests in Albania, particularly those outside the national Protected Areas network, is the lack of valid management plans. There are also old forests in Albania that have management plans, but those plans may not have foreseen the strict protection of old forests. This is because those plans were drafted before the entry into force of DCM 761. In most cases, for these forests, the management plans foresee – their felling (exploitation).

This makes it necessary for;

- A complete inventory of old-growth forests in Albania
- A manual for the identification, declaration and management of old-growth forests
- Review of forest management plans (in the case where there are old-growth forests) to provide for their strict protection in those plans
- Drafting management plans for those old-growth forests that are outside the network of protected areas, in order to guarantee their protection as soon as possible.

On the other hand, Law 87/2017 ‘On Protected Areas’ (as amended), does not have a definition of old-growth forests, or any specific management or protection measures for them. Article 46 of this law describes how forests in Protected Areas are managed;

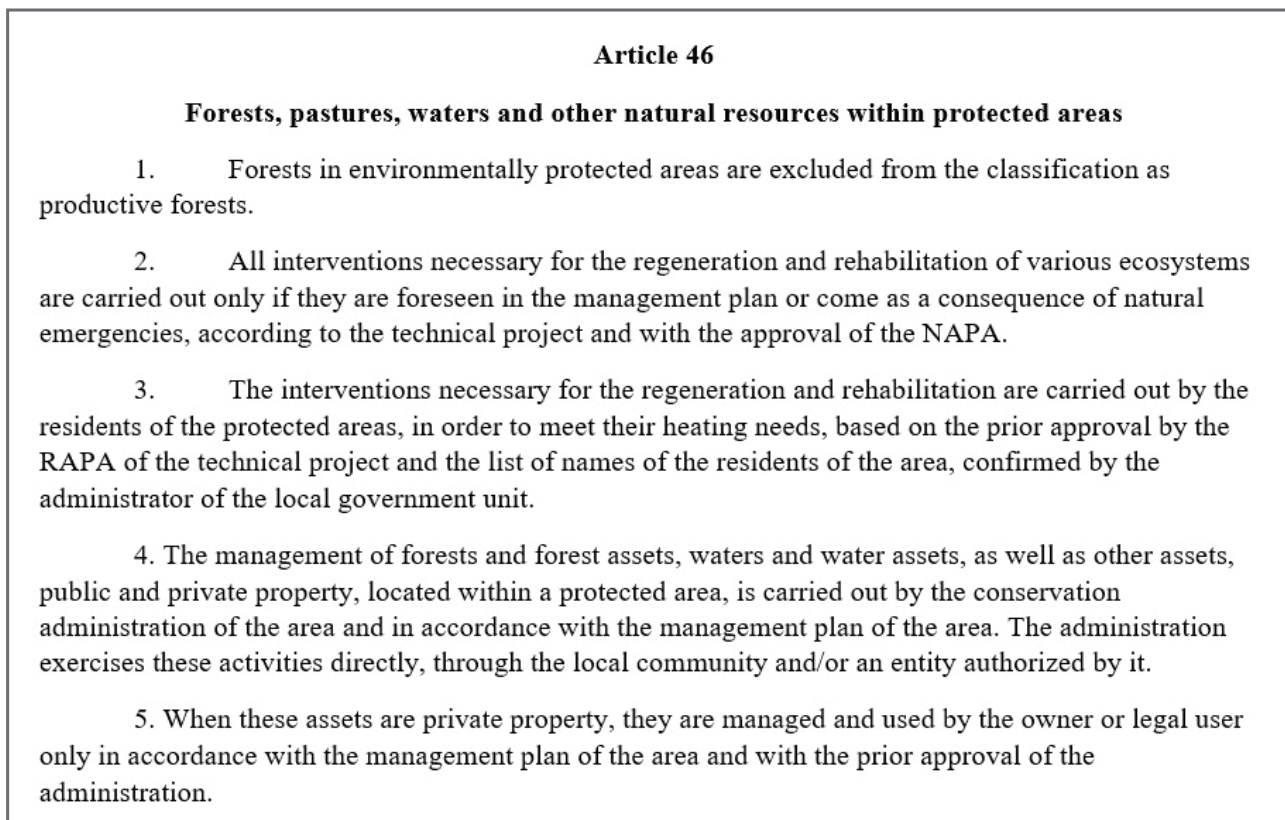


Figure 6. Article 46 of Law 87/2017 ‘On Protected Areas’

According to this article, there is nothing foreseen regarding old forests, how they should be treated, managed or protected. Unlike good management practices in this regard (such as leaving a minimum number of old trees per unit area in forest areas, or strict protection of old forests), the law in question does not address any such element.

Another problem that is observed in law 87/2017 is the issue related to the natural regeneration of forests. Thus, in articles 48/g and 50/a of this law, among the prohibited activities are also “Planting monoculture forests”. This poses a problem in the case of supporting the natural regeneration of forests, since this regeneration is not guaranteed with the existing forest species there, thus losing the naturalness of forest areas. This results in artificial interference in the natural succession of forest stands.

2. Protection of virgin forests in the EU. There are two very important EU documents that include the protection of old-growth (primary) forests. These are the European Forest Strategy 2030 and the Biodiversity Strategy 2030. The goals and measures proposed in these documents are given below;

a. European Forest Strategy 2030. In point 3.1 of this document “Protecting the EU’s last remaining primary and old-growth forests” it is stated that; “There is still an urgent need to define primary and old-growth forests and to establish their protection regime, including increased efforts to protect primary forests in the most remote regions and territories outside the EU, given their exceptionally high and unique biodiversity value. In order to preserve the intact character of strictly protected forests, it is essential that the dynamics of the forest cycle in these forests are left to natural processes as much as possible, limiting human extractive activities, finding synergies with sustainable ecotourism and recreational opportunities’. Also, this document further requires that Member States should urgently engage in completing the mapping and monitoring of these forests and not allow any deterioration until they start implementing their protection regime. As a result of this document, in 2023 the EC issued the Directive with reference no. SWD (2023)62 dated 20.3.2023 “On the designation, mapping, monitoring and strict protection of primary and old-growth forests in the EU”¹⁰.

b. EU Biodiversity Strategy 2030. The document states ...’As part of this focus on strict protection, it will be essential to identify, map, monitor and strictly protect all remaining primary and old-growth forests in the EU’. Also, in addition to strictly protecting all primary and old-growth forests in the EU, the EU must increase the quantity, quality and resilience of its forests, particularly against fires, droughts, pests, diseases and other threats that may increase with climate change.

10 [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2023\)62&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2023)62&lang=en)

Regulation 2024/1991 on nature restoration

EU Regulation 2024/1991, better known as the Nature Restoration Law, was passed by the European Council in June 2024 and came into force two months later. This regulation will require all EU member states to draft and begin implementing national restoration plans by July 2026.

Main context of the regulation 2024/1991 regarding the forest connectivity;

1. No.63... In the absence of a common method for assessing the condition of forest ecosystems that would allow for the setting of specific restoration targets for forest ecosystems, it is appropriate to set a general obligation to improve biodiversity in forest ecosystems and measure the fulfilment of that obligation on the basis of the common forest bird index and of a selection of other indicators, out of standing deadwood, lying deadwood, share of forests with uneven-aged structure, forest connectivity, stock of organic carbon, share of forests dominated by native tree species and tree species diversity.
2. Article 12 - Restoration of forest ecosystems. Member States shall achieve an increasing trend at national level of at least six out of seven of the following indicators for forest ecosystems, as further specified in Annex VI, chosen on the basis of their ability to demonstrate the enhancement of biodiversity of forest ecosystems within the Member State concerned. The trend shall be measured in the period from 18 August 2024 until 31 December 2030, and every six years thereafter, until the satisfactory levels as set in accordance with Article 14(5) are reached:
 - a) standing deadwood;
 - b) lying deadwood;
 - c) share of forests with uneven-aged structure;
 - d) forest connectivity;
 - e) stock of organic carbon;
3. Article 13. Planting three billion additional trees. 13/2... The measures to achieve that commitment shall aim to increase ecological connectivity and be based on sustainable afforestation, reforestation and tree planting and the increase of urban green space.

At the moment, Albania is not a member of the EU and therefore has no obligations to implement this regulation at this stage. However, as long as the status of a candidate country for the EU is, work should begin on the approximation and adaptation of this regulation as well.

Moreover, given the fact that habitat fragmentation in Albania (from fires, logging and mining activities) is a major problem, it would be advisable for this regulation to be further adapted into national legislation, especially the parts related to ecosystems and old-growth forests.

Recommendations for improvements in Albanian forestry legislation

While the Albanian forest legislation is almost complete with the legal basis for forest administration and management, it lacks the basic elements that guarantee their sustainable use. These elements are found precisely in the EUTR/EUDR and FLEGT regulations.

Being informal and uncertified, Albania's forests continue to degrade year after year, decreasing significantly. To improve the situation, we recommend;

1. Full alignment with the EUTR and FLEGT regulations must be achieved through legal reforms. Additionally, the government should identify the institutions and authorities responsible for implementing these regulations. In this framework, the following should also be put into operation: (i) Due diligence as defined in the EUTR regulation and in Law 57/2020; (ii) Certification of the quality of products, including wood and non-wood forest products, (iii) online tracking and monitoring system, (iv) Communication and information of economic operators regarding risk assessment procedures, (v) drafting and publishing the rules and procedures for monitoring and tracing their products.
2. Work on the forest certification system and its implementation should immediately.
3. Civil society organizations should be actively engaged in identifying and tracking illegal timber.
4. Since Albania's forests are not certified, any export to EU countries should be banned. In this context, it is important that customs authorities are informed about the conditions of the FLEGT and EUTR regulations. The formats of 'Partnership Agreements', as defined in the FLEGT regulation (Article 2.3), should be prepared and used in the future.
5. To prepare a list of timber products to which the FLEGT licensing scheme applies regardless of the partner country, according to the relevant coding found in the annex to the FLEGT Regulation. Also, a list of timber and timber products classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 (1), to which the EUTR Regulation applies.
6. Training of relevant staff from the institutions that will be charged with implementing the EUTR and FLEGT regulations should be carried out.
7. In parallel with fulfilling the obligations under the two FLEGT and EUTR regulations, the government must prepare the modalities for the 'Certificate of Origin' of every timber and non-timber product coming from forests.
8. Forest activities must be formalized, as a key element of their sustainability, by recording and accounting for every type of forest product.

9. Improvements should be made to national legislation on the ways and modalities of protecting old-growth forests, wherever they are found. In this case, both the legal framework (DCM, guidelines) and technical documents in the field of forests (e.g. guidelines for drafting forest management plans and those for protected areas) should be improved.
10. Looking at the current practices in the country, a code of good management practices in the field of forests would be a great support in this regard.
11. Preventive and management measures and practices for forest fires must be improved, with a particular focus on old forests, which are most at risk in this regard.
12. Increasing the capacities of the forest administration and that of protected areas, for the protection and sustainable management of forests, with a focus on old-growth forests.
13. To draft, implement and monitor criteria and indicators for sustainable forest management, based on best European practices.
14. Albanian forest legislation should include the technical and legal terminology found in the relevant EU regulations (EUTR/EUDR, FLEGT, Nature restoration and LULUCF).
15. Forestry and nature protection legislation should be adapted in order to create an ecological network (based on old-growth forests) for large carnivores, as a key tool for connecting forest landscapes across the country and in cross-border areas.
16. In order to fulfill the obligations of the Council of Ministers No. 761, dated 9.12.2021, the NFA should prepare a guide or methodology for the identification and transition to full conservation of old-growth forests in Albania. This is in fulfillment of the protection of the ecological, social and economic values that old-growth forests represent.
17. National legislation should be adapted based on Regulation 2024/1991 on nature restoration, accompanied by the relevant action plans.





Annex 1

Regulation (EU) No 995/2010 of
the European Parliament and of the
Council of 20 October 2010



**REGULATION (EU) No 995/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 October 2010**

laying down the obligations of operators who place timber and timber products on the market

| | | | |
|--|--------------|--|------------|
| Country: | Albania | Date Table Completed: | 21.11.2024 |
| Person(s) completing Table: | Abdulla Diku | | |
| Total no. of points if full transposition: | 26x5=130 | Total no. of points for current status of transposition: | 16 |

**Table of concordances; REGULATION (EU) No 995/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 October 2010 and Albania forest legislation**

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|---------------------------------|
| 2 | <p>Definitions</p> <p>For the purposes of this Regulation, the following definitions shall apply:</p> <p>‘timber and timber products’ means the timber and timber products set out in the Annex, with the exception of timber products or components of such products manufactured from timber or timber products that have completed their lifecycle and would otherwise be disposed of as waste, as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste</p> | Law 57/2020 Article 3 | Yes | 3.11 | 5 | The definition is fully aligned |
| 3 | <p>Status of timber and timber products covered by FLEGT and CITES.</p> <p>Timber embedded in timber products listed in Annexes II and III to Regulation (EC) No 2173/2005 which originate in partner countries listed in Annex I to that Regulation and which comply with that Regulation and its implementing provisions shall be considered to have been legally harvested for the purposes of this Regulation.</p> <p>Timber of species listed in Annex A, B or C to Regulation (EC) No 338/97 and which complies with that Regulation and its implementing provisions shall be considered to have been legally harvested for the purposes of this Regulation</p> | Law 57/2020 Article 28 | Yes | 28.2 | 5 | The definition is fully aligned |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|--|
| | <p>Obligations of operators</p> <p>1. The placing on the market of illegally harvested timber or timber products derived from such timber shall be prohibited.</p> <p>2. Operators shall exercise due diligence when placing timber or timber products on the market. To that end, they shall use a framework of procedures and measures, hereinafter referred to as a 'due diligence system', as set out in Article 6.</p> <p>3. Each operator shall maintain and regularly evaluate the due diligence system which it uses, except where the operator makes use of a due diligence system established by a monitoring organisation referred to in Article 8. Existing supervision systems under national legislation and any voluntary chain of custody mechanism which fulfil the requirements of this Regulation may be used as a basis for the due diligence system.</p> | Law 57/2020 Article 28 | No | 28.1 | 1 | This definition is partially consistent since article 28.3 and 28.4 in the Law 57:2020 leaves obligations for compliance with FLEGT to be achieved through sub-legal acts. |
| 5 | <p>Obligation of traceability</p> <p>Traders shall, throughout the supply chain, be able to identify:</p> <p>a. the operators or the traders who have supplied the timber and timber products; and</p> <p>b. where applicable, the traders to whom they have supplied timber and timber products.</p> <p>Traders shall keep the information referred to in the first paragraph for at least five years and shall provide that information to competent authorities if they so request.</p> | Law 57/2020 Article 27 | Yes | 27.7 | 3 | The law 57/2020 has a different definition; Timber is transported with a permit issued by the relevant forestry service structure in the municipality or by the private owner who certifies that the production is in accordance with the law. The transport permit logically contents the supplier/s. But the law doesn't mention the time 'five years' |

| Article no. | EU Obligation | Existing national law (relevant act & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation | Status of transposition (5-0) | Remarks |
|-------------|--|---|---------------------------|---|-------------------------------|--|
| 6 | <p>Due diligence systems</p> <p>1. The due diligence system referred to in Article 4(2) shall contain the following elements:</p> <ul style="list-style-type: none"> a) measures and procedures providing access to the following information concerning the operator's supply of timber or timber products placed on the market: <ul style="list-style-type: none"> — description, including the trade name and type of product as well as the common name of tree species and, where applicable, its full scientific name, — country of harvest, and where applicable: <ul style="list-style-type: none"> (i) sub-national region where the timber was harvested; and (ii) concession of harvest, — quantity (expressed in volume, weight or number of units), — name and address of the supplier to the operator, — name and address of the trader to whom the timber and timber products have been supplied, — documents or other information indicating compliance of those timber and timber products with the applicable legislation; | Law 57/2020 3 and 27 | No | 3.25 27.8 | 4 | <p>Article 3.25 of the law 57/2020 has the definition about 'Due diligence'.</p> <p>Article 27.8 Entities operating in the trade of timber and non-timber forest products shall implement the "due diligence" system...</p> <p>Article 27.8 has description on how the operator should care about 'due diligence'. But the problem is this system is not yet in place (it has to be made by by-law</p> |
| 6 | <p>b) risk assessment procedures enabling the operator to analyse and evaluate the risk of illegally harvested timber or timber products derived from such timber being placed on the market.</p> <p>Such procedures shall take into account the information set out in point (a) as well as relevant risk assessment criteria, including:</p> <ul style="list-style-type: none"> — assurance of compliance with applicable legislation, which may include certification or other third-party-verified schemes which cover compliance with applicable legislation, — prevalence of illegal harvesting of specific tree species, — prevalence of illegal harvesting or practices in the | n/a | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|---|--|----------------------------------|--|--------------------------------------|------------------|
| | country of harvest and/or sub-national region where the timber was harvested, including consideration of the prevalence of armed conflict, — sanctions imposed by the UN Security Council or the Council of the European Union on timber imports or exports, — complexity of the supply chain of timber and timber products | | | | | |
| 6 | c) except where the risk identified in course of the risk assessment procedures referred to in point (b) is negligible, risk mitigation procedures which consist of a set of measures and procedures that are adequate and proportionate to minimise effectively that risk and which may include requiring additional information or documents and/or requiring third party verification. | n/a | No | n/a | 0 | Not yet in place |
| 6 | 2. Detailed rules necessary to ensure the uniform implementation of paragraph 1, except as regards further relevant risk assessment criteria referred to in the second sentence of paragraph 1(b) of this Article, shall be adopted in accordance with the regulatory procedure referred to in Article 18(2). Those rules shall be adopted by 3 June 2012. | n/a | No | n/a | 0 | Not yet in place |
| 6 | 3. Taking into account market developments and the experience gained in the implementation of this Regulation, in particular as identified through the exchange of information referred to in Article 13 and the reporting referred to in Article 20(3), the Commission may adopt delegated acts in accordance with Article 290 TFEU as regards further relevant risk assessment criteria that may be necessary to supplement those referred to in the second sentence of paragraph 1(b) of this Article with a view to ensuring the effectiveness of the due diligence system. For the delegated acts referred to in this paragraph the procedures set out in Articles 15, 16 and 17 shall apply. | n/a | No | n/a | 0 | Not yet in place |

| Article no. | EU Obligation | Existing national law (relevant act & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation | Status of transposition (5-0) | Remarks |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| 6 | <p>3. Taking into account market developments and the experience gained in the implementation of this Regulation, in particular as identified through the exchange of information referred to in Article 13 and the reporting referred to in Article 20(3), the Commission may adopt delegated acts in accordance with Article 290 TFEU as regards further relevant risk assessment criteria that may be necessary to supplement those referred to in the second sentence of paragraph 1(b) of this Article with a view to ensuring the effectiveness of the due diligence system.</p> <p>For the delegated acts referred to in this paragraph the procedures set out in Articles 15, 16 and 17 shall apply.</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 7 | <p>Competent authorities</p> <p>1. Each Member State shall designate one or more competent authorities responsible for the application of this Regulation.</p> <p>Member States shall inform the Commission of the names and addresses of the competent authorities by 3 June 2011. Member States shall inform the Commission of any changes to the names or addresses of the competent authorities.</p> <p>2. The Commission shall make publicly available, including on the Internet, a list of the competent authorities. The list shall be regularly updated</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 8 | <p>Monitoring organisations</p> <p>1. A monitoring organisation shall:</p> <ul style="list-style-type: none"> - maintain and regularly evaluate a due diligence system as set out in Article 6 and grant operators the right to use it; - verify the proper use of its due diligence system by such operators; - take appropriate action in the event of failure by an operator to properly use its due diligence system, including notification of competent authorities in the event of significant or repeated failure by the operator. | n/a | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| 8 | <p>2. An organisation may apply for recognition as a monitoring organisation if it complies with the following requirements:</p> <ul style="list-style-type: none"> - it has legal personality and is legally established within the Union; - it has appropriate expertise and the capacity to exercise the functions referred to in paragraph 1; and - it ensures the absence of any conflict of interest in carrying out its functions. <p>3. The Commission, after consulting the Member State(s) concerned, shall recognise as a monitoring organisation an applicant that fulfils the requirements set out in paragraph 2.</p> <p>The decision to grant recognition to a monitoring organisation shall be communicated by the Commission to the competent authorities of all the Member States</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 8 | <p>4. The competent authorities shall carry out checks at regular intervals to verify that the monitoring organisations operating within the competent authorities' jurisdiction continue to fulfil the functions laid down in paragraph 1 and comply with the requirements laid down in paragraph 2. Checks may also be carried out when the competent authority of the Member State is in possession of relevant information, including substantiated concerns from third parties or when it has detected shortcomings in the implementation by operators of the due diligence system established by a monitoring organisation. A report of the checks shall be made available in accordance with Directive 2003/4/EC.</p> | n/a | No | n/a | 0 | Not yet in place |
| 8 | <p>5. If a competent authority determines that a monitoring organisation either no longer fulfils the functions laid down in paragraph 1 or no longer complies with the requirements laid down in paragraph 2, it shall without delay inform the Commission.</p> | n/a | No | n/a | 0 | Not yet in place |
| 8 | <p>6. The Commission shall withdraw recognition of a monitoring organisation when, in particular on the basis of the information provided pursuant to paragraph 5, it has determined that the monitoring organisation no longer fulfils the functions laid down in paragraph 1 or the requirements laid down in paragraph 2. Before withdrawing recognition of a monitoring organisation, the Commission shall inform the Member States concerned.</p> | Not to be scored | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| | The decision to withdraw recognition of a monitoring organisation shall be communicated by the Commission to the competent authorities of all the Member States. | | | | | |
| 8 | 7. In order to supplement the procedural rules with regard to the recognition and withdrawal of recognition of monitoring organisations and, if experience so requires, to amend them, the Commission may adopt delegated acts in accordance with Article 290 TFEU, while ensuring that the recognition and withdrawal of recognition are performed in a fair and transparent manner. For the delegated acts referred to in this paragraph the procedures set out in Articles 15, 16 and 17 shall apply. Those acts shall be adopted by 3 March 2012. | Not to be scored | No | n/a | 0 | Not yet in place |
| 9 | List of monitoring organisations The Commission shall publish the list of the monitoring organisations in the Official Journal of the European Union, C series, and shall make it available on its website. The list shall be regularly updated | Not to be scored | No | n/a | 0 | Not yet in place |
| 10 | Checks on operators 1. The competent authorities shall carry out checks to verify if operators comply with the requirements set out in Articles 4 and 6 | n/a | No | n/a | 0 | Not yet in place |
| 10 | 2. The checks referred to in paragraph 1 shall be conducted in accordance with a periodically reviewed plan following a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning compliance by an operator with this Regulation. | n/a | No | n/a | 0 | Not yet in place |
| 10 | 3. The checks referred to in paragraph 1 may include, inter alia: a) examination of the due diligence system, including risk assessment and risk mitigation procedures; | n/a | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| | <ul style="list-style-type: none"> b) examination of documentation and records that demonstrate the proper functioning of the due diligence system and procedures; c) spot checks, including field audits. | | | | | |
| 10 | <p>4. Operators shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation or records</p> | n/a | No | n/a | 0 | Not yet in place |
| 10 | <p>5. Without prejudice to Article 19, where, following the checks referred to in paragraph 1, shortcomings have been detected, the competent authorities may issue a notice of remedial actions to be taken by the operator. Additionally, depending on the nature of the shortcomings detected, Member States may take immediate interim measures, including inter alia:</p> <ul style="list-style-type: none"> a) seizure of timber and timber products; b) prohibition of marketing of timber and timber products. | n/a | No | n/a | 0 | Not yet in place |
| 11 | <p>Records of checks</p> <ol style="list-style-type: none"> 1. The competent authorities shall keep records of the checks referred to in Article 10(1), indicating in particular their nature and results, as well as of any notice of remedial actions issued under Article 10(5). Records of all checks shall be kept for at least five years. 2. The information referred to in paragraph 1 shall be made available in accordance with Directive 2003/4/EC. | n/a | No | n/a | 0 | Not yet in place |
| 12 | <p>Cooperation</p> <ol style="list-style-type: none"> 1. Competent authorities shall cooperate with each other, with the administrative authorities of third countries and with the Commission in order to ensure compliance with this Regulation. | Not to be scored | No | n/a | 0 | Not yet in place |

| Article no. | EU Obligation | Existing national law (relevant act & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation | Status of transposition (5-0) | Remarks |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| | 2. The competent authorities shall exchange information on serious shortcomings detected through the checks referred to in Articles 8(4) and 10(1) and on the types of penalties imposed in accordance with Article 19 with the competent authorities of other Member States and with the Commission. | | | | | |
| 13 | Technical assistance, guidance and exchange of information 1. Without prejudice to the operators' obligation to exercise due diligence under Article 4(2), Member States, assisted by the Commission where appropriate, may provide technical and other assistance and guidance to operators, taking into account the situation of small and medium-sized enterprises, in order to facilitate compliance with the requirements of this Regulation, in particular in relation to the implementation of a due diligence system in accordance with Article 6. | Not to be scored | No | n/a | 0 | Not yet in place |
| 13 | 2. Member States, assisted by the Commission where appropriate, may facilitate the exchange and dissemination of relevant information on illegal logging, in particular with a view to assisting operators in assessing risk as set out in Article 6(1)(b), and on best practices regarding the implementation of this Regulation. | Not to be scored | No | n/a | 0 | Not yet in place |
| 13 | 3. Assistance shall be provided in a manner which avoids compromising the responsibilities of competent authorities and preserves their independence in enforcing this Regulation. | Not to be scored | No | n/a | 0 | Not yet in place |
| 14 | Amendments of the Annex In order to take into account, on the one hand, the experience gained in the implementation of this Regulation, in particular as identified through the reporting referred to in Article 20(3) and (4) and through the exchange of information as referred to in Article 13, and, on the other hand, developments with regard to technical characteristics, end-users and production processes of | Not to be scored | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|---|--|----------------------------------|--|--------------------------------------|------------------|
| | timber and timber products, the Commission may adopt delegated acts in accordance with Article 290 TFEU by amending and supplementing the list of timber and timber products set out in the Annex. Such acts shall not create a disproportionate burden on operators. For the delegated acts referred to in this Article the procedures set out in Articles 15, 16 and 17 shall apply. | | | | | |
| 15 | <i>Exercise of the delegation</i> 1. The power to adopt the delegated acts referred to in Articles 6(3), 8(7) and 14 shall be conferred on the Commission for a period of seven years from 2 December 2010. The Commission shall make a report in respect of the delegated powers not later than three months before the end of a three-year period after the date of application of this Regulation. The delegation of powers shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 16. 2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. 3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 16 and 17. | Not to be scored | No | n/a | 0 | Not yet in place |
| 16 | <i>Revocation of the delegation</i> 1. The delegation of powers referred to in Articles 6(3), 8(7) and 14 may be revoked at any time by the European Parliament or by the Council. 2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation. 3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall | Not to be scored | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| | take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union. | | | | | |
| 17 | <p>Objections to delegated acts</p> <p>1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by two months.</p> <p>2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.</p> <p>The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.</p> <p>3. If the European Parliament or the Council objects to a delegated act, the act shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 17 | | Not to be scored | No | n/a | 0 | Not yet in place |
| 18 | <p>Committee:</p> <p>1. The Commission shall be assisted by the Forest Law Enforcement Governance and Trade (FLEGT) Committee established under Article 11 of Regulation (EC) No 2173/2005.</p> <p>2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC 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> | Not to be scored | No | n/a | 0 | Not yet in place |

| <i>Article no.</i> | <i>EU Obligation</i> | <i>Existing national law (relevant act & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation</i> | <i>Status of transposition (5-0)</i> | <i>Remarks</i> |
|--------------------|--|--|----------------------------------|--|--------------------------------------|------------------|
| 19 | <p>Penalties:</p> <p>1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.</p> <p>2. The penalties provided for must be effective, proportionate and dissuasive and may include, inter alia:</p> <p>a) fines proportionate to the environmental damage, the value of the timber or timber products concerned and the tax losses and economic detriment resulting from the infringement, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their serious infringements, without prejudice to the legitimate right to exercise a profession, and gradually increasing the level of such fines for repeated serious infringements;</p> <p>b) seizure of the timber and timber products concerned;</p> <p>c) immediate suspension of authorisation to trade.</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 19 | <p>3. The Member States shall notify those provisions to the Commission and shall notify it without delay of any subsequent amendments affecting them.</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 20 | <p>Reporting:</p> <p>1. Member States shall submit to the Commission, by 30 April of every second year following 3 March 2013, a report on the application of this Regulation during the previous two years.</p> | Not to be scored | No | n/a | 0 | Not yet in place |
| 20 | <p>2. On the basis of those reports the Commission shall draw up a report to be submitted to the European Parliament and to the Council every two years. In preparing the report, the Commission shall have regard to the progress made in respect of the conclusion and operation of the FLEGT VPAs pursuant to Regulation (EC) No 2173/2005 and their contribution to minimising the presence of illegally harvested timber and timber products derived from such timber on the internal market.</p> | Not to be scored | No | n/a | 0 | Not yet in place |

| Article no. | EU Obligation | Existing national law (relevant act & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation | Status of transposition (5-0) | Remarks |
|--------------------|---|--|----------------------------------|--|--------------------------------------|------------------|
| 20 | 3. By 3 December 2015 and every six years thereafter, the Commission shall, on the basis of reporting on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The reports may be accompanied, if necessary, by appropriate legislative proposals. | Not to be scored | No | n/a | 0 | Not yet in place |
| 20 | 4. The first of the reports referred to in paragraph 3 shall include an evaluation of the current Union economic and trade situation with regard to the products listed under Chapter 49 of the Combined Nomenclature, taking particularly into account the competitiveness of the relevant sectors, in order to consider their possible inclusion in the list of timber and timber products set out in the Annex to this Regulation. | Not to be scored | No | n/a | 0 | Not yet in place |
| 21 | Entry into force and application This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union. It shall apply as from 3 March 2013. However, Articles 6(2), 7(1), 8(7) and 8(8) shall apply as from 2 December 2010. This Regulation shall be binding in its entirety and directly applicable in all Member States | Not to be scored | No | n/a | 0 | Not yet in place |



Annex 2

Council Regulation (EC) No. 2173/2005
of 20 December 2005

COUNCIL REGULATION (EC) No 2173/2005
of 20 December 2005
on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

| Country: | Albania | Date Table Completed: | | 21.11.2024 | | |
|---|---|---|---|--|---|--|
| Person(s) completing Table: Abdulla Diku | | | | | | |
| Total no. of points if full transposition: | | 22x5=110 | Total no. of points for current status of transposition: 29 | | | |
| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
| Art. 1.1 | This Regulation establishes a Community set of rules for the import of certain timber products for the purposes of implementing the FLEGT licensing scheme. | Not to be scored | | | N/A | |
| Art. 1.2 | The licensing scheme shall be implemented through Partnership Agreements with timber producing countries. | Not to be scored | | | N/A | |
| Art. 1.3 | This Regulation shall apply to imports of timber products set out in Annexes II and III from partner countries listed in Annex I. | n/a | No | | 0 | Not decided yet |
| Art. 2 | Definitions: 1. 'Forest Law Enforcement, Governance and Trade licensing scheme' (hereinafter referred to as FLEGT products for export to the Community from partner countries and its implementation in the Community, in particular in Community provisions on border controls; 2. 'partner country' means any State or regional organisation that enters into a Partnership Agreement, as listed in Annex I; 3. 'Partnership Agreement' means an agreement between the Community and a partner country by which the Community and that partner country undertake to work together in support of the FLEGT Action Plan and to implement the FLEGT licensing scheme; | Law 57/2020 | No | 3.17 | 1 | There is a 10 year ban on timber exports in Albania from 2016-2026 The law 57/2020 has some meaning and definition about FLEGT and the fact that this regulation will be transposed by laws |
| | | n/a | No | | 0 | Not decided yet |
| | | n/a | No | | 0 | Not decided yet |

| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. Of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. Of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
|----------------|---|---|----------------------------------|--|---|--|
| | 4. 'regional organisation' means an organisation consisting of sovereign states that have transferred competence to that organisation, granting it the capacity to enter into a Partnership Agreement on their behalf, in respect of matters governed by the FLEGT licensing scheme, as listed in Annex I; | Not to be scored | | | N/A | Not decided yet |
| | 5. 'FLEGT licence' means a shipment-based or market participant-based document of a standard format which is to be forgery-resistant, tamper-proof, and verifiable, and which refers to a shipment as being in compliance with the requirements of the FLEGT licensing scheme, duly issued and validated by a partner country's licensing authority. Systems for issuing, recording and communicating licences may be paper-based or based on electronic means, as appropriate; | n/a | No | | 0 | |
| | 6. 'market participant' means an actor, private or public, involved in forestry or transformation or trade of timber products; | Law no. 57/2020 | Yes | 27.6, 27.8 | 5 | |
| | 7. 'licensing authority(ies)' means the authority(ies) designated by a partner country to issue and validate FLEGT licences; | Law no. 57/2020 | No | 28.3 | 2 | Art.27 has mentioned the licensing and certification processes but not any specific development in this regard |
| | 8. 'competent authority(ies)' means the authority(ies) designated by Member States to verify FLEGT licences; | Law no. 57/2020 | No | 28.4 | 2 | Art.27 has mentioned the licensing and certification processes but not any specific development in this regard |
| | 9. 'timber products' means the products set out in Annexes II and III, to which the FLEGT licensing scheme applies, and which, when imported into the Community, cannot be qualified as 'goods of a non-commercial nature' as defined in point 6 of Article 1 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code | Law no. 57/2020 | Yes | 3.11 | 5 | The definition in the law 57/2020 is the same |
| | 10. 'legally produced timber' means timber products produced from domestic timber that was legally harvested or timber that was legally imported into a partner country in accordance with national laws determined by that partner country as set out in the Partnership Agreement; | n/a | No | | 0 | N/A |

| Article | EU Obligation | Existing national law ¹ (give relevant law or regulation & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation ¹ | Status of transposition (5-0 accdg to lawmaking) | Remarks |
|-------------|---|---|---------------------------|--|--|--|
| | 11. 'imports' means the release for free circulation of timber products within the meaning of Article 79 of Council Regulation (EEC) No 2913/1992 of 12 October 1992 establishing the Community Customs Code | n/a | No | | 0 | Not decided yet |
| | 12. 'shipment' means a shipment of timber products; | Law no. 57/2020 | Yes | 27.7 | 3 | Partially aligned |
| | 13. 'export' means the physical leaving or taking out of timber products from any part of the geographical territory of a partner country to bring them into the Community; | Law no. 57/2020 | No | 27.4 | 2 | Law only has mentioned it, but to be valid, by-laws are needed |
| | 14. 'third-party monitoring' means a system through which an organisation that is independent of a partner country's government authorities and its forest and timber sector monitors and reports on the operation of the FLEGT licensing scheme. | n/a | No | | 0 | |
| Article 3.1 | The FLEGT licensing scheme shall apply only to imports from partner countries. | Law 57/2020 Law 5/2016 | No | 28.3 and 28.4 | 2 | Law 57/2020 article 28.3 and 28.4 has some definition and descriptions about FLEGT Actually, there is a 10-year ban on timber export from Albania (law 5/2016) |
| Article 3.2 | Each Partnership Agreement shall specify an agreed schedule for implementing the commitments entered into by that Agreement. | Not to be scored | | | | |
| Article 4.1 | Imports into the Community of timber products exported from partner countries shall be prohibited unless the shipment is covered by a FLEGT licence. | n/a | No | | 0 | Not decided yet |
| Article 4.2 | Existing schemes that guarantee the legality and reliable tracking of timber products exported from partner countries may form the basis of a FLEGT licence on condition that those schemes have been assessed and approved in accordance with the procedure referred to in Article 11(2), in order to provide the necessary assurance as to the legality of the timber products concerned. | Law 57/2020 Law 5/2016 | No | 28.2, 28.3 and 28.4 | 1 | Law 57/2020 article 28,2 28.3 and 28.4 has some definition and descriptions about FLEGT Actually, there is a 10-year ban on timber export from Albania (law 5/2016) |

| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. Of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. Of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
|----------------|---|---|----------------------------------|--|---|-----------------|
| Article 4.3 | Timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein shall be exempt from the requirement laid down in paragraph 1 of this Article. The Commission shall review this exemption, in accordance with the procedure referred to in Article 11(3), by 30 December 2010. | Ligji 57/2020 | Yes | 28.2 | 5 | N/A |
| Article 5 | <p>1. A FLEGT licence covering each shipment shall be available to the competent authority at the same time as the customs declaration for that shipment is presented for release for free circulation in the Community. The competent authorities shall keep a record, in electronic or paper format, of the original FLEGT licence together with the corresponding customs declaration. Import of timber products under a FLEGT licence issued to a market participant shall be accepted as long as the market participant's licence remains valid.</p> <p>3. The competent authorities shall grant to the persons or bodies designated by partner countries as being responsible for the third party monitoring of the FLEGT licensing scheme access to the relevant documents and data, but the competent authorities shall not be required to provide any information which they are not permitted to communicate pursuant to their national law.</p> <p>4. The competent authorities shall decide on the need for further verification of shipments using a risk-based approach.</p> <p>5. In case of doubt as to the validity of the licence, the competent authorities may ask the licensing authorities for additional verification and seek further clarification, as set out in the Partnership Agreement with the exporting partner country.</p> <p>6. Member States may collect fees to cover the necessary expenses arising from official acts by competent authorities required for control purposes under this Article.</p> | n/a | No | | 0 | Not decided yet |

| Article | EU Obligation | Existing national law ¹ (give relevant law or regulation & no. of article) | Fully in accord? (yes/no) | If draft, give no. of article transposing EU obligation ¹ | Status of transposition (5-0 accord to lawmaking) | Remarks |
|-------------|--|--|------------------------------|--|---|----------------------------------|
| | <p>7. Customs authorities may suspend the release of or detain timber products where they have reason to believe that the licence may not be valid. Costs incurred while the verification is completed shall be at the expense of the importer, except where the Member State concerned determines otherwise.</p> <p>8. Each Member State shall determine the penalties to be imposed where the provisions of this Regulation are infringed. Such penalties shall be effective, proportionate and dissuasive.</p> <p>9. The Commission shall adopt detailed requirements for application of this Article in accordance with the procedure referred to in Article 11(3)</p> | | | | | |
| | 2. The competent authorities shall provide the Commission, or persons or bodies designated by the Commission, with access to the relevant documents and data, should problems arise which impair the effective operation of the FLEGT licensing scheme. | Not to be scored | | | N/A | Not decided |
| Article 6.1 | If competent authorities establish that the requirement laid down in Article 4(1) is not fulfilled, they shall act in accordance with national legislation in force. | Na | No | | 0 | N/A |
| Article 6.2 | Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented. | Not to be scored | | | N/A | At the time Albania joins the EU |
| Article 7.1 | Member States shall designate the competent authorities responsible for implementing this Regulation and for communicating with the Commission. | Not to be scored | | | N/A | At the time Albania joins the EU |
| Article 7.1 | The Commission shall provide all competent authorities of the Member States with the names and other relevant details of the licensing authorities designated by partner countries, authenticated specimens of stamps and signatures attesting that a licence has been legally issued, and any other relevant information received in respect of licences. | Not to be scored | | | N/A | At the time Albania joins the EU |

| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
|----------------|---|---|----------------------------------|--|---|----------------------------------|
| Article 8 | <p>Member States shall be required to submit by 30 April an annual report covering the previous calendar year, which shall include the following:</p> <p>a) quantities of timber products imported into the Member State under the FLEGT licensing scheme, as per HS Heading specified in Annexes II and III and per each partner country;</p> <p>b) the number of FLEGT licences received, as per HS Heading specified in Annexes II and III and per each partner country;</p> <p>c) the number of cases and quantities of timber products involved where Article 6(1) has been applied.</p> <p>2. The Commission shall lay down a format for annual reports in order to facilitate monitoring of the FLEGT licensing scheme.</p> <p>3. The Commission shall prepare by 30 June an annual synthesis report based on the information submitted by the Member States in their annual reports covering the previous calendar year and shall make it accessible to the public in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (5).</p> | Not to be scored | | | N/A | At the time Albania joins the EU |
| Article 9 | Two years after the entry into force of the first Partnership Agreement the Commission shall present the Council with a report on the implementation of this Regulation, based in particular on the synthesis reports referred to in Article 8(3) and on the reviews of Partnership Agreements. This report shall be accompanied, where appropriate, by proposals for improvement of the FLEGT licensing scheme. | Not to be scored | | | N/A | |
| Article 10.1 | The Commission may amend the list of partner countries and their designated licensing authorities as set out in Annex I in accordance with the procedure referred to in Article II(3). | Not to be scored | | | N/A | |
| Article 10.2 | The Commission may amend the list of timber products as set out in Annex II to which the FLEGT licensing scheme applies in accordance with the procedure referred to in Article II(3). Those amendments shall be adopted by the Commission taking into account the implementation of | Not to be scored | | | N/A | |

| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
|----------------|---|---|----------------------------------|--|---|----------------|
| | the FLEGT Partnership Agreements. Such amendments shall comprise commodity codes, at four-digit heading level or six-digit subheading level of the current version of Annex I to the Harmonised Commodity Description and Coding System. | | | | | |
| Neni 10.3 | The Commission may amend the list of timber products as set out in Annex III to which the FLEGT licensing scheme applies in accordance with the procedure referred to in Article 11(3). Those amendments shall be adopted by the Commission taking into account the implementation of the FLEGT Partnership Agreements. Such amendments shall comprise commodity codes, at four-digit heading level or six-digit subheading level of the current version of Annex I to the Harmonised Commodity Description and Coding System and shall only apply in relation to the corresponding partner countries as set out in Annex III. | Not to be scored | | | N/A | |
| Neni 11 | <p>1. The Commission shall be assisted by the Forest Law Enforcement Governance and Trade (FLEGT) Committee (hereinafter referred to as the Committee).</p> <p>2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.</p> <p>3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.</p> <p>4. The Committee shall adopt its Rules of Procedure.</p> | Not to be scored | | | | |
| Art. 18 | Directive 79/409/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex VI, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII. | Not to be scored | | | N/A | |

| <i>Article</i> | <i>EU Obligation</i> | <i>Existing national law¹ (give relevant law or regulation & no. Of article)</i> | <i>Fully in accord? (yes/no)</i> | <i>If draft, give no. Of article transposing EU obligation¹</i> | <i>Status of transposition (5-0 accdg to lawmaking)</i> | <i>Remarks</i> |
|----------------|--|---|----------------------------------|--|---|--|
| Annex I | PARTNER COUNTRIES AND THEIR DESIGNATED LICENSING AUTHORITIES | Not to be scored | | | N/A | |
| Annex II | <i>Timber products to which the FLEGT licensing scheme applies irrespective of the partner country</i> Description 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared 4406 Railway or tramway sleepers (cross-ties) of wood 4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm 4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm 4412 Plywood, veneered panels and similar laminated wood | Law no. 57/2020 DCM no. 559, dated 29.7.2022 | No | | 1 | The DCM 559 has some timber products (not processed) listed there. |
| Annex III | Timber products to which the FLEGT licensing scheme applies only in relation to the corresponding partner countries Partner country Description | n/a | No | | 0 | Not decided yet |

