

LAW

No.7875 date 23.11.1994

ON THE PROTECTION OF THE WILD FAUNA AND HUNTING

On the basis of the article 16 no. 7491 date 29.4.1991 "On the main constitutional dispositions", with a proposal from the Minister's Council,

THE PARLIAMENT OF ALBANIA

DECIDED:

CHAPTER 1

GENERAL DISPOSITIONS

Article 1

The wild fauna of the Republic of Albania is a national property, which is administered and protected by the Law in the interest of all the people and in accordance with the international agreements where the Republic of Albania has taken part.

Article 2

The wild fauna means all the animals and wild fowls, which create, free populations, placed permanently or partly in the Republic of Albania.

Article 3

The wild fauna, grew up cultivated or in a nature way and which is in a free statement in the territory of the Republic of Albania, is an object of hunting according to the foreseen rules of this law or other under-legal acts.

Article 4

The wild fauna, grew up cultivated or in a free statement, is the object of the veterinary medical measures, according to the laws in force and to the international acts signed by our state.

Article 5

FPRI act as a technical- counselor organ for the DGFP and for the DFOs in districts to facilitate the implementing of this law and of other under-legal acts.

CHAPTER 2

HUNTING FUND, ITS SPACES AND COMPETENCIES ON THIS FUND

Article 6

The hunting fund is composed of:

- a) Animals and wild fowls;
- b) Hunting fund surfaces.

Article 7

Independently from the property, in the surface of the hunting fund are included the territories populated with animals and wild fowls as followed:

- a) Forest, pasture and meadows fund;
- b) Agriculture land;
- c) Internal water surfaces (Laguna connected to the sea, swamps, natural and artificial lakes, streams and watersheds);
- d) Rocks abyss, sandbars and precipices.

There are not included in the hunting fund the urban zone surfaces and the territories within 150 m. from their suburb, roads and railways and seawaters.

Article 8

The hunting fund surface, according with the biological demand and the conditions oh wild fauna, is divided in hunting zones in such categories:

- a) Free hunting zones
- b) Re-population zones
- c) Hunting reserves
- d) Fauna reserves.

Article 9

The re-population zones, hunting and fauna reserves and the natural reserves can be created in state surfaces, with a proposal by the institution which have them in administration, or in private lands in agreement with the proper physical and juridical persons.

- a) Re-population zones aim at increasing and developing of the wild fauna.
- b) Hunting reserves aim at permanent administration of the wild fauna for recreated hunting and tourism.
- c) Fauna and natural reserves aim at an absolute protection of wild fauna living there and of other natural properties and at prohibition of hunting and fishing.

With an authorization from DGFP there are permitted the didactic-scientific activities, making photographs and other similar activities in fauna and natural reserves.

Article 10

The Council of Ministers approves the creation of the fauna and natural reserve on the proposal of the DGFP.

The Minister of Agriculture and Food approve the creation of the reserves of hunting and of re-population zones.

The private territories can be included in the surface of hunting and fauna reserves after taking the owner's concurrence.

CHAPTER 3

PLANNING AND GATHERING OF THE HUNT

Article 13

DGFP make the inventory of the wild fauna species.

In the basis of the inventory of the wild fauna, of the State of health of the hunting structures, DGFP, with the advises of CEPP and of other institutions, prepare a national plan of hunt gathering.

Article 12

DGFP, before the hunting season, approves the program of hunt gathering and define the limits of daily killings for each kind of hunting from a hunter, and the days of exercising hunting, which are forcibly applicable.

Article 13

Traditional and sportive fishing, in territories of hunting reserves, must be done only by approval of the DGFP and of the Natural resources Department.

Article 14

The State is promoting private investments aiming at increasing, preserving and administration of wild fauna.

DGFP can make acts of agreement or protocols with physical and juridical, resident or non-resident persons for growing up of the animals and wild fowls for hunting and for other services connected with the intention of this law.

The DFOs are the contractual parts. In exercising the tourist hunting, there are permitted contracts with duration from 1 to 3 years, with the right of re-contracting.

The works in hunting, fauna and natural reserves are to be made in the basis of studies and projects prepared by the FPRI and approved by the DGFP.

Article 15

The physical and juridical, resident or non-resident persons, with the authorization of the DGFP, can make the management and artificial growing up of the animals and wild fowls, in the forest fund in a private land, aiming the re-population, trade, food and ornamentation.

These subjects are obliged to use up to 10% of the annual production for the re-population of the forest zones without payment.

Article 16

The DGFP and the Ministry of Finance define the tariffs for gathering the hunt and for exercising hunting, for entering in the hunting, fauna and natural reserves, for the rent and other similar issues.

Article 17

The trade of the skins of wild animals and of animals and wild fowls which are alive, embalmed, killed by the juridical, physical resident and non-resident persons has to be accompanied with the license from the forest organs, which verify killing or catching on the basis of the dispositions of this law.

Article 18

Frogs, snails, tortoises, reptiles and every living being, who are growing up and developing in the forest and hunting fund, are property of the state, excluding the cases when there are created in private lands.

Their collecting will be done after taking the license from the forest organs of the districts, taking even the measures for protecting and exploiting on the biological and technical basis.

Article 19

The state covers with budget funds the protection, development and management of wild fauna, of natural ecosystems where fauna lives and face the situations of emergency in the cases of natural disasters.

CHAPTER 4

THE EXERCISING OF HUNTING

Article 20

Hunting is developed according to the dispositions of this Law and on the basis of the other under-legal acts in all the territory of the Republic of Albania included in the hunting fund.

Article 21

It is called exercising of hunting, every act which is directly concerned with animal's and fowl's killing and catching, with following after hunting and waiting to kill or catch using equipment that are permitted for hunting.

Article 22

Every citizen who is above 18 years old and is provided with hunting permission can exercise hunting.

The Association of hunters and sportive fishers of the districts issues the annual permission of hunting and the cartel of membership and it is valuable in all the territory of the district.

The hunter, who doesn't pay the proper taxes and other obligations defined in legal dispositions, is not permitted to hunt.

Article 23

The permission for exercising hunting for juridical and physical persons must be given by the DGFP which must define the conditions with which they are permitted to exercise hunting in the territory of the Republic of Albania.

Article 24

The hunter is obliged to declare to the DFO the number of animals and wild fowls hunted, according to the expressed ways in the legal acts and proper regulations.

Each hunter is obliged to announce and give to the nearest veterinary center the hunt with illness signs.

Article 25

Hunting is exercised with hunting arms, arches and in special cases can be permitted use of traps and other equipment, with approval from DGFP.

The owner of the arm license is authorized to keep pointed and blade tools which will serve for hunting.

Article 26

Providing with the permission for hunting and with annual permission for exercising hunting (when it is taken for the first time) must be done only after the hunter has win the exam done in the Commission of each district, according to the criteria determined in the regulation approved by the Minister of Agriculture and Food.

Article 27

The hunt killed during the exercising of hunting, according to the dispositions of this law and under-legal acts, belongs to the person who has killed it.

The physical and juridical foreign persons, when they leave the Republic of Albania, have the right to take the hunt with them-self after being provided with a certificate from the forest organs and veterinary service of the district.

Article 28

DGFP in cooperation with other interested organs, determine the types of wild fauna which are hunting object and the calendar of hunting. Each hunter is obliged to respect and implement the calendar.

The Minister of Agriculture and Food, with the proposal of the DGFP, for special ecological and atmospherically reasons, can stop hunting everywhere or in special zones, even in the period of time when the hunting is been declared open.

Article 29

DFO determine hunting zones that will be used from the hunters for the training of the hunting dogs.

The trainers are obliged to respect the boarders of the zones and determined rules.

CHAPTER 5

THE PROTECTION OF HUNTING FUND

Article 30

The protection of wild fauna and the implementation of the dispositions of this Law and other under-legal acts is a task of DFO, organs of public order, organs of the local government, of associations of hunters and sportive fishers and of every juridical and physical, private or of state, resident or non-resident person, who are concerned with this activity.

Article 31

DFO guide, organize, control and it is responsible for the protection of wild fauna and for its well-administration in the entire hunting fund, independently of the ownership.

The physical and juridical persons, who have in use or in ownership parts of surfaces included in the hunting fund, are obliged to implement the dispositions of this law.

Article 32

All of the species of wild fauna that are not included in the hunting list like hunting objects, except of the mice, have the protection of the law.

These species can be hunted in special cases for didactic-scientific reasons, when they are dangerous and in cases of illnesses, investigations or for veterinary measures, for museums, labs, zoo-gardens, for the selecting of the wild fauna and for the population of other zones, in every time and place, with the special authorization from the DGFP.

Article 33

Physical and juridical, private or state, resident or not-resident persons that exercise fishing, including even the coast waters, have not the right to exercise hunting of wild animals and fowls, even in the territories in their use or ownership, when they are not provided with hunting permission.

Article 34

It is forbidden every kind of act that influences in the quality and nature of the ecosystem in all the Laguna and swamp zones, within the territory of the hunting and fauna reserves.

Article 35

With the intention of protection of the wild fauna, it is forbidden:

- 1- Hunting of wild animals and fowls, excluding the cases determined in the article 32 and the species named as hunting objects in the hunting list.
- 2- Hunting in the reproducing and catching zones, in fauna and natural reserves, in the national forest parks, in parks and gardens, in the urban centers and in any other zone where it is partially forbidden.
- 3- Free circulation of roving cats and dogs, herds, hunting dogs in the reserves. (Hunting dogs may be permitted only in cases determined in regulations).
- 4- Exercising of hunting in the sea and in the foreseen regions for the development of fishing-culture.
- 5- Exercising in a walking form in the zones cultivated with agriculture plants.
- 6- Exercising of the hunting, hunting from the cars, sailing vehicles (except the boats) and from the flying vehicles.
- 7- Exercising of hunting in the forbidden period, out of the time permitted or without relevant documentation.
- 8- Exercising of hunting with no-authorized tools for the type of exercised hunting, with tools and ways that are dangerous for the people, animals and fowls, with fire, with materials that burn quickly, with explosive and deleterious matters, opening holes, and during the night.
- 9- Hunting with equipment and ways that cause killing or catching a lot of animals and wild fowls such as traps, baskets, nets, imitative stamps, foreboding voices apparatus, except the cases that are foreseen in the law.
- 10- Firing in a distance under 150 m in the direction of the urban centers and dangerous objects, for one ungulate hunting (wild pig etc.); the distance from these objects must be calculated on the basis of the maximal arm firing.

11- Keeping ready hunting arm during the passage to the urban centers (in foot or on the car) and their transportation when they are full, keeping and using of these arms from other persons unauthorized.

12-Catching of fowls during the falling of feathers, when they are frozen from the cold and the catching of the animals during the inundation.

13- Destruction of the nests, damaging, collecting, keeping and taking of the eggs and of the new-born animals, killing or putting out the lair and destroying of the animals excluding the cases that are foreseen in law.

14- Catching or keeping of the hunt from any person, without the permission of the forest organs, in the time of reproducing and of growing up the children.

15- Killing or catching, over the permitted quantity, with other dogs except those of hunting, or hunting with hunting dogs, searching for the territory without hunting arm.

16- Damaging and usurpation of the surroundings, buildings for hunting, places for hunting, tables of every kind and nature, observation towers and different cages for birds.

17- Entering and staying of people, vehicles, putting of camps, tents or other objects of this nature in the natural, fauna reserves and in the zones of reproducing and catching, except the times and places defines by the forest organs.

18- Grazing of the cattle in the hunting and fauna reserves.

19- burning of the pastures which is within the reserves and in a distance of 500 m from them.

20- Catching, gathering and trading without permission from the forest organs of the snails, tortoises, frogs over the determined quantities and out of the gathering season.

Article 36

The Police of the forest service has the right to control the killed hunt or the catching fish and the documentation of the identity of the arm and other equipment, to each person who is in the hunting places with the hunting tools and equipment even in the cases when there are observed contravention of this law and of other under legal acts.

Article 37

For every case of violations of the dispositions of this law and of other under-legal acts, the officers of the forest service organs, of the protection of the public order and the officers of the local government have to take a report, which must be signed by the preparing person, proceeded person and the present witness and when there are not these ones the report is valuable even only with the signature of the proceeding person,

about the arms it is taken a special report which must be sent to the competent organ. Killed or caught hunt must be confiscated, while the arms and equipment must be sequestrated by the forest service organs.

CHAPTER 6

ADMINISTRATIVE INFRINGEMENTS

Article 38

When the infringements mentioned below are not qualified like penal action, they are condemned with fine as administrative infringement:

- a) Exercising of hunting without being provided with the annual permission of hunting and the authorization of killing the hunt, is condemned with a fine from 25000 up to 50000 lek and with the taking off the right of providing with permission of hunting up to 3 years. In cases of repeating it must be taken forever.
- b) Exercising of hunting out of the programmed zones , or in other ones is condemned with a fine from 15000 to 30000 lek. In cases of repeating the annual permission of the hunting must be taken off up to 5 years.
- c) When the hunter provided with annual permission does not present the permission of hunting and the authorization of keeping the hunting arm to the controlling organs, must be condemned with fines from 5000 to 10000 lek.
- d) Killing or catching with a larger quantity of hunt than it is permitted and when this quantity is not declared to the competent organs, it is condemned with fines from 8000 to 15000 lek.
- e) When the resident or non-resident persons make trade with the skins of the wild animals and fowls which are included in the hunting list, without the permission of the forest organs, they must be condemned with fines from 50000 to 80000 lek and even with their confiscation.

When the resident person is a hunter, the hunting permission will be taken forever.

f) Killing, keeping, catching and trading of more than three types of birds (like canary-bird and others of this kind) is condemned with fine up to 3000 lek.

g) Gathering of the snails, reptiles and natural frogs without the permission of the competent organs, out of the determined season and over the permitted quantities are condemned with fines from 5000 to 8000 lek.

h) Exercising hunting without paying taxes and fees is condemned with fine up to 15000 lek.

l) The export and import of the wild animals and fowls, killed according to the legal dispositions without the proper documentation, is condemned with fine up to 16000 lek.

j) Training of hunting dogs out of permitted time and places is condemned with fine up to 5000 lek.

k) Catching of wild fowls during the time of falling of feathers, the frozen time or in cases of natural inundation is condemned with fine from 8000 to 15000 lek.

l) Destroying of the nests, damaging and gathering of the eggs and the newborn are condemned with fine from 2000 to 4000 lek.

m) Entering and staying of the people, animals, vehicles, creating of the camps, tents and similar other equipment, building without the relevant permission in the hunting and fauna reserves are condemned with fines up to 50000 lek and with putting off and destroying of them and with the obligation of turning back the territory in the situation it has been before, with the expenses of the person who has done the infringement.

n) Grazing of cattle in the hunting and fauna reserves is condemned with fines up to 8000 lek.

o) Persons or hunters who are found in the hunting zones with hunting dogs without the proper permission are condemned with fines up to 1000 lek; in the cases when they are found with the hunting dog but out of the hunting season are condemned with fines up to 10000 lek; in the hunting and fauna reserves are condemned with fines up to 30000 lek.

Article 39

The reviewing of the administrative infringements must be done by a commission under the DFO, composed by 3 members defined by the director of DFO.

It can be lodged a complain within 5 days from the day of its announcement, in the district court where the infringement is observed, and the decision is unchanged.

Article 40

The execution of the decisions must be done according to the law "On the administrative infringements".

Article 41

It is in charge of the Ministry of Education, Ministry of Agriculture and Food, Ministry of health and Environmental Protection and of Sciences Academy to take measures for including in the school's programmes the basic knowledge for preservation and protection of the natural environment and especially to the Fauna.

Article 42

It is charged the Minister of agriculture with the proposal of DGFP to issue the under legal acts for the implementation of this law.

Article 43

They are abrogated Decree No. 5607 dated 30.6.1977 "On the hunting economy" and all other dispositions that are against this law.

Article 44

This law will enter in force 15 days after publication in the official papers.

Promulgated with the decree no. 983 date 13.12.1994 of the President of the Republic of Albania, Sali Berisha.