

CHAPTER I

LAW

Nr. 7643, date 02.12.1992

FOR THE NATIONAL SANITARY INSPECTORATE

Based on article 16, law number 7491, date 2904.1991, "For the essential Constitutional dispositions", proposed by the Council of Ministers.

THE PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED:

SESSION I

ORGANIZATION

ARTICLE 1

In the Health and Environmental protection ministry is organized and functions the National Sanitary Inspectorate, as the highest sanitary control Inspectorate, composed by the National Sanitary Chief Inspector of the Republic of Albania and inspectors.

ARTICLE 2

In districts (towns) is organized and functions the National Sanitary Inspectorate of the respective districts, composed from the National Sanitary Chief Inspectors, Inspectors and Assistant Inspectors of the town.

ARTICLE 3

Chief Inspectors, inspectors and assistant inspectors, who work in the National Sanitary Inspectorate, are specialized individuals.

ARTICLE 4

The Health and Environmental Protection Minister approve the structure of the National Sanitary Inspectorate of the health and Environmental Protection Ministry and also in districts, for all the competences and nominations of the chief inspectors, inspectors and assistant inspectors.

The National Sanitary Chief Inspector of the Republic of Albania manages the whole activity of the national Sanitary Inspectorate in the center and in districts.

ARTICLE 5

The Directory of Public Health in the Health Ministry supported by the Research Hygienic and Epidemiological Institute and the hygienic and epidemiological directories in districts, studies, controls and identifies scientifically the harmful factors of people's health in the fields, determined on article 13 of this law and out coming consequences.

ARTICLE 6

For the solution of different problems coming out during the activities, the National Sanitary Inspectorate cooperates with the Order Organs, Attorney's office, Financial Policeman, Veterinary Service Organs and also other organs.

ARTICLE 7

Normative acts of the Health and Environmental Protection Ministry, and also institutions with orienting character to the National Sanitary Inspectorate of the Health and Environmental Protection Ministry, are compulsory for the lowest Inspectorate Organs.

ARTICLE 8

The Public Health Directory nearby the Health and Environmental Protection Ministry, in cooperation with the Hygienic and Epidemiological Research Institute, compiles the health hygienic norms, which are approved by the Council of Ministers.

ARTICLE 9

Ministries, central institutions and other organs which propose the approbation of the normative acts near the Council of Ministers, linked with the populations' health, should take first the assent of the Public Health Directory and also the Hygienic and Epidemiological Research Institute, nearby the Health and Environmental Protection Ministry.

SESSION II

THE COMPETENCES OF NATIONAL SANITARY INSPECTORATE

ARTICLE 10

The National Sanitary Inspectorate is a specialized executive organ, which controls the implementation of laws and sub legal sanitary acts in the national or private sectors, different activities done from juridical or physical individuals, natives or foreigners, in the following objects:

- In the productive objects, preservation, storage, transportation and business intercourse of all the kinds of products and all mineral working categories;
- In the objects where are exercised socio-cultural, health, educational and scientific research activities.
- In the units and structures depended from the Protection Ministry and those depending on the Order Ministry, in the border centers, ports, airports, customhouses and also overland transport, native or foreign.

ARTICLE 11

The National Sanitary Inspectorate exercises sanitary controls in the objects determined in article 10, of this law, during the whole time of their function.

When it is necessary, the sanitary control is done even out of the moment of the function of the object, in collaboration with the Attorney Office, the organs of Public Order Ministry and also other specialized organs.

ARTICLE 12

Enterprises, governmental and private institutions, and also other juridical and physical individuals, native or foreigners, for the construction and reconstruction of different objects, are obliged to ask for the consent of the national Sanitary Inspectorate after it does the preliminary health hygienic surveys, which give the consent for:

- For the approbation of the construction place,
- For the approbation of the constructive, technologic, reconstructive and rebuilding project,
- Putting into utilization the object.

When are noticed the above-mentioned infringements, the National sanitary Inspectorate, prohibits by sentence the starting or continuation of the work, requiring the fulfillment of the absences. The execution of the sentence is secured, when it is necessary with the interferences of the foreseen organs in article 11 of this law.

ARTICLE 13

The national Sanitary Inspectorate controls:

- a) In the defined objects of article 10 of this law, linked with the workers protection of the influence of the inappropriate work conditions, as the exposition toward toxic-substances, inappropriate working noise, radiation, noise, vibrations, inappropriate micro-climate, controls the level of professional disease, and the accidents in work, as consequences of the inappropriate conditions mentioned above;

- b) The purity of soil in the populated centers of the superficial water, the provision of the population with adequate water and hygienically clean, the treatment of residues, the objects of public services and the implementation of sanitary norms in the populated areas.
- c) The respectfulness of the equipment norms of the pre elementary school, institutions and universities, secure the maximal health conditions of the lesson, living and leisure.
- ç) The respectfulness of sanitary rules in the objects where are produced, protected, traded and transported alimentary products and other articles of the feeding norms of special groups of the population, also approves the destination of the alimentary products with the damaged limit or exceed.

ARTICLE 14

The owners or the leaders of national and private objects, where is exercised sanitary control, are obliged to allow the control and to give the whole information, and the necessary explanations, as well as to present materials and documents which are required from the organs of the National Sanitary Inspectorate.

When the leaders or owners of the national and private objects are not present, the sanitary control is done in the presence of one person or of the persons who substitute, who also are obliged to present to the owner or to the responsible person on this duty, the documentations given from the organs of the National Sanitary Inspectorate.

ARTICLE 15

The organs of the National Sanitary Inspectorate enter in different objects, only to exercise control and the health-hygienic surveying.

ARTICLE 16

The National Sanitary Inspectors, with the approval of the attorney, enter in any time in the residences, where they get information and data for the development of the private activities, without the health permission and the production of alimentary products, and also articles which interest and rescue the health of the population, from which are taken measures according to the provisions of this law.

ARTICLE 17

The National Sanitary Inspectors compile verdicts in written form, and communicate these to the responsible national or private person. In absence of the responsible national or private persons, is acted according article 14, second paragraph.

There is no implementation of verdict toward administrative measures, if in the past is not taken any respective report for every sanitary infringement, where are registered proofs and infringements done.

ARTICLE 18

The National Sanitary Inspectors suspend temporarily the activity of the whole object or partially, or try to close it, when it does not fulfill the sanitary requirements as well as when is risked the health of the workers and consummators.

ARTICLE 19

The National Sanitary Inspectors prohibits:

- production, storage, transportation, business alimentary products intercourse, drinks, soaps and cosmetics, which are contrary the sanitary norms settled, as well as in those cases where alimentary products are sold ambulant and the animal products and sub products elaborated or not, are prohibited by special disposals to be traded in this way. These organs by the proposal of the responsible person, give the permission for their further destination. When these products will be used as food for animals, the permission is given from the veterinary organs.
- the consumption of drinkable water, if it is doubted for its pollution, or when are surpassed the present sanitary norms.

ARTICLE 20

The National Sanitary Inspectorate takes samples of the alimentary products and drinks, before their circulation, for the obligatory examination, as well as in those cases where it is doubtful, in quantities settled by special provisions and without paying their value.

The juridical and physical individuals, natives or foreigners, who produce, sell and import alimentary products and drinks for consumption, are obliged to send samples for hygienic evaluation, which makes possible their circulation.

ARTICLE 21

The organs of the National Sanitary Inspectorate are obliged to equip with the health booklet all the individuals who work in the production objects, storage, transportation and alimentary productions trading, in water companies, pre-elementary schools, and health institutions, and also in the public service objects, where it is easier to spread contagious disease.

The Health and Environmental Protection Minister determine the list of the professions and the category of workers who are equipped with health booklets.

ARTICLE 22

The persons who work in the objects where is performed toilsome work, or with dangerous factors for the health, determined in Article 13, letter "a", subdue to the preliminary and periodic medical control. The Health and Environmental Protection Minister determine the way of medical control.

ARTICLE 23

The National Sanitary Inspectors and Assistant Inspectors have special clothes, according to the determined regulations of the Ministers' Council provision.

ARTICLE 24

The National Sanitary Chief inspector of Albania's Republic equips with identity booklet the Sanitary Inspectors of the Health and Environmental Protection Ministry, the national sanitary chief inspector of other towns and persons.

The national district sanitary chief inspector, equips with identity booklets the national district sanitary inspectors and assistant inspectors.

The abolition of the identity booklet for the national sanitary district inspector, is done according to the proposal of the national sanitary district chief inspector, and is approved by the national sanitary chief inspectorate of the Republic. The abolition of the identity booklet of the national sanitary district assistant inspectorate is done from the national sanitary district chief inspector.

The Health and Environmental Protection Minister, is responsible for the abolition of the identity booklet of the national sanitary inspectors of the Health and Environmental Protection Ministry, for the national sanitary district chief inspectors and other persons equipped from the National Sanitary Chief Inspector of the Republic. The procedure to make a decision for the abolition of the identity booklet finishes within one month from the proposed date.

ARTICLE 25

The organs of the National Sanitary Inspectorate, for the accomplishment of the charged duties of this law, which are under their jurisdiction, control every object determined in Article 10.

The National Sanitary Inspectors of the Health and Environmental Protection Ministry and other individuals equipped with identity booklet from the Public Health Directory of the Health Ministry, this right is exercised on the whole territories of the Republic of Albania. It is prohibited the action of the private profession, which is contrary to the national sanitary inspectorate duty.

SESSION III

ADMINISTRATIVE SANITARY INFRINGEMENTS

ARTICLE 26

The following violations, when do not form penal deeds, make administrative sanitary infringements:

1. the violation of the discovered rules, during the sanitary controls in the determined objects of Article 10, of this law.
2. falsifications or camouflages of the production technology, storage, transport and trading of the alimentary products.
3. disrespect toward productions' conditions, according to the sanitary requirements, which contains national standards or technical conditions of the alimentary products.
4. personal impurity and working tools.
5. business of the alimentary products out of permitted places or without health permission.
6. sanitary violation for the maintenance of the water supply.
7. the absence of chlorination in the potable water.
8. the absence of cleaning in populated areas.
9. the accumulation and depositing of the garbage in areas where may appear and diffuse accidentally contagious diseases.
10. pouring the black and industrial water in open areas, in water fountains, and those of different institutions without being deactivated.
11. the throwing of garbage and dead animals in open areas, out of the permitted places or approved ones.
12. the using of black waters for the watering of vegetables which are consumed without the preliminary termic processing
13. the acceptance of ill children in pre elementary schools, and also ill pupils and students or doubted persons for any contagious disease.
14. the organs of National Sanitary Inspectorate disagree for the approval of the construction and function of the object.
15. the full or partial non-execution of the duties or decisions, allowed from the organs of National Sanitary Inspectorate.
16. the non-equipped and remade of the sanitary booklet in the settled periods, according to the normative acts.
17. the verification of dirtiness, insects and rodents, out and inside of the environment of the objects, determined on article 10 of this law.

ARTICLE 27

For the sanitary administrative infringements, foreseen at the article 27 of this law, are given penalties from:

1. The National Sanitary Chief Inspector of the Republic of Albania;
2. The National District Sanitary Chief Inspector and other national sanitary inspectors of the Health and Environmental Protection Ministry.
3. The national district sanitary inspectors; and
4. The national district sanitary assistant inspectors as follow:
 - For the violations foreseen in points 1, 2, 3, 6, 7 and 14 the penalty is settled till 100 000 Leke.
 - For the violations foreseen in points 10, 11, 12, 13, 15 the penalty is settled till 50 000 Leke.
 - For the violations foreseen in points 4, 5, 8, the penalty is settled till 25 000 Leke.
 - For the violations foreseen in points 16 and 17 the penalty is settled till 2.500 Leke.

The lowest penalty is 250 Leke.

When the penalty is settled from the district assistant inspector, the sentence is in power when it is approved from the district inspector.

For the persons equipped with sanitary booklets, parallel the penalty may be settled also, the abolition of the sanitary booklet for 3 – 12 months.

The National Sanitary Inspectorate Inspectors may settle immediately penalties of a fixed some of 1000 leke, toward those persons who violate the law and continue private ambulant activities. When the sanitary administrative infringements have difficult consequences for the health of the population, the case is denounced to be prosecuted from the Attorney organs.

ARTICLE 28

Against the condemnation of the sentence by a penalty, within 5 days from its announcement, could be done a complaint, to the national district sanitary chief inspector, the national sanitary assistant inspector and also the national sanitary chief inspector of the Republic of Albania, for the decisions of the national sanitary inspectors of the Health and Environmental Protection Ministry and the national sanitary district chief inspector. The acts of these organs are peremptory verdicts.

ARTICLE 29

When the juridical and physical individuals, natives or foreigners, have not executed within the settled period of time, the duties and the sentences left in a written form, from the organs of the National Sanitary Inspectorate, the penalty may be settled for the second time and as a doubled penalty.

ARTICLE 30

In the cases where the juridical and physical individuals, natives or foreigners, repeat the same sanitary violations more than twice within one year, the organs of the National Sanitary Inspectorate settle the suspension for a temporarily or permanent closure of the object, or of the activities of the juridical and physical individuals.

ARTICLE 31

The National Sanitary Inspectorate suspends or stops the activity of the objects, which are subdued the control in these cases:

- a) When are not fulfilled all the sanitary conditions compatible to the approved project, and for the goals where they are erected.
- b) When there are materials in use or are traded articles which are not adapted with the sanitary norms in power and as a consequence represent danger for the health of the population.

For the objects of national character the sentence is given from the National Sanitary Inspectorate in the Health and Environmental protection Ministry, and for the objects of local character the sentence is given from the respective national district sanitary inspectorate. The sentence for the suspension or prohibition of the object is of the peremptory form.

The re-opening of the activity is done again as a sentence from the organs mentioned above, when all the required conditions are fulfilled.

ARTICLE 32

According to the law “For the contagious disease”, the National Sanitary Inspectors have the right to take of the health booklet, to the persons who suffer or are transporters of germs of the contagious disease, for all the period where these persons do not present danger as diffusers of infection.

ARTICLE 33

The organs of the National Sanitary Inspectorate, for the sanitary administrative infringement, keep reports and give sentences for penalties, compiled in three copies. One copy is left to the penalized person, another copy is archived in the organ of the National Sanitary Inspectorate and another copy of the report and the sentence of the penalty are sent to the respective finance session, which makes the complete collection of the penalty. The penalties are deposited in the national budget, and 5% of their values are deposited in the respective National Sanitary Inspectorate account, for being used for its necessities.

ARTICLE 34

The execution of the sentence by a penalty is done voluntarily within one month, where the starting date is the peremptory sentence.

In cases where the penalty is not liquidated within the settled period, for every delayed day, the penalty is increased 3% of the value, for 30 days.

After the surpass of this term, according to the law of the national incomes and obligations, the respective finance session is obliged to execute it.

SESSION IV

FINAL PROVISIONS

ARTICLE 35

Sanitary experiments and laboratory controls, which are required from juridical and physical individuals, natives or foreigners, are done toward the service tariffs, a measure which is settled from the Health and Environmental Protection Ministry. The examinations for the

equipment of the workers with the health booklet, also is done toward the service tariffs, measures which are determined from the Health and Environmental protection Ministry.

ARTICLE 36

The decree with number 4396, date 07.06.1968 "For the national Sanitary Inspectorate", changed by decree number 5688, date 24.02.1978, letter "h" of article 5 and the phrase "as the respectability of the hygienic - sanitary rules" in point "b" of article 3 of decree number 7463, date 31.01.1991 "For Financial Policeman" and every other provision in contradiction with this law, is abrogated.

ARTICLE 37

This law comes into force at once.

Declared by decree number 385, date 09.12.1992 of the President of the Republic of Albania, Mr. Sali Berisha.