



Historical treatment of legal acts on Medicinal Aromatic Plants" (BAM), in Albania and international legal acts on Medicinal Aromatic Plants" (BAM)

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Abstract: *Historical treatment of legal acts on Medicinal Aromatic Plants" (BAM), in Albania and international legal acts on Medicinal Aromatic Plants" (BAM). Albanian legislation, the importance of the implementation of these legal acts for Aromatic Medicinal Plants (BAM), and its evolution due to the economic and political conditions of our country and the improvement in the framework of the reform of the legislation with that of the EU and developed countries on Aromatic Medicinal Plants" (BAM).*

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Introduction

Concepts on natural medicinal and aromatic plants have been treated more recently, you know. The sector of Medicinal and Aromatic Plants (MPA) is an important source of income for a large number of families in rural areas, especially in the mountainous areas of Albania. Our legislation in this field is a new evolution due to the economic and political conditions of our country. The management of natural potentials for Aromatic Medicinal Plants (BAM) is very important for rural areas such as Albania (Shkodra Lezha Kukesi etc.). In the last decade, the international demand for medicinal and aromatic plants (MAP) has grown steadily. Reforming our legislation in the field of (BAM) and aligning the legislation with that of the EU, offers an opportunity for regional cooperation and trade for our country.

Above we have the development of the demand for BAM in Europe, and the products that are marketed in the EU must meet the minimum legal requirements.

The role of Aromatic Medicinal Plants (BAM) in the area of awareness of legislation related to relief

The scientific management of natural resources has been and remains an essential moment with important consequences for today and the well-being of future generations. Beyond their importance, the legal acts of this field in our country are few and are adapted to the acts of border countries and those of the EU. These acts are due to the urban and industrial waste that has been increasing recently due to global developments, which has reached alarming proportions that are not a little disturbing even for this area, in addition to its geographical position.

Relief: The various forms of relief and the beautiful landscapes they create throughout the territory of RS, especially in rural areas. In northern Albania, diverse forms of relief dominate with beautiful combinations within small areas of mountain reliefs with hilly ones, valley reliefs, etc., which create very beautiful landscapes for

the eyes of tourists and foreign investors to attract projects for Aromatic Medicinal Plants (BAM) in this area.

Aromatic Medicinal Plants (AM) have an important role in everyday life and are used in the food industry:

As direct food, used for eating (chestnuts, hazelnuts, chestnuts, etc.), or as processed raw materials (for teas, syrups, drinks, compote, etc.), or as additives (spices) in other products, such as in cooked foods, in fats, in drinks, desserts, sauces, etc., to improve the taste, aroma, color, stability in storage, etc.

Pharmaceuticals: For the preparation of many herbal preparations, in the medical industry.

Cosmetics. For the preparation of many cosmetic preparations, perfumery.

The processing industry: As a raw material for industrial processing.

The importance of BAM requires evolved legal acts that adapt to the market.

They are quite free in nature, growing at almost no cost or with minimal maintenance costs.

They participate in biodiversity, in the creation of green spaces and panoramic landscapes, but also in the preservation of the ecosystem.

They are self-renewing marriages of nature.

They are natural resources for humanitarian health and nutritional products.

They are sources of income for the economy and families in the area.

BAM is connected to other branches of the economy (transport, business, manufacturers, etc.), which are regulated by legal acts.

The management of BAM is done according to the legal acts issued for this field, which are also in unison with international acts.

The impact of BAM on employment and the role of seasonal work contracts for young people in Albania.

In terms of the geographical extent of some districts, the district of Shkodra ranks first for the share of BAM in the income of family farms, followed by Elbasan and Kukësi. It is worth emphasizing the fact that there are no seasonal work contracts for employees from businesses. Meanwhile, the local government has not applied favorable social policies to subsidize farmers with insurance for the winter period when there is no BAM activity. Although in these conditions the importance of BAM cultivation has increased during the last years.

The main reasons for youth engagement in BAM cultivation are cultivation support from processors/exporters, high profit margin and support from national/government subsidy schemes.

Employment legal acts according to the Labor Code.

- As in all other fields, it is also necessary to ensure professionals in the collection and processing of BAMs. Employment in RS is regulated by the labor code which has been approved according to international standards. Fixed-term and open-ended employment contracts.

-For all companies that exercise private activities, the employment rules are according to the Labor Code. Employment is done with fixed-term contracts and open-ended contracts. Mainly seasonal processing of BAM collectors, are short-term fixed-term contracts. Beyond the obligations that businesses have in many countries, governments undertake favorable policies and subsidize seasonal employees for the rest of their time without work. In our country, we lack such legal acts.

International acts on employment.

- The above main topics have to do with the recognition of employment legal acts such as K. Punes which has been approved under the assistance of EU countries and the practice of Western countries that talks about the managerial skills of BAMs, which can be divided into three main categories related to: Actions: the ability to decide according to legal acts, employment agreements, personal involvement and commitment, to these acts that the implementation reaps increases the income and affects the security of this business and is adaptability, resistance to stress; Business relations should be based on the law: strengthening commitment (leadership), ability to develop others and to delegate, cooperative skills of the employee with the employer and the surrounding environment, counseling skills; Intelligence for the situation: sensitivity to achieve common interest, ability to develop a strategic vision and expectations, being open, ability to challenge.

-Of course, employment must be done according to contracts and the labor code, but until today we have not found such contracts. Practical cases of the Employment Contract are

-Knowledge of legal acts plays a positive role in the future

This training deals with "Safety at work for professionals" aims to identify possible risks during work and preventive measures that must be taken in order to avoid accidents, as well as highlight the importance of developing safety programs at work.

- safety at work of employees should be a joint responsibility, shared with the employee, starting from the managers to the simplest employee.

Many of the daily tasks of employees can lead to dangerous situations. As a result, they must have the basic knowledge of personal safety and develop and implement the occupational safety and health program. (for which Standard Contracts have been drawn up)

- The legal measures in force related to the Reduction of Risks Derived from the Trade and Use of BAM in Albania and their history.

In Albania, until 1994, PMBs were traded and used without any specific legal basis for their registration. With the entry into force of law no. 7662, dated 19.1.1993, "On the Plant Protection Service", the trading of PMBs began to be organized on a new basis, including their registration. With the law no. 9362, dated 24.3.2005, "On the Plant Protection Service", as amended, a further qualitative step was taken in the field of PMBs, as it allowed the registration of PMBs that were previously registered in a country EU. Law no. 105/2016, "On the protection of plants", as amended, repeals the law no. 9362, dated 24.3.2005, "On Plant Protection Service", amended. This law contains the legal basis for issuing by-laws in its implementation. The by-laws in implementation of the law have been prepared as a partial approximation of the EU legislation in the field of PMBs. These acts are also used for BAM plants.

Institutions issued legal acts to ensure the product and quality of the BAM that is currently collected according to the rules:

These acts for the first time establish several legal forms where farmers should focus on collecting BAMs:

1. To collect completely clean products from pollutants indiscriminately.
2. Do not collect mechanically damaged or diseased parts.
3. They should not be injured, crushed or killed during harvesting, especially the flowers and leaves, which are very delicate.
4. The collected parts of the plant are not left in direct contact with the ground.
5. Collected materials are deposited in clean bags, crates, baskets, etc. The harvested and collected product during the day is not left in the sun, but in the shade until it is taken to the place of processing.
6. These were changes before BAM.

Institutions issued legal acts, technical norms to ensure good sustainability of plant collection, for internal transport and export of BAM.

These acts have contributed to the improvement of the transport conditions up to the insurance of the products from possible damage. These insurances are made with contracts for the storage, insurance and transport of BAMs Inside and outside the territory. Insurance companies have drawn up standard contracts that help farmers to insure crops. Mostly the contracts are for long journeys and not for freshly harvested products: For freshly harvested products:

Contract for the provision of facilities and products type.

Parties involved in property insurance contracts?

The insured is the person who insures his property, paying the insurance premium, and has the right to be compensated by the insurer, in case the insurance event provided for in the contract is proven.

The insurer is the insurance company that undertakes to insure the property of the insured against the payment of the premium. He pays the compensation in favor of the insured or in favor of the third person for whose benefit the contract was concluded, in case the insurance event occurs.

The Beneficiary (Third Party) is the party which, regardless of whether it exists or not at the time of the conclusion of the contract, acquires the right to receive from the insurer the compensation specified in the contract.

The main types of property insurance contracts and the risks covered by them?

Main types of property insurance contracts.

Fire and additional risk insurance insures property against sudden, unforeseen and accidental loss, damage or destruction as a result of fire, earthquake, flood, lightning, storm, etc.

Theft insurance guarantees compensation.

The insurance of agricultural crops insures all types of crops against hail and natural hazards such as: storm, flood, frost or drought.

Transport and export accident insurance.

Business interruption insurance covers expenses as a result of interruption of business activity due to fire or additional risks, guaranteeing net profit as well as fixed costs.

Insurance contracts and practical cases of its connection.

Insurance companies, referring to the legal acts in force according to the Civil Code, and specific laws in specific fields, before concluding a contract, ask farmers for the conditions of the "Warehouse" facilities and the vehicles to be insured.

Legal acts of our country and international ones: General objectives and legal bases

The importance of BAM cultivation has increased in recent years. The main cultivated plants are sage, lavender, mountain thyme, white oregano, black juniper, sycamore, wild apple, wild rose, hawthorn and other products.

In our country, Law no. 9362, dated 24.03.2005, "On the Plant Protection Service", has been in effect as a legal basis until 2016, when Law No. 105/2016, on Plant Protection, for which the implementing acts are small in number. Referring to the good practices of EU countries, a number of EU acts have been implemented, such as: 1. Regulation (EC) No. 1107/2009 of the European Parliament and of the Council. "On the placing on the market of plant protection products" and repealing Council Directive 79/117/EEC and Council Directive 91/414/EEC. Attached are the materials, the measures planned by the Ministry for Europe and Foreign Affairs in this field for the years 2020-2022, additional documents.

Within the framework of the approximation of our legislation with that of the EU, a series of legal acts have been approved, which we deal with below.

In Albania there are about 7233 species of plants (BAM) which form almost 32% of the entire flora of Europe. Therefore, approximation to the legal acts carried out in Albania with the decision no. 226, dated 13.4.2022 for some additions and changes in decision no. 317, dated 15.5.2019, of the Council of Ministers: "On the approval of the rules, for the sustainable use of products, for the protection of plants and the criteria for the qualification of users".

Albania is an international actor, and occupies the 16th place in the world in the export of BAM. Therefore, the protection of plants, placing these products on the market is supported by (Regulation (EC) no. 1107/2009) and in certain cases, this country can use the best practices of the EU countries.

Albanian legal acts for PMBs in Albania, Law no. 105/2016, "On the protection of plants", as amended, is the main act that regulates the activities related to PMBs, covering these aspects: This is a legal act which is also used for BAM.

Registration, with the definitions: "1. All PMBs that are marketed or used in the territory of the Republic of Slovenia are subject to the registration procedure. 2. Only PMBs registered in one of the countries of the European Union can be registered in Albania". · Trading of PMBs, with the definition: "1. Wholesale and retail trading of registered PMBs is allowed." · Trade of plant material, disinfected, with the definition: "1. It is allowed to trade plant material, treated with PMB, which is registered in Albania or in an EU country." · Transport and storage of PMB, with the definition: "1. The transport of PMBs is carried out with safe and adequate means, according to the legislation in force for dangerous goods and substances.

Referring to the provisions of Law No. 105/2016, "On Plant Protection", as amended, by-laws have been drawn up, which partially align Albanian law with EU legislation in this area, as follows: 1. VKM No. 335, dated 6.6.2018, "On the approval of the registration rules, procedure and evaluation criteria of plant protection products", as amended.

The responsible structure of plant protection in the Ministry, the Institute of Food Safety and Veterinary Medicine (ISUV), as well as the PMB registration commission, have been charged with the implementation of this VKM. VKM determines the rules, procedures and national evaluation methods within the process of registration of PMBs, which are registered in at least one of the EU countries, taking into account the product risk analysis, carried out by the Authority European Food Safety Authority (EFSA). PMBs can be traded and used within the territory of Albania only if they are registered. From January 1, 2021, the registration of PMBs is done through the e-Albania system, where the applicant (applicant) fills in the request directly, uploading the documentation according to the legal requirements.

VKM no. 532, dated 11.9.2018, "On the approval of the rules of trade, transport, storage and storage of plant protection products", amended. This decision is not aligned with EU legislation, as each country has the right to regulate this activity according to the conditions of the respective country.

VKM no. 317, dated 15.5.2019, "On the approval of the regulation for the sustainable use of plant protection products and user qualification criteria, amended. This decision is partially aligned with Directive 2009/128/EC.

Minister's order no. 72, dated 2.3.2017, "On the approval of active substances in the content of PMBs", amended. This Order was drawn up in accordance with Commission Implementing Regulation (EU) No. 540/2011, as well as updated based on EU legislation.

BAM products marketed in the EU must meet the minimum legal requirements. Products that fail to meet these requirements cannot be marketed in the EU. Depending on the market division (food, pharmaceutical industry or cosmetics), specific regulations apply, eg the EU Regulation on food safety (Regulation (EC) No. 178/2002 of the European Parliament).

Of course, the collection process is governed by technical and legal criteria and norms, which must be known by the subjects of collection and collection in the field. The collection of BAMs relies on several criteria. Farmers and institutions have not set any restrictions for:

The role of local government, for undertaking new legal initiatives for (BAM), and the powers that the law gives to local government bodies.

From the third analysis of local acts, it does not result that protective measures for BAM have been taken by this government, but measures have not been taken by this government to approve social policies to subsidize the farmers of the respective areas for the collection of these plants.

Law No. 139/2015 "On Local Self-Government" recognizes the right of municipal councils with the initiative of the mayor to undertake favorable legal initiatives to encourage these farmers to exercise BAM activities.

So the adoption of legal acts has made the role of BAMs take on not only local but also national importance. Drafting of legal acts for the way of trading and exporting them by establishing strike rules.

□ How to achieve quality standards through the issuance of regulatory legal acts.

Based on Article 9 of Law No. 139/2015 "On Local Self-Government" point, b) based on the Constitution, laws and by-laws, issued based on and for their implementation, for the performance of functions and the exercise of powers, through the issuance of normative legal acts such as ordinances, decisions and orders; Orders, normative acts.

The local government has not exercised all its powers so far and it is necessary for this group of farmers who are being trained to suggest this government to undertake legal acts for the improvement of this field which is profitable not only for the community but also for the central authorities and local as a whole. From the ascertainment of the factual situation, it does not result that the local government has undertaken any policy to approve acts and rules for the improvement of this activity of BAM in this area.

Recommendations for Local Government

As a whole, the local and central governments need to issue legal acts in R. Sh. and for recognizing the real capacities presented by BAM in R.Sh. and in the rural area.

Institutions have issued legal acts to ensure the product and quality of BAM that is now collected according to the rules:

But these rules must be reviewed by local institutions in coherence with the legal acts in force. These acts for the first time establish several legal forms where farmers should focus on collecting BAMs:

Institutions have issued technical normative acts to ensure good sustainability of plant collection.

• Historical analysis of the timely implementation of legal acts for BAM

As mentioned above, since 2001, a part of the professional users of BAMs, in Albania, have been trained in accordance with the legislation for "Improvement in the protection of plants" of PMBs.

Since 1999, these professionals have contributed to improving the accuracy of forecasting critical periods for the protection of the main crops in production and facilitating access to information for plant producers. All the measures taken aim to increase the awareness of users for the proper use of BAM, with special attention to their protection by improving the industry of their packaging in order to prepare and export these tools according to EU conditions.

Trading BAMs:

As discussed above, the National Authority for official controls at Border Crossing Points and within the territory of the Republic of Albania, at Business Operators that carry out the activity "Import and wholesale and/or retail of BAMVs".

In implementation of the annual plan of official risk-based controls approved by the Ministry of Education and Culture. Business Operators (BO) that carry out the activity of wholesale and/or retail trading of BAMs, are subject to licensing according to category II.5, of the appendix of Law No. 10 081, dated 23.2.2009, "On licenses, authorizations and permits in the Republic of Albania", amended.

Legal acts issued for business management and organization.

Like all small and large businesses, they are subject to tax legislation in the Republic of Albania, where acts have been issued for the way of business development. But management programs in the business organization are developed in two ways:

The first way: based on orientation or compliance with requirements and serves to draft orders or requests that must be respected by employees.

The second way: is oriented by values, the focus is placed on some basic ideals such as respect and responsibility, the company's values are seen as something that people can implement with their own free will. Value-based programs increase employees' awareness at work, their integrity, will, and courage for various events.

General information on international acts of BAMs

The quality of organic BMAs is determined in accordance with the requirements of the EU food safety regulation (Regulation (EC) no. 178/2002 of the European Parliament) for 'external' and 'internal' quality (quantity and quality of active ingredients) of plants.

General points to note The prices received for BMAs are always based on the quality of the products.

So the adoption of legal acts has made the role of BAMs take on not only national but also international importance. Drafting of legal acts for the way of trading and exporting them by establishing strike rules.

The role of the World Health Organization (WHO) in issuing legal acts for BAM.

The World Health Organization (WHO) has developed Guidelines for Good Agricultural and Harvesting Practices with the same aim and which will assist in the formulation of national or regional guidelines.

These guidelines are mandatory for all BMA farmers and processors in Europe since 2006.

EU importers require non-EU suppliers of products to comply with certain regulations to be followed by collectors, farmers and primary processors of BMAs.

Knowledge of legal acts plays a positive role in the future.

The above main topics are related to the recognition of legal acts on BAM's managerial skills, which can be divided into three main categories related to:

1. Actions: ability to decide according to legal acts, personal involvement and commitment, to these acts that the implementation reaps increases the income and affects the security of this business and is adaptability, resistance to stress;
2. Business relations should be based on the law: strengthening commitment (leadership), ability to develop others and to delegate, cooperative ability with the surrounding environment, advisory ability;
3. Intelligence for the situation: sensitivity to achieve the common interest, ability to develop a strategic vision and expectations, being open, the ability to challenge.

It is necessary to issue legal acts in R. Sh. and for recognizing the real capacities presented by BAM in R.Sh. and in rural areas.

To change the situation, coordinate work with public and private structures, draft legal acts and concrete implementation plans (plan of activities) and determine financial needs.

Reference

1. Law no. 7662, dated 19.1.1993, "*On the Plant Protection Service*",
2. law no. 9362, dated 24.3.2005, "*On Plant Protection Service*"
3. Law no. 105/2016, "*On the protection of plants*"
4. Regulation (EC) No. 1107/2009 of the European Parliament and of the Council. "*On the placing on the market of plant protection products*" and repealing Council Directive 79/117/EEC and Council Directive 91/414/EEC.
5. Decision no. 317, dated 15.5.2019, of the Council of Ministers: "*For the adoption of rules, for the sustainable use of products, for the protection of plants and the criteria for the qualification of users*".
6. (Regulation (EC) no. 1107/2009).
7. VKM No. 335, dated 6.6.2018, "On the approval of the registration rules, *procedure and evaluation criteria of plant protection products*", amended.
8. VKM no. 532, dated 11.9.2018, "On the approval of the rules of trade, transport, *storage and storage of plant protection products*", amended.
9. VKM no. 317, dated 15.5.2019, "On the approval of the regulation for the sustainable use of plant protection products and user qualification criteria, amended. *This decision is partially aligned with Directive 2009/128/EC.*
10. Minister's order no. 72, dated 2.3.2017, "*On the approval of active substances in the content of PMBs*", amended.
11. *EU Food Safety Regulation* (Regulation (EC) No. 178/2002 of the European Parliament).
12. Law No. 139/2015 "*On Local Self-Government*"
13. (Regulation (EC) no. 178/2002 of the *European Parliament*).